School of Humanities
Curtin University of Sustainability Policy
(CUSP)

The Terra Nullius of Infrastructure:
Roads to
Remote Indigenous towns

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This thesis is presented for the degree of

Doctor of Philosophy

of

Curtin University

August 2011
Declaration

"To the best of my knowledge and belief this thesis contains no material previously published by any other person except where due acknowledgment has been made. This thesis contains no material which has been accepted for the award of any other degree or diploma in any university."

John Frank Smoker.
Abstract

There are 287 discrete Aboriginal towns in remote areas of Western Australia, accommodating about 17,000 Aboriginal people and varying in population size from small towns with under 20 people up to larger towns with over 500 people and the population living in these areas continues to grow. These towns are subject to health issues like those of third world countries or even worse.

The need for infrastructure is clear for the essential services of power, water, electricity and roads as well as the ever increasing range of the provision of other services such as education, health and medical services. The Homeland Movement which started many of these settlements in the late seventies has continued to grow into a major funding and responsibility issue for all levels of government.

The history of roads associated with remote Aboriginal towns in Western Australia is a history of neglect. Despite the existence of some of these Aboriginal settlements going back 100 years, sections of the roads to these towns are still not seen as anyone’s responsibility. The newer settlements of the past thirty years of the Homeland Movement have seen many of these towns grow to being larger than many Western Australian rural towns. The fundamental issue is that the access roads (and the internal roads) to these Aboriginal towns that extend beyond the classified Main Roads and Local Roads are not legally classified and thus there is a presumption that they are not owned by anyone, there is no governance structure and therefore no one has taken responsibility for them or has allocated continuous adequate funding to service them.

This thesis seeks to attribute the neglect to an underlying myth perpetuated since early settlement called the myth of terra nullius. This myth suggests that Aboriginal settlements never existed and was used to legally show why they did not need to be considered as having any rights. Perhaps this underlies the lack of certainty about these towns and the roads that lead to them. Perhaps they don’t really exist legally and so have no rights.

The parallel to the concept of terra nullius is pursued in this thesis to explain this vacuum in acknowledging the existence of these roads and their governance needs. The thesis answers the question: Is the ownership and responsibility of Roads Associated with Remote Aboriginal
Towns in Western Australia (WA) the *terra nullius* of Aboriginal infrastructure? The question is explored through an examination of the history of Aboriginal settlements and road governance in WA, and a series of case studies of settlements in the Kimberley including interviews with key stakeholders. The thesis shows through analysis of the history of attempts to create a future for Aboriginal roads as well as case studies and interviews that the idea of *terra nullius* seems to underlie this problem in practice.

The research highlights the bilateral agreements between Commonwealth and State governments reflecting a history of neglect and inadequate policy processes for roads associated with remote Aboriginal towns. It reveals the lack of ownership and responsibility from all three levels of government and examines why this issue is still not being addressed. It also examines the use of myth making in the history of Western Australia and explores its continued use in avoiding classifying access and internal roads.

The thesis then answers the questions: ‘If so, then what can be done?’ It does this by examining what has been lacking in previous governance of Aboriginal roads, proposing a new model based on Third World capacity building approaches, and by analysing the inside story of a new process to provide national Aboriginal road funding through the development of a Northern Alliance of the three ‘top end’ states and territory. In the process of developing this Alliance several case studies were found of success stories that illustrate the proposed structure for reforming the management of Aboriginal roads. This structure would not only help road funding but would develop a process for engagement, planning and employment of local Aboriginal people in maintaining their own roads.

In concluding, a strategy entitled Connect, Engage and Deliver (the CED Strategy) has been proposed to address the question of how the Main Roads Department of Western Australian (and other government departments and road agencies) in partnership with Federal and local governments might seek to improve the implementation of their service and thus improve their engagement procedures with remote Aboriginal towns in order to develop lasting partnerships and a more sustainable remote Aboriginal access road network.
Acknowledgements

I would like to thank and acknowledge the support of my supervisor panel which has included the insightful Professor Peter Newman, the very patient Greg Martin and the very dedicated Dr Peter Milnes.

Without the diligent and consistent patience, encouragement and advice of these people this thesis would not have been completed.

I would also like to acknowledge and commend the remarkable work and research of the main supporter and instigator of this thesis and that is Mr David Brown of Main Roads Western Australia. Without his technical support, access to his research data and his long held commitment to improving the lives of remote Aboriginal people through an improved access road network this project would not have eventuated.

It is important to also acknowledge the two funding providers of the project. Main Roads Department of Western Australian for its provision of a very generous “on cost” grant, and PATREC for the provision of a research scholarship.

A special mention must also go to Professor Peter Newman who has never wavered in his support and guided me with his patience but professional manner from the very beginning and right throughout the many ups and downs and twists and turns this research has taken.

Finally I would like to acknowledge my ever supportive wife Claire who has never wavered in her belief in me and her confidence that I could complete the job and our children Amelia and Luke who have coped throughout their teenage years with a father who for 5 years has starred for many hours into a computer screen.
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List of Acronyms and Abbreviations

ABARE Australian Bureau of Agricultural and Resource Economic
ABS Australian Bureau of Statistics
ACF Australian Conservation Foundation
ACMER Australian Centre for Minerals Extension and Research
ACOSS Australian Council of Social Services
AIATSIS Australian Institute for Aboriginal and Torres Strait Islander Studies
ALRANT Aboriginal Land Rights Act (Northern Territory) 1976
ANTARS Australians for native title and Reconciliation
ARIA Accessibility/Remoteness Index of Australia
ATNSP Agreements Treaties and Negotiated Settlements Database
ATSISJC Aboriginal Torres Strait Islander Social Justice Commissioner
ATSIC Aboriginal Torres Strait Islander Commission
AQIS Australian Quarantine Inspection Service
CAEPR Centre for Aboriginal Economic Research, Australian National University
CAO Council of Aboriginal Organisations, Northern Territory
CBE Culture-based economy
CDEP Community Development Employment Program
CHINS Community Housing and Infrastructure Needs Survey
CRC-TSM Cooperative Research Centre for Tropical Savannas
CUSP Curtin University of Sustainability Policy
CYIPL Cape York Institute for Policy and Leadership
DBERD Department of Business, Economic and Regional Development, Northern Territory
DEC Department of Environment and Conservation, New South Wales
DEH Department of Environment and Heritage
DEWR Commonwealth Department of Workplace Relations
DIA Department of Indigenous Affairs, Western Australia
Dhimurru Dhimurru Land Management Aboriginal Corporation
DLGRD Western Australian Department of Local Government and Regional Development
DKCRC Desert Knowledge Cooperative Research Centre
ENSO El Nino Southern Oscillation
ESDSC Ecologically Sustainable Development Steering Committee
FaCSIA Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs
FRARIC The Future of Roads Associated with Remote Indigenous Communities GSP Gross State Product
HREOC Human Rights and Equal Opportunity Commission
IA Infrastructure Australia
IBRA Interim Biogeographic Regionalisation of Australia
IFFV Illegal Foreign Fishing Vessels
ILC Indigenous Land Corporation
IPA Indigenous Protected Area
ISTP Institute for Sustainability and Technology Policy
IWPG Indigenous Water Policy Group
KLCLSMU Kimberley Land Council and Land and Sea Management Unit
LGAB The Local Government Advisory Board
MRWA Main Roads Western Australia
MCATSIA Ministerial Council for Aboriginal and Torres Strait Islander Affairs
NAIF North Australian Irrigation Futures
NCRM Natural and Cultural Resource Management
NCVER National Centre for Vocational Education and Research
NIC National Indigenous Council
NLC Northern Land Council
np No page numbers in original document
LGANT The Local Government Association of the Northern Territory
LGAQ Local Government Association of Queensland
NWI National Water Initiative
OIPC Office of Indigenous Policy Coordination, Commonwealth Department of Immigration, Multicultural and Indigenous Affairs
PATREC The Planning and Transport Research Centre
PBC native title Prescribed Body Corporate
PES Payments for Environmental Services
PRSS Pilbara Regional Sustainability Strategy
QDMR Queensland Department of Main Roads
SCRGSP Steering Committee for the Review of Government Service Provision
SIHIP Strategic Indigenous Housing and Infrastructure Program
RAWRAT Roads Associated with Remote Indigenous Towns
TRaCK Tropical Rivers and Coastal Knowledge Research Consortium
TWS The Tasmanian Wilderness Society
WALGA The Western Australian Local Government Association
WBCSD World Business Council for Sustainable Development
WCED World Commission on Sustainable Development
Preface

Preface: The Story Behind the Thesis

Photograph 1 Valley Town Grader Violet (Early Caterpillar G1)
1 Dad’s Story: My Country My Home
My father who lived and worked amongst Aboriginal people in the Kimberley Region of Western
Australia from 1950 to 1973 once related a personal story which puts into focus that the myth of
an empty land, a land belonging to no one is not the case from a traditional Aboriginal person’s
perspective. My father was invited by a close friend, a traditional Aboriginal man to go back with
him to his traditional lands and to see “his” country in a “remote” area far south of Hall’s Creek,
along the Canning Stock Route below Lake Gregory. The country is called Jalyirr by the original
inhabitants the Walmajarri People. Driving along through the bush which seemed forever in the
old four wheeled drive (which more than likely followed an old ancient Aboriginal dreaming
path) the man kept telling my father that it was “a little further yet” and “just over the next sand
hill” as hours of driving time passed. To my dad it was all just wide open native bush land – one
bit the same as the next. Suddenly without notice he called stop. A big smile had spread over his
face and my dad could read a boyish excitement in his eyes. “Stop right here!” They both got out
and walked off the track a hundred yards or so where they came to a small cairn of piled rocks
and pebble in the middle of an arrangement of sticks and other objects. “I made this when I was
a boy of about nine years old,” he said. “Gesticulating in the air he said this is my country, the
place where I was born, the place where I played around and I know this place.” We had come to
his place and to him it was teeming with life and memories. To my dad it could have been just
“no mans” land – terra nullius, but to him it was the place of “his amazing childhood” and his
home.

2 The Process of Investigation
My journey in taking on this thesis began at Murdoch University in 2006. A fellow student had
initiated, devised and sourced the funding and scholarship for this research project but could not
undertake it for personal reasons. So here was a readymade research project and Professor Peter
Newman offered it to me, as he knew I came from the Kimberley and had a passionate interest in
the issues of Aboriginal Australians.

So commenced my research journey, which would take me back to the Kimberley many times
and involve me visiting many remote Aboriginal towns which I had visited many times before in
my role as Project Officer with the Kimberley Development Commission (KDC) whilst based in
Kununurra for 10 years and various other roles throughout my long involvement with the
Kimberley.
Prior to this period my wife and I had lived in Fitzroy Crossing for five years where I was employed by the ABC Radio to establish and manage the first Aboriginal Radio station. I had worked in Fitzroy Crossing before this time for a year in 1988 as the Project Officer with Marra Worra Worra Resource Centre. This role included planning, coordinating and establishing remote Aboriginal towns at the height of the Homeland movement. With the determination and tenacity of the traditional owners I was able to assist in the establishment of towns of Yakanarra, Kanparri and Ngalingkadji and also completing the establishment of Joy Springs and Kulku.

My early history with the Kimberley was being born in Derby in 1956 and raised on the United Aborigines Mission in Fitzroy Crossing for the first four years of my life. My Father who managed the mission station and my mother who started the first school in Fitzroy Crossing then moved to the neighbouring town of Halls Creek and thus my primary schooling years were spent there. My parents moved back to the mission base at Fitzroy Crossing in 1978 and so my teenage years were spent back in my home town of Fitzroy Crossing in between the periods spent at high school in Perth.

So it seemed like I was a perfect fit to research the roads associated with remote Aboriginal towns as I had witnessed firsthand as a child the forced migration of Aboriginal people off the cattle stations into the regional towns due to the introduction of the basic wage in 1968, had been directly involved in the Homeland Movement and had personally driven these roads and visited just about every remote Aboriginal town in the Kimberley on many occasions. Main Roads Department WA had offered generous funding for the research to cover travel for three years and PATREC had offered a scholarship for the same period. It is my belief that Main Roads WA (being a major funder of the research) was keen to obtain information, advice and direction on how they might better fulfil their role with regards to delivering roads to remote Aboriginal towns as the primary delivery agency for the road network across the state.

So began my journey to try and understand the reasons for the lack of funding of these roads, the lack of classification and the prolonged mystery of who actually owns these roads. Why are the roads to, and the internal roads of, remote Aboriginal towns not seen as important as other roads throughout the state of Western Australia and thus not maintained to the same standard?

Main Roads WA over the years has referred to these roads as “unclassified roads”, “Aboriginal town access roads” and currently “Non-Local” roads. So this was the logical place to start.
therefore built a professional relationship with David Brown Senior Road Engineer MRWA a long term advocate of increased funding for remote roads and a man who had spent many years of his career with Main Roads WA researching, documenting and reporting on these roads and consistently advising and recommending changes and increases to funding which had never were taken up. Why was this so? (David’s diligent work and thorough numerous reports will be analysed in detail throughout this thesis) After studying his many reports, a particular innovative project that Main Roads WA had initiated gave me a direction to follow. This project was the Kullari Network Associate project. An Aboriginal road building and maintenance project that seemed to start with so much promised but ended too sadly (Chapter 9).

I then turned my attention to understanding how Local Government was involved in the delivery of roads to remote Aboriginal towns. This proved to be a real eye opener and in particular highlighted the classification dilemma of the roads which connected these remote Aboriginal towns to the “local roads” which are roads that had been classified as such and thus fall under the ownership and responsibly of local government. These other “black fellow” roads that continued onto the Aboriginal towns from the local roads are not clearly classified or owned and therefore were not the legal responsibility of Local Government or it seems the State Government or even the Commonwealth Government. This dilemma has proved why these roads were so underfunded and poorly maintained: no clear ownership. The terra nullius of infrastructure was obvious.

This provided a new direction for the research. How might increase funding for these roads be negotiated and which level of government might be able to source such funds? Was it critical for these roads to classified first and then hopefully ownership could be attributed and maybe appropriate and adequate funding would eventuate? In pursing this line of research and in trying to find new or an increased area of funding I decided along with my supervisory group (who subsequently became known at the Planning Group) that it would be of value to the research to document how other states and territories across remote northern Australia dealt with roads to remote Aboriginal towns in their jurisdictions.

With this in mind I initiated and organised a major Aboriginal Road Forum in Kununurra, Western Australia in 2008 and invited delegates and stake holders associated with road building and Indigenous policy from across the Top End. The forum was a great success and highlighted the many different approaches to these issues and also exposed how backward, unresolved and
non-committal certain stakeholders in Western Australia were to delivering equitable standards for access and internal roads to remote Aboriginal towns in this State. The delegates, which included key managerial personnel from Main Roads Queensland, the Northern Territory plus Local government representatives from the top end jurisdictions, all resolved and agreed to form a “Northern Alliance” to advance the delivery of an improved remote road network for Remote Aboriginal towns. In doing so they released a joint Communiqué outlining the future direction for the Alliance (Appendix 2).

This provided a new direction for my research and an increased involvement with David Brown. David had been directed by the decision of the Northern Alliance to submit a joint “Top End” submission to Infrastructure Australian for “new” Aboriginal road funding across the top of Australia. IA at the time had called for submissions for major infrastructure projects across the nation. To me at the time and even still today this seemed a stunning concept and a major initiative – that is, all the top end states working together to jointly plan, fund, manage and deliver a road network for remote Indigenous Australians! Sadly the submission was rejected as it did not fit the highly urban orientated IA criteria. Most of all it did not meet the key concept of governance and delivery: Who owns these roads and has responsibility for them? The Planning Group subsequently were shown a letter from the Federal Minister, the Hon Anthony Albanese Minister for Infrastructure, to Main Roads WA firmly denouncing the idea and rejection of (my change) the submission. IA passed the submission to the Federal Government (FaCSIA) responsible for the Closing the Gap initiative for Aboriginal settlements. They had the same dilemma – who is responsible for these roads? The submission languished. IA has since started a new process which may finally lead somewhere but is a developing story.

In the meantime I had, through my research, found out about a major road building project in western Queensland near Camooweal funded and managed by Main Roads Queensland. This project had successfully engaged with a traditional owner group which in turn engaged their corporate arm Myuma Pty Ltd in subcontracts for the rollout of major road works and bridge building on the Barkly Highway in far western Queensland. This engagement had firstly involved successful resolutions regarding native title clearance for the new roads and had gone on to support the development of Myuma Pty Ltd as road building subcontractor. This in turn had helped Myuma develop into an Aboriginal training organisation with major successes. This project proved that there could be successful engagement between governments and Aboriginal people and their towns in the delivery of a local road network (Chapter 9).
As per the Communiqué and decision by the Northern Alliance at the Kununurra meeting a follow up Aboriginal Road Forum was planned to be held in Mt Isa in order for the delegates to view and experience the progress of Myuma and witness what they had achieved in the area of Aboriginal Business development and Aboriginal training and employment. Mt Isa near Camooweal and Queensland Main Roads had offered to fund and organise this forum in response to the work and effort by myself and the Planning Group from WA in organising the Kununurra forum. I attended this forum and was able to witness firsthand the work of Myuma and meet the people involved especially Colin Saltmere and in addition hear presentations from and meet the many people involved in the innovative multi agency group that was formed to source the funding and deliver the Aboriginal training programs for Myuma.

Finally my research took me back to the larger regional towns and the Aboriginal towns of the Kimberley. I focused my attention on the people of the remote Aboriginal towns of the east Kimberley where I interviewed, discussed and yarned with Aboriginal town leaders, local Aboriginal people, CEO’s, road builders and a range of other stakeholders. The history of neglect was not news to them.

Throughout this research I kept pondering why can Queensland work through these issues? Why have they got a different attitude than people in Western Australian when it comes to funding these roads and engaging with Aboriginal people in the delivery of a road network for remote Aboriginal Towns? Why has the dilemma of classifying the roads continued? Could it be a political perspective related to the geography of Western Australia? The people of these remote towns are predominantly black, small in number and many kilometres from the capital city of Perth. It is as if they are not really there because they are so far away. Is it easier to just ignore the issue? Could it be that what the state and local governments were still subconsciously carrying on the notion of *terra nullius*? These roads and thus the problems associated with them don’t really exist because these roads are on - no man’s lands – *terra nullius* – a land belonging to no one thus they could be seen as “*terra nullius roads*”.

Going back twenty years or so to when I was involved in setting up these remote towns I also didn’t give it much thought. I was brought up in the bush, had lived in the bush and therefore you put up with these kind of roads and conditions when you live in the Kimberley. But as I travelled and left the Kimberley I soon realised there was not an equitable delivery of roads throughout the state.
So this became my journey to try and make sense of this situation and at the same time to try and hopefully effect some kind of change. Could new funding arrangements for these remote roads also create improved engagement processes so the Aboriginal people of remotes towns can understand the ownership, control and management of their road? Could they gain some control and thus employment (should they wish too) in the rollout of roads as has been the case in western Queensland? To this end I have devised the CED Strategy (Connect Engage and Deliver) as a guide and an assessment tool for understanding and engaging with the people of these remote Aboriginal Towns (Chapter 8).

For remote Aboriginal Australians these towns are their homes and their country and are places successive generations have lived in and been at one with terra cognita, a known land. And despite the lack of classification of these terra nullius roads they are “occupied” roads that connect Aboriginal towns to each other and the rest of the nation in an “occupied” land, a land belonging to someone. In fact these people have chosen to call these towns and the country around them “home” for a very long time and the roads between them are well worn tracks passed down through ancient dreaming times.
Chapter 1 The Direction and Methodology of this Thesis

Photograph 2 Access road linking Balgo with Mulan
Chapter 1 The Direction and Methodology of this Thesis

1.1 The Direction

In considering the background, the history and the involvement of governments in the delivery of remote roads to Aboriginal settlements over the past thirty years, a direction for this thesis has emerged. This direction and research have been influenced by the following problems:

1. The lack of allocation of the ownership and management of remote roads to Aboriginal settlements in Western Australia and the unresolved issue of which departments and governments are responsible for the funding and maintenance of these roads.

2. The lack of culturally appropriate planning, engagement, and sustained employment for local Aboriginal people in the past delivery of this service.

1.1.1 The Main Focus

Thus the two main focus areas of this thesis are:

A. To instigate an outcome for the allocation of responsibility for the essential service of funding, constructing, and maintaining the access roads and internal roads of these remote Aboriginal towns and living areas. This outcome has begun to be achieved through the instigation and establishment by the author of the Aboriginal Roads Forums (and drafting of the Northern Alliance Communiqué (Chapter 7).

B. Devise a sustainable strategy for the improved engagement of Aboriginal people in remote Aboriginal towns and towns of Australia by government agencies in the rollout of equitable services and in particular the delivery of the essential service of a quality access road network. The strategy that has been created is titled The CED Strategy – Connect, Engage and Deliver (Chapter 8).

1.1.2 The Hypothesis

Hypothesis 1

1 The only way to explain the history of neglect in remote Aboriginal towns in Western Australia and the present conditions of Aboriginal roads in WA is by seeing it as a manifestation of the myth of terra nullius.
It can thus be argued that there are two components that continue to facilitate this myth of *terra nullius* on Aboriginal roads:

1 The lack of defining and accepting the Legal status of these roads (definition and classification) and

2 The continuation of the avoidance of the issue of ownership, responsibility and governance of these roads.

Once these issues have been addressed the following can proceed:

3 Allocation of appropriate long term funds to construct and maintain these roads.

4 Utilising a culturally appropriate engagement process to decide priorities and build partnerships and alliances.

5 Ongoing asset management practices and strategies that incorporate local people in skilling, employment and business creation options to maintain this infrastructure asset.

Hypothesis 2

The second hypothesis behind this dissertation is that unless all of the five factors above are implemented the myth of *terra nullius* when applied to access and internal roads will continue and the act of avoidance can prevail. This thesis will show how this application of subtle avoidance due to the unrecognised continuance of the notion of *terra nullius* can be interrogated, dismantled and quashed.

1.1.3 The Questions

1 Is the ownership and responsibility of Roads Associated with Remote Aboriginal Towns (RAWRAT) in Western Australia the *terra nullius* of Aboriginal infrastructure?

2 If so what decisions and strategies will need to be implemented to resolve the avoidance of this issue?
3 What is the best way forward for a government road agency to engage in a sustainable partnership with remote Aboriginal people of Australia in the process of planning, construction and ongoing maintenance of access and internal roads that service remote Aboriginal towns?

This thesis will explore the issue of the lack of formal classification and thus responsibility and ownership of these roads associated with remote Aboriginal towns in Western Australia. This is fundamental to achieving long term consistent funding of these roads. This issue of funding for these types of roads was officially recognised many years earlier; in a report to the South Australian Government in 1971, WD Scott recommended:

That’s where feasible communities should consider forming road construction units which could work under contract to the South Australian Highways Department DAA 1983: 20; (Fletcher 1995).

It is therefore hoped that this thesis can contribute to improved engagement and partnerships in planning for the long term sustainability of access roads and internal roads of remote Aboriginal towns and thus the sustainability of these Aboriginal towns. Resolving this issue will help to improve health, wellbeing and employment options for people living in remote Aboriginal living areas without which the future for Aboriginal people will remain bleak.

1.1.4 Thesis Outline
This thesis will seek to address the above through the following chapters: Chapter 1 Direction and Methodology, Chapter 2 Road Definitions, Chapter 3 Historical Background to the Outstation Movement, Chapter 4 Government Response to the Outstation Movement, Chapter 5 The Literature Review, Chapter 6 Field Trips, Chapter 7 Aboriginal Road Forums, Chapter 8 Evolution of The CED Strategy, Chapter 9 Case Studies and finally Chapter 10 The Conclusions.

1.2 Methodology
1.2.1 Description
The methodology for gathering data for this project consisted of three major components: Literature Review, Field Research and Aboriginal Road Forums.

A literature review was conducted to clarify definitions of engagement and what is meant by a sustainable remote Aboriginal town. This part of the project informed the key lines of questioning used in the data gathering phase of the research. The East Kimberley region of Western Australia was chosen as the focus area of the research. Research field trips were
conducted in the regional Kimberley towns of Halls Creek and Kununurra plus at least two overnight visits to each of the seven major remote Aboriginal towns of the East Kimberley. In each of these centres the field trips included consultation and interviews with staff from a range of Aboriginal town organisations, as well as meetings with local Aboriginal town directors and Aboriginal town management staff.

A combination of on-site visits and one-on-one recorded interviews were conducted with at least ten people from eight different Aboriginal town organisations to identify issues that they felt were important to them and their town in the delivery of access road and roads within their Aboriginal town. This element of the research offered poignant information and an insight into the local human perspective on the delivery of government services and their engagement methods in these Aboriginal towns. The next chapter will summarise the findings of the Field Research.

Aboriginal Road Forums
In advancing the Final Thesis Outcomes of this thesis and broadening the scope of the project I was responsible for the instigation, planning and delivery of the forum titled The Future of Roads Associated with Remote Indigenous Communities (FRARIC) which was held in Kununurra, Western Australia on 21 November 2008.

I also supported, attended and presented at the follow up second FRARIC Forum in Mt Isa, Queensland on 29/30 April which was a directive that came out of the first forum Kimberley forum.

These forums were attended by invited guests, speakers and representatives from agencies and stakeholders associated with road management based in the three northern Australian jurisdictions of Western Australia, the Northern Territory and Queensland. Data, information and presentations offered by all at these forums have been absorbed into the research and ideas that make up this thesis.

These forums were also the catalyst for the formation of the Northern Alliance and the production of the communiqué entitled “The Northern Alliance for Roads Associated with Remote Indigenous Communities” (Appendix 2).
The way that these approaches have been used to create a theory for sustainable engagement and to develop a partnership assessment tool is set out in methodology Figure 1 Methodology Graph. This is then applied in a road test via the two case studies before leading to an assessment and finally the thesis conclusions.
1.2.2 Methodology Graph

Figure 1 Methodology Graph
Chapter 2 Road Definitions: What do you call a road to Aboriginal Settlements?

Photograph 3 Road from Beagle Bay to an outstation
2.1 Background
Over the past fifty years public roads and highways that traverse remote and rural areas of Australia have been progressively improved by generous funding from Commonwealth, State and local government. Mining companies across Australia have also contributed and constructed access roads to their exploration sites and mines, which has benefited the general public who also use these roads in remote areas. The ownership of the remote road networks throughout rural and remote Australia and who pays for and takes responsible for each category of these roads is a very complex subject.

The Commonwealth Government is responsible for providing funds via Financial Assistance Grants (FAGs) to maintain the national road network in joint partnerships with the states and territories. The states and territories in turn provide additional funds and deliver the program of constructing and managing the local road and highway networks within their borders in partnerships with the local governments.

In the year 2008 Main Roads Western Australia (MRWA) received a total of $1.406 billion in funding for its annual budget. This included approximately $928,000 from the State government, about $267,000 from other sources and the final amount of about $211,000 from the Federal Government. The total cost of services (annual expenditure) for this period was $1.404 billion. In addition, within this annual expenditure the MRWA in 2008 provided $155.4 million to local government as grants, subsidies and transfers for the purpose of road construction and management (Henneveld 2008).

The State Government of Western Australia via Main Roads Western Australia (MRWA) owns and has the responsibility to manage and maintain all the State based National Highways and State Highways (sealed and unsealed) and all “Main Roads” (sealed and unsealed) which represent almost 30% of the State’s total assets. MRWA is one of the largest geographically spread road agencies in the world, covering 2.5 million square kilometres.

All the so called “Local Roads” across the state of Western Australia are owned and maintained by the respective local government authorities. The State Government provides Direct Project Grants to local governments to construct and manage these “Local Road” networks within their boundaries. Local government also receives funding for roads within their jurisdiction via the Western Australian Local Government Grants Commission (WALGGC) direct from the Federal
Government through Financial Assistance Grants (FAGs). The break up and allocation of these “united grants” are administered by the State Road Funds through the Local Government Advisory Committee (SRFLGAC). In addition local government also receives funding directly from the Federal Government from the Roads to Recovery program.

2.2 The Problem
All other roads (besides Local Roads) in Western Australia that are associated with and connect Aboriginal people and Aboriginal Towns have been loosely termed “Non-Local Roads” by Main Roads WA and other stakeholders in Western Australia. These roads fall into two areas. The “Access Roads” which connect remote outstations and Aboriginal Towns to the Local Roads, Main Roads and the State and Federal Highway systems and the “Internal Roads” which are the roads within the towns and outstations which connect the homes of these people with the amenities and services such as the clinics, the schools, the stores and management offices.

Classification, ownership, responsibility and thus funding for these “Non-Local Roads” has for the past 30 years of the Homeland Movement (which initiated the process for the establishment of these remote Aboriginal Towns) not been attributed to a particular level of government or a particular department within the State of Western Australia. Hence these are the “neglected roads”, the “blackfella roads”, the “terra nullius roads” – the unoccupied roads in an unoccupied land – and are the focus and purpose of this thesis.

Over the past 30 years they have been allocated sporadic and ad hoc funding from a variety of sources and departments but they have not been allocated an ownership regime and thus appropriate long term consistent funding has not been provided. It is as if these roads do not formally exist and have conveniently been seen as “terra nullius roads”, roads belonging to no one.

2.3 Roads Associated with Remote Aboriginal Towns (RAWRAT)
For the purpose of this thesis these “Non-Local” Roads have been termed RAWRAT that is Roads Associated with Remote Aboriginal Towns which include access roads to and from a Highway, a Main Road or a Local Road and the internal roads of these living areas.

2.4 Road Definitions
2.4.1 Non-Local Roads
Main Roads WA has termed the roads that are associated with access roads and internal roads of remote Aboriginal Towns as “Non-Local” Roads. This is because, since the inception of the Homeland Movement in the 70s (Historical Background Chapter 3), these roads have been
deemed to “not be” the responsibility of Main Roads WA, the local shire councils and or the councils’ representative body WALGA, and as such are not seen as “Local Roads” but as the responsibility of the Federal Government. Thus the term “Non-Local Roads” has been applied to Roads Associated with Remote Aboriginal Towns (RAWRAT.) Whilst “Non-Local Roads” is a convenient title and helps distinguish them from “Local Roads” it signifies them as a “nothing” road, a road not owned by anyone or the responsibility of anyone; thus they have become the roads used by blackfellas to get to blackfella homes and thus “not local” and without “local” significance – a “myth” that conveniently removes them from the responsibility of governments and in particular local government, in effect avoidance. The process of “myth making”, as described by Milnes in examples such as terra nullius and “darkened minds”, has been a convenient tool for dealing with and “managing” Aboriginal issues since the commencement of the state of Western Australia. (Milnes 2001). Thus the powers that be have, by creating a convenient ambivalence and a clouding of the ownership of these roads, produced the funding malaise and convenient lack of an ownership statement.

But local councils over the past 30 years have had good reason for seeing these roads as Non-Local and not wanting to accept responsibility for them, and the reason is money. Neither State Governments nor Federal Governments have taken the initiative to properly categorise, properly fund and properly assign a department and process for funding and managing these roads in Western Australia. Hence these Non-Local Roads are in limbo even today.

2.4.2 Access Roads
The term “access” roads associated with the remote Aboriginal Towns is applied to roads that connect these towns and remote outstations and can be a combination of Non-Local Roads, Local Roads and Highways that connect these people to the rest of Australia. They are of great importance to Aboriginal people because they also connect remote Aboriginal outstations to each other. They can be flat bladed roads, formed roads, gravel roads and sealed roads, all of which connect Aboriginal towns, primary outstations and secondary outstations to each other and the essential services of mainstream Australia.
2.4.3 Internal Roads
The “internal roads” of these Aboriginal Towns form the planning structure and connecting pathways between the homes, the central office, the store, the school, the clinic, the art centre and all other amenities and services that make up a remote Aboriginal town or Aboriginal town. These internal roads can be sealed roads, formed gravel roads, unformed but graded roads and basic two wheeled bush tracks.
2.4.4 Back Roads (Bush Roads)

It is important to note that in remote regions of Australia two wheeled bush tracks are constantly used, created and recreated. They are often called the “Back Roads”. Even though these roads are not included in the Main Roads cross section type description (Figure 4) because they are deemed to not fall into the category of being “formally maintained” roads, they are none the less constantly utilised by remote Aboriginal people and other members of the general public. These types of roads are rarely graded and are not “formed” roads but they provide a vital link between remote Aboriginal towns and outstations throughout Australia and connect these people to sacred sites, burial grounds, water holes, dinner camps and prospective new blocks and fishing and hunting spots. (Note Kununurra WA resident singer songwriter Peter Brady’s song “Back Roads”).

Photograph 5 Fearney Range Balgo Outstation (no defined internal roads)
It is of further interest to note that most of the now established roads in Australia were probably once “Back Roads” and historically follow Aboriginal tracks linking places of significance. However since white settlement they have been adopted predominantly by non-Aboriginal people (because they owned the cars and trucks at that time) to get to wherever they needed to get to in their endeavour to “open up the country”. They originally were pathways between destinations that were traversed by Aboriginal people well before people from northern European countries arrived in Australia, or the arrival of horses and motor vehicles, and remain important tracks in their dreamtime stories today.

2.4.5 State Road Network
As can be seen from the Main Roads map, above the roads indicated in black are the National Highways which can be sealed and unsealed; likewise the State Main Roads in blue can also be sealed or unsealed. What is not shown on this map are the numerous Local Roads, the myriad of Non-Local Roads and the enormous network of Back Roads that exist right across the state. To
be able to indicate these latter three categories would necessitate very detailed and complex maps.

Figure 2 Main Roads Western Australia State Road Network 2009
Chapter 2 Road Definitions: What do you call a road to an Indigenous Settlement

Figure 3 Kimberley Region State Road Network Western Australia MRWA 2009
2.4.6 Main Roads WA - Road Type Formal Classification

Road types and standards were classified in the 1992 Study (Figure 4) into four types of cross section described as follows:

(a) Type 1 – This type of road can range from a flat bladed track to a two wheel track. The running surface is the insitu material. There is little or no provision for drainage and the road can become impassable after only light rains. Even when dry, this type of road may only be trafficable by four wheel drive vehicles due to sandy or harsh conditions.

(b) Type 2 – This type of road can be either a single or two lane lightly formed road. The formation provides for a road crown, table drains and offshoot drains to assist with drainage. This makes the road less susceptible to closure during light rain. The running surface is the insitu material which can become very soft with moderate rain.

(c) Type 3 – This type of road is similar to a Type 2 road with an imported gravel running surface. The gravel surface is more resistant to softening during moderate rain and also provides a higher level of service when dry. The road may or may not have a road pavement however; substantial reconstruction would be required in either case to upgrade to a sealed road.

(d) Type 4 – A sealed road providing “all weather” access. This type of road can become impassable at flood sections during periods of moderate to heavy rainfall. However, following the closure event, the road would be opened to traffic with minimum delay and minimum damage (Brown 1992).

(For a further simplified description of roads in Western Australia see appendix 3).
Figure 4 Cross Section Diagrams of Main Roads WA Road Classification Types

F = Width of Road available to Traffic
P = Width of Pavement
S = Width of Bituminous Surfacing
Chapter 2 Road Definitions: What do you call a road to an Indigenous Settlement

For an understanding of MRWA terminology it is worth noting the definitions of roads across the state and particularly “Aboriginal Access Roads” as used in this draft version of Operational Responsibility for Public Roads in Western Australia, as outlined in the following Box 1.

Box 1 Draft Operational Responsibility for Public Roads in Western Australia 2010

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2010 OPERATIONAL RESPONSIBILITY FOR PUBLIC ROADS IN WESTERN AUSTRALIA

A joint agreement on the management of roads in WA between MRWA, WALGA and IPWEA (Institute of Public Works Engineering Australia Australia (WALGA 2010).

ATTACHMENT 1 INTERPRETATION

“Aboriginal Access Roads” means any roads or tracks on Crown land which are either:

a) within land to which Part 3 of the Aboriginal Planning Authority Act 1972 applies (ie land reserved under applicable legislation for the use and benefit of the Aboriginal inhabitants which is not open to the general public without a permit);

or

b) outside the land referred to in paragraph "a" immediately above but which are primarily required as a means of transport.

PART 1 INTRODUCTION

“road” means any road or part of a road which falls within the definition of that word in any of the following provisions:

a) section 5 of the Road Traffic Act 1974 for the purposes of that Act (including the Road Traffic Code 2000) means any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island thereon;

b) section 6 of the Main Roads Act 1930 for the purposes of that Act means any thoroughfare, highway or road that the public is entitled to use and any part thereof, and all bridges (including any bridge over or under which a road passes), viaducts, tunnels, culverts, grids, approaches and other things appurtenant thereto or used in connection with the road;

or

c) section 84 of the Public Works Act 1902 for the purposes of that Act means a public highway, whether carriageway, bridle-path, or footpath, and unless repugnant to the context, includes all roads which have been or may hereafter be set apart, defined, proclaimed, or declared roads under any law or authority for the time being in force, and all bridges, culverts, drains, ferries, fords, gates, buildings, and other things thereto belonging, upon,

“local government road” means any road which is under the care, control and management of a local government by virtue of section 3.53 of the Local Government Act 1995, subsection 56 (2) of the Land Administration Act 1997, Part V of the Public Works Act 1902 or any other applicable statute;

“side road” means a local government road or a road that is under the care, control and management of another authority that provides traffic access to a highway, but does not include private accesses or driveways (eg entrance to University of Western Australia off Stirling Highway);
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“maintenance” of any road and infrastructure including the execution of all works of any description which are required to keep the road or infrastructure in the state of utility determined in accordance with any Act of Parliament or Code of Practice;

“main road” means a main road as defined in Section 6 of the Main Roads Act 1930;
“highway” means a highway or main road as defined in Section 6 of the Main Roads Act 1930; for clarity, that term applies to every “freeway”, “controlled access highway” and “ordinary highway” in line with their respective definitions as highways elsewhere in the Interpretation section of this agreement;

“ordinary highway” means any highway or section of a highway that has not been proclaimed control of access under section 28A of the Main Roads Act 1930; (MRWA. 2010)

It is also interesting to note that in this document Part 1 – The Introduction carries this explanation.

Box 2 Which roads are not affected.

PART 1 INTRODUCTION
3. Roads Which Are Not Affected

1) Under section 33(1)(a) of the Conservation and Land Management Act 1984, the Chief Executive Officer of the Department of Environment and Conservation is responsible for the management of all land to which that Act applies. This includes the responsibility for the management of over 30,000 kilometres of roads forming part of that land. Local Governments have no responsibilities in respect of those roads other than where they intersect with local government roads. The parties agree that this “document” shall not impact on any aspects of the management of those roads.

2) To avoid confusion, the parties further agree that this “document” shall not apply to Aboriginal Access Roads (MRWA. 2010)

The question has to be asked - : What “document” does apply to or who is responsible for Aboriginal Access Roads in Western Australia? Or do they not exist for the purpose of the “Operational Responsibility for Public Roads in Western Australia 2010”. Even more alarming is that it could be presumed that the wider Australian public (and public servants ) do not drive (yet they do) on these roads or that Aboriginal people are not considered part of the Australian public from the perspective of the creators of this document. Figure 5 Map of the West Kimberley Region of WA and the range of Aboriginal towns To add more confusion as can be seen on the DIA map to follow the roads to remote Aboriginal towns seem to have been titled “minor roads” and all areas of human occupation titled towns!
Chapter 2 Road Definitions: What do you call a road to an Indigenous Settlement

Figure 5 Map of the West Kimberley Region of WA and the range of Aboriginal towns
Figure 6 Map of East Kimberley Region of WA and the range of Aboriginal towns
Figure 5 sets out the location and spread of Aboriginal towns (and outstations) that are located in the Kimberley region of WA. It is interesting to note in this map, taken from the Department of Indigenous Affairs web site 2009, that DIA has indicated the state roads as being Highways and Major Roads (with no mention of Local or Non-Local roads as they are referred to by MRWA) which form the network (and the lifeline) that connects the Aboriginal towns to these Highways and Major Roads – a clear example of confusion regarding the terminology and classification of road types by departments within the same government and state.

As this thesis is about the lives that are lived in remote Aboriginal towns and the lifestyles that have evolved and are dependent on access and internal roads it is important to establish the terminology and definitions of these living areas that will be used throughout this thesis.

2.5 Living Area Definitions

2.5.1 Background

The terms “Community”, “Aboriginal Community” are constantly used throughout Australia today and in the enormous amount of literature on the subject of the sustainability of “remote Aboriginal towns” and throughout all forms of the press. For the purpose of this thesis I have decided to redefine these terms and will establish new titles and definitions for Aboriginal living areas that will be utilised throughout this thesis. But more importantly I wish to redefine an Aboriginal “Community” as an Aboriginal “Town”.

By using the term “Community” governments have been able to again apply the avoidance principle to ownership of responsibility for all forms of equitable services for Aboriginal people thus falling back on the *terra nullius* concepts of the past. It has been convenient for governments to imply that these “towns” don’t actually exist and therefore the access and internal roads of these towns are *terra nullius roads* – “roads belonging to no one”. It has also enhanced the avoidance principle by labelling them “communities” which implies these that living areas are where “you” the Aboriginal people have settled, are “your communities” and thus the responsibility of Aboriginal town directors. But if the title of if we apply town is applied it carries a whole different paradigm and meaning which implies that these towns have been planned by governments and are thus the responsibility of government, including the roads. Thus to highlight this issue this thesis will utilise the word town instead of “Community” in describing these living areas.
An additional logic behind redefining an “Aboriginal community” as a town is that in the past governments to have defined and created structures such as governance bodies and corporate entities, and thus “communities”, so that they (and not the recipients – the Aboriginal people) manage the process of delivery. Thus they have a process which they can control and manage and thus roll out programs they decide are appropriate. The relevance of whether “they” the Aboriginal people wanted or wished for these types of models and structure for the management and governance of their towns has seemed irrelevant.

I have also chosen to move on from the terms “community” or “Aboriginal community” because this can be misleading and inappropriate terminology for what is actually a “town”. An Aboriginal town should provide its people with the same services that are provided to people that live in all the other “towns” of Australia. By using the term community it has proved convenient for governments to then assume that it is the community’s responsibility for all its issues whereas as the term town carries more notional significance that its services are the responsibility of the state. Thus I will attribute the title of “town” to “Aboriginal communities” in order to highlight that these living areas in Western Australia are actually neglected or “terra nullius” towns. Hence the use of the phrase in the western section of the nation as Roads Associated with Remote Aboriginal Towns (RAWRAT.)

2.5.2 Regional Town
This is an established state and federally funded town with a population usually of more than 1000 comprising Aboriginal and non-Aboriginal people, that services a region of approximately 200 km or more in radius from the town. There is usually one town of this size in each of the local government (shire council) regions of the Kimberley Region of Western Australian and the main office of the local government council is usually situated in each of the these regional towns. These towns are supported by funding attributed to the local council by the State and Federal Governments and through revenue derived from property rates and services.

2.5.3 Regional Town – Reserve Living Areas
These are areas with a predominately Aboriginal population situated on the fringes of the Regional Towns (above). They usually comprise mainly Aboriginal people who were the original traditional inhabitants of the area or Aboriginal people from the neighbouring stations and areas who have made the regional town their home. These living areas are often serviced with state owned accommodation and essential services and have been established on Aboriginal Reserve
Land vested in the Lands Trust. They can range in population from 20 to 200. They often began life as Regional Town Camps.

2.5.4 Regional Town Camp
These living areas are predominately Aboriginal in population and are usually situated further out from Town Reserve camps on the outskirts of Regional Towns. They have been established by Aboriginal People who visit from remote Aboriginal Towns (and outstations) and thus reside on an intermittent basis. These town camps can sometimes be provided with state owned accommodation and essential services. These camps are often established on Crown Land and local government owned and managed land; sometimes they are within the boundaries of the surrounding Cattle Station Pastoral Leases.

2.5.5 Aboriginal Town
This is a town that has been established by governments to provide state owned housing and other essential services for remote Aboriginal people who have chosen to live in a remote location that can be as far away from a Regional Town as 300 km or anywhere in between. In addition accommodation and essential services have also been provided for the non-Aboriginal people employed in these towns providing essential services including housing, power, water, sewerage and road access (often the least defined responsibility) as well as wider services like education, health, town management and arts and crafts and other economic development related services. The population of these towns can range from 50 to 600 people, inclusive of Aboriginal and non-Aboriginal.

2.5.6 Primary Outstations
These are smaller towns with a population of between 10 to 60 people that use the nearby Aboriginal town as their centre for services. Some of these small primary outstations have been provided with state housing and limited essential services. They are often set up by related Aboriginal people who wish to live on, closer to or within their traditional land and often those who do not wish to live or reside in the nearby Aboriginal town for various reasons particularly those associated with alcohol abuse.

2.5.7 Secondary Outstation
These are much smaller towns of between 5 to 20 people who have chosen to live further afield from the primary outstations and the Aboriginal Town to be within or closer to their traditional land. These town (outstations) rarely have state owned accommodation or essential services and are generally inhabited on a seasonal basis — that is the dry season — when it is possible to traverse the country. These towns are generally inaccessible in the wet season.
All of these Aboriginal towns and dwelling areas are connected by some sort of road or access point. The roads to the primary and secondary outstations are rarely formed, graded or maintained.

2.5.8 Mining and Exploration Camps
As the name suggests these camps and towns and places of accommodation are set up, owned and funded by the mines to service their employees. They can range from 10 to 50 people. The roads that service these towns are often constructed and maintained to a high standard in order to service the requirements of the mine. Often these roads pass by or near remote Aboriginal towns and outstations and therefore are utilised by Aboriginal people and the general public enroute to their respective destinations.

2.5.9 Mining Site Town or Village
These towns are more permanent larger towns than mining camps. They are funded and serviced by the mine and their contractors and range from 50 to 500 people, as in the case of Argyle Village that supports the staff of the Argyle Diamond Mine. The roads that service these towns or villages are often constructed and maintained to a high standard (some are sealed) in order to service the requirements of the mine and its staff. These roads can also pass by or near remote Aboriginal towns and outstations (for example Argyle Diamond Mine) and can be utilised by Aboriginal people and the general public on route to their respective destinations.
Chapter 3 Historical Background to Outstation Movement

Photograph 7 Crocodile Hole outstation access road (in wet season January 2009)
3.1 Description
The Outstation Movement can be described as the voluntary movement and resettlement of Aboriginal people away from the major rural towns and back to their traditional land in order to set up towns (outstations), rebuild family structures, and thus determine their own futures. Often this meant traversing and occupying land (their traditional land with sacred dreaming tracks linking it to other places) that was held under a range of titles, including pastoral lease title, commonwealth title and reserve title.

Kado Muir (Muir 1999) in his feature article “Back Home to Stoke the Fire”, for the Indigenous Law Bulletin had described it as thus:

In the late 1980s Traditional Aboriginal people sought to address the problems prevalent within these large communities through the Outstation Movement, which has seen Aboriginal people relocate in small groups back to their traditional lands (Muir 1999).

Other descriptions for the Outstation Movement have included the “Homeland Movement” and the resultant “Aboriginal Living Area Program” as described by the State Government in 2003.

It is understood that what became the Aboriginal Living Area Program (also referred to as the Outstation and Homeland Movement) commenced in 1983 (Department of Planning and Infrastructure 2003) officially when the Burke ALP Government gave legitimacy to the movement.

3.2 Background
The history of the Outstation Movement in the Kimberley region of Western Australia has its origins in the late seventies. After an earlier history of enslavement in the pastoral and pearling industries Aboriginal people had been alienated from their lands. The movement to overcome the indentured labour (another name for slavery) had led to industrial disputes and pay issues arising from the newly imposed basic wage legislation of 1968, and this led to a mass movement off the stations into the nearby towns (Davis and Bridgman 1998) Up until that period police supported the pastoralists in ensuring Aboriginal people stayed on the stations and didn’t return to their traditional land.

The Burke ALP Government elected in 1983 brought significant changes which allowed Aboriginal people to apply to the government for support and funding to return to their traditional country and build outstations or Aboriginal townships.
Chapter 3 Historical Background to Outstation Movement

The state Government recognised the land needs of Aboriginal people who could show traditional-cultural association with the land, and proposed a process to enable claims to be made (Department of Planning and Infrastructure 2003); the first processes to establish “land rights” had occurred after the infamous Noonkanbah dispute (Hawke 1989).

This return to country was also a way for Aboriginal people to distance themselves from the destructive influences associated with the established towns such as the effects of poor housing, alcohol abuse, and lack of employment and family break-ups. By returning to their traditional lands the Aboriginal people could rekindle their cultural practices, establish an Aboriginal town focus and define their own futures on their own land.

The process for gaining this support and funding from governments for the communication and coordination required to establish these Aboriginal towns generally became the responsibility of the “Resource Agencies” in the major Kimberley towns. These agencies were funded through a combination of Federal Government ATSIC grant moneys and fees charged to Aboriginal towns for the provision of accounting and bookkeeping services. They became the conduit for the delivery of Federal funding for Aboriginal people to establish themselves in their own towns out from the established regional town centres (Muir 1999). In the Kimberley region the Aboriginal Resources Agencies included Marra Worra Worra in the Fitzroy Crossing area and Warringarri Resource Centre in the Kununurra area. Similar centres were established in Broome, Derby and Halls Creek to service the people within those regions.

3.3 The Local Process
The coordination of the establishment of Aboriginal towns within the Resource Agencies was usually the role of the Project Officer who responded to requests on a first come first served basis from Aboriginal people within the towns.

The process was on a needs basis without consideration of costs or budgetary limits of government departments and organisations involved, or more importantly consideration of long term commitment to support and sustain these people wherever they chose to live. It was simply that someone wished to rebuild their culture, return to their land and set up an Aboriginal town. The costs were not part of the process as in the return of any people from their diasporas.

So the project officers independently went about their tasks of applying for support and funds, organising the excision of the land and then engaging the various relevant state departments in
the establishment of essential services such as surveying, town planning, power and water and finally construction of houses, power plants, schools and clinics. There seemed to be little thought given to local practicalities of climate and distances, sustainability or future funding ramifications other than the operational requirements of the neighbouring pastoralists. If the proponents requested to be situated at a particular location then proximity to available water became the only other essential requirement.

When a group chose to move out of their town accommodation and reside on traditional land (usually in a remote location) without basic facilities or proper shelter they began with just a campsite. The commitment of a group to a particular site triggered funding approval to improve the living standards at the camp, often without initial reference to relevant authorities or agencies. This situation sometimes resulted in expenditure of funds on an unsuitable site (flood prone, poor water possibilities). Such processes were legal but usually had no agreement from other land users, causing strained relationships for future negotiations (Department of Planning and Infrastructure 2003), especially with pastoralists who were the dominant force in local government. From the beginning of the Outstation Movement the majority of pastoralists and local governments were opposed to outstations.

Long term sustainability of the Aboriginal town was far removed from local government thinking and certainly they had no interest in providing roads. State Government agencies like Main Roads viewed outstation developments as “ad hoc” (Brown 1988) without thought to the availability of ongoing funds and the long term maintenance of services and infrastructure. The only driving force was the determination of the Aboriginal proponent to continually push and lobby the project officers to make it happen, find the funds and establish the Aboriginal town. Coordination and planning of the outstation movement within the area or within the region was non-existent, with new Aboriginal towns emerging as each request was made to the Resource Agency. The provision of infrastructure and facilities on the site was not normally a consideration prior to the Aboriginal organisation concerned obtaining secure land tenure. Federal and State funding arrangements could be approved; however, deficiencies in this aspect of the program (coordination) often resulted in poor delivery of services (such as housing without water or power) causing severe frustration to the Aboriginal people (Department of Planning and Infrastructure 2003)., No consideration of roads was apparent throughout these early days of the Outstation Movement which was characterised by many as “ad hoc” (Muir 1999; Newhouse and Belanger 2001).
Even as late as 1995 the phrase was still being used by Dr Christine Fletcher in the report Equity and Local Roads “The Northern Territory Government appraised the roads on Aboriginal lands in an ‘ad hoc’ fashion” (Fletcher 1995).

3.4 Changing Legislation
The application of the Pastoral Industry Award in the Kimberley in 1968 precipitated the ejection of many station workers who migrated into towns throughout the region (Davis 2004).

Box 3 Noonkanbah/Millijiddee Community Development story

Noonkanbah/Millijiddee Community Development story

The ramifications, subsequent impacts and pay disputes stemming from this legislation have been explored by Anthony McMahon, a Community Development Officer stationed at Fitzroy Crossing from 1981 in the ‘Noonkanbah/Millijiddee Community Development story’ (McMahon 1985). This document explores the frustrations and desires of the Walmajarri people from the southern Kimberley who had walked off their land at Noonkanbah Station due to work conditions and pay disputes and had moved into Fitzroy Crossing. It traces their frustrations in finding other means of getting back to their traditional lands and their subsequent attempts to purchase the station (McMahon 1985).

This problematic situation and the placement in Fitzroy Crossing of a Community Development Officer Stan Davey in 1976 by the Department of Community Services led to the instigation and subsequent success of the first Community Development Program within the Fitzroy Valley and thus the purchase of Noonkanbah and Millijiddee Stations leases in 1977 and the subsequent setting up of the homeland communities on these station leases (McMahon 1985).

The fallout from the award wage legislative changes for Aboriginal people in the Kimberley was great dislocation, sorrow and sadness. Despite being indentured labourers and prevented from moving freely across their landscape, Aboriginal groups had settled into station life. When forced to move from this into towns the social dislocation was significant. The associated negative aspects of living in makeshift camps around the towns including health issues and impacts from alcohol abuse, plus the lack of adequate housing, overcrowding and the lack of employment options increased the desire for people to get their land back and leave the towns.

The Burke Government did try to introduce specific land rights legislation in order to facilitate and speed up the process for Aboriginal people to acquire legal title (other than the outright purchase of the station lease) to their land and thus develop homelands and outstations. Sadly
this was defeated in the Legislative Council of the WA Parliament 1985 (Department of Planning and Infrastructure 2003).

From this point onwards it seems that in order to try and find another way to assist the movement and thus satisfy the Aboriginal social, cultural and economic need to acquire land, the government granted land through the provisions of the Land Administration Act 1997 (formerly the Land Act 1933) and the Aboriginal Affairs Planning Authority Act 1972 (AAPA Act), thus facilitating excisions of land from station leases and securing reserves and living areas for Aboriginal people.

The land was normally reserved for the “Use and benefit of Aboriginal People” and vested in the Aboriginal Lands Trust (ALT) with power to lease. Government policy for land reserved in this manner was for the Aboriginal organisation to receive a 99 year lease. The reserve may have also been proclaimed under Part III of the AAPA Act to prevent any amendment without approval by both Houses of Parliament (Department of Planning and Infrastructure 2003).

This process for acquiring land and the subsequent program was titled the ‘Aboriginal Living Area Program’. The movement and the excision of land for Aboriginal purposes continued until there was a moratorium placed on excisions and the Aboriginal Living Area Program – notably not by the Federal Government via ATSIC (the main funding proponent of the movement) but by the State Liberal Government of Western Australia in the early nineties (Department of Planning and Infrastructure 2003).

Also in 1993, the Aboriginal Living Area Program had been placed on hold, pending the outcome of a review. The review reported to the Minister of Lands in October 1994 recommending that the program be continued in a more coordinated manner, however, the moratorium was not lifted (Department of Indigenous Affairs 2003).

What can be seen is that the governments of the day created and established the legal land title frameworks and processes for Aboriginal people to return to their own land, acquire a “block of land” and thereby reside in the area of their choosing which was on or near to their traditional area. The process established provided a valid recognition of the rights of traditional people to live at a place of their choosing albeit on excised 1 kilometre square blocks of land. But what did not eventuate within the process or the thinking and policy development at the time was that for
an Aboriginal town to be viable and be sustainable in the long term it requires a professionally formed and constructed all year access road. Even more stunning is the fact that the state government did not and has still not created a state wide plan as to how these Aboriginal towns would be funded in the long term. Such a plan would need to have addressed the issues of the relative levels of service support according to respective population size of each Aboriginal town. To this day there is not a publicly released document, plan, strategy or policy outlining what the state will provide and to what level. Roads have therefore been neatly left off the agenda because such a plan, outlying the areas of funding responsibility does not exist. The need for governments to do something about Aboriginal issues in the rural towns led to this knee jerk reaction to support the homeland movement. But it was never a clearly thought through strategy. It had deep roots in equity but little foresight or understanding of the long term Aboriginal people’s needs or the sustainability of these towns.

3.5 Responsibility for Access Roads
Throughout the Outstation Movement history and still unresolved today, is the problem that no one saw fit to attribute or allocate responsibility for the funding, construction and maintenance of the access roads to these Aboriginal towns that were being established throughout the Kimberley and other remote areas to a local, state or federal government department. Neither the individual proponents, the project officers, the management of the resource agencies nor the various levels of governments which funded the other aspects of the Movement (and still do) thought to resolve this issue or take responsibility for this area of the movement. Responsibility for other “essential services” in the planning process, such as housing, water and electricity, was evolving with funding allocated to various state and federal departments with specially designed programs. But direct responsibility for access roads and internal roads within these emerging Aboriginal towns seemed to have been conveniently ignored or was non-existent. This was probably due to some very logical reasons.

Proposed Aboriginal living area sites were not normally granted without legal access or access arrangements being agreed. For a road to become public, it must be dedicated under state legislation requiring agreement by the local shire. In remote areas, road construction or maintenance of existing tracks was (and still is) an expensive exercise and understandably agreement to accept responsibility may be rejected by the local shire. In these circumstances an easement granted by the Land Act 1933/Land Administration Act 1997 was the preferred alternative (Brown 1988; Department of Planning and Infrastructure 2003). Thus most
Aboriginal roads are legally mapped but are only potential roads, not declared roads with a responsible agency.

The ongoing construction and maintenance cost of an access road is enormous and the future costs and magnitude of the remote road network has been highlighted in the Main Roads WA document Access Roads to Remote Communities (Brown 1992). There has long been a divide between the responsibility for roads to Aboriginal towns and for roads to cattle stations in the Kimberley. Local governments have refused to take on full responsibility for these roads though they dutifully maintain the access roads that lead to pastoral stations because pastoralists pay rates whilst Aboriginal towns and outstations don’t. However they refuse to accept the similar logic that most of their funding comes from a federal grant based on their total population, black and white.

However the legacy of the history of roads development is a present system of State and Local Government Authority (LGAs) road planning, construction and maintenance is based not just on rates but on grants from the Local Government Grants Commission which is based on population (which included Indigenous town and communities). Thus Shires discriminate by maintaining infrastructure to remote pastoralists yet provide remote Aboriginal communities with little or no transport infrastructure to maintain (Nicholas and Nicholas 1994).

The ability of the local Aboriginal people, due to the lack of expertise and appropriate equipment within these towns, to manage and repair such roads is limited. How many of these towns might continue to be established into the future and who will take on the ongoing maintenance and repairs of these roads is yet to be decided. This very expensive, ever expanding and difficult responsibility was and still is exacerbated by the increasing amount of road networks leading to (and between) these towns, their remoteness and the destructive effects of the weather, including heat, floods and other destructive issues associated with the wet season.

It is little wonder that no government department, shire or stakeholder has accepted full responsibility for tackling this complex and expensive issue, yet the Outstation Movement in various degrees has continued and the majority of the Aboriginal towns established during the movement still exist today and continue to grow in population. A quality road to your home that is often taken for granted by the majority of the population is still not afforded to many people in remote Aboriginal towns of Australia.
As noted by (Nicholas and Nicholas 1994):

What is extraordinary is that the constraint most recognised as a prerequisite for development in a country where the 'tyranny of distance' dominates economic and social development, the provision of transport infrastructure, has not yet been addressed (Nicholas and Nicholas 1994).

### 3.6 The Big Question

Nicholas and Nicholas (1994) were commissioned to report on Aboriginal roads. They concluded their report with these questions:

1. Do Aboriginal communities have the right to expect the standard of transport infrastructure equivalent to, say a pastoral lease?

2. Is there an obligation by MRWA and LGAs to ensure that such a comparable standard is provided, or is it up to each Aboriginal town, or some other agency or tier of government?

If the answer is ‘No’ to the first question, then it is necessary to be clear what the differences in rights are.

If the answer to the first question is ‘Yes’ but the answer to the second is ‘No’ then it is not up to LGAs and WA to provide appropriate transport infrastructure. Then whose responsibility is it?

If the answer to both questions is negative, for example there is no obligation for governments to ensure adequate transport infrastructure development for Aboriginal communities, then this needs to be clearly stated as a prelude to plans by Aboriginal people to undertake such development independently on their own behalf.

For they will indeed have been left out on their own in the provision of the major key to their future health and prosperity – ready access to the outside world (Nicholas and Nicholas 1994).

### 3.7 Conclusion

It is poignant to conclude this chapter with a quote from Nicholas and Nicholas (1994). This study was commissioned to research, develop and present a practical and comprehensive model and structure on which to base a detailed business plan for a commercially orientated Aboriginal earth moving and road construction group:

The decision that Aborigines were a culturally separate group, with a right to live as they wished, inadvertently justified their access to a less material existence, making their poverty somehow exotic and part of their cultural tradition. In effect creating a cultural screen.

This situation is being perpetrated by an inability to recognise the importance of transport to Aboriginal development. Until Aboriginal people such as those who live in the Fitzroy Valley have access to a transport system which joins them to the mainstream Australian system the outlook is ongoing mendicancy (Nicholas and Nicholas 1994).
Chapter 4 Government Responses to Outstation Movement

Photograph 8 Construction of new Police Station settlement near Lombadina – officer accommodation and access roads
This chapter has two main parts:

a) It examines the actual allocations of funding for Aboriginal roads and how inadequate these funds have been, and
b) It then looks at recent reports from state and local government on how this could or should be addressed.

4.1 Funding for Aboriginal Roads in Western Australia

As can be seen from the Figures 1-4 to follow, money for all roads and highways within Western Australia comes from a variety of sources and has thus produced complex lines of funding, complicated funding formulas and complex acquittal processes for both the “Non-Local” roads and “Local” government roads. Figures 1 and 2 are this researcher’s interpretation of funding allocations gleaned from a variety of sources. Figure 1 indicates all road funding allocations for local government in WA (including non-local roads). For more clarity Figure 2 has isolated only the funding that has been specifically allocated to RAWRAT in WA.

As these figures indicate, funding for RAWRAT in WA over the past 5 years has come from a variety of sources and through a grid formula as seen in graphs of Figures 1 and 2. The main source of income has been via the Commonwealth Financial Assistant Grants (FAGs) but the state government of WA also contributed funding through the “State Road Fund to Local Government” program. During the ATSIC years some ATSIC regional councils were able to source funds via this Federal government channel and these funds were administered by the WA state Department of Housing (this alone represents a marginalising of road funding).

The Commonwealth Government allocates Financial Assistant Grants (FAGs) to the local governments in each state and territory under two categories: General Purpose Grants (the “horizontal equalisation” component) and Identified Road Funding (“Local Road” component). The Commonwealth Government makes these allocations under the Local Government (Financial Assistance) Act 1995 which also directs the Federal Minister to formulate National Principles for the distribution of funds for local government. In turn, the state of WA under the Local Government Grants Act 1978 is required to create the Local Government Grants Commission (LGGC) whose role is to make recommendations to the State Minister for Local Government on the amount of funds to be allocated to each local government in the state.
Main Roads WA has offered its version of the overall view of funding sources and allocations as indicated in the following graph produced by David Brown in 2009. Essentially it is the same as this researcher’s interpretation without the clarity or detail. In Table 1 Brown has also offered the spreadsheet of annual figures for road funding as supplied by Main Roads WA over the period 2003/4 to 2008/9.
Figure 7 Road Funding for Local Government in Western Australia
Figure 8 Road Funding for Remote Aboriginal Towns in Western Australia
Figure 9 Funding for remote Roads in WA from a Main Roads perspective

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<td>0</td>
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<td>Estimated Short fall</td>
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<td>-5.25</td>
<td>-9.46</td>
<td>-9.52</td>
<td>-43.78</td>
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</table>

Table 1 Funding of Roads Associated with Indigenous Communities WA 2003/4 – 2008/9 MRWA

4.2.1 The Spread of Funding for Non-Local Roads 2003 – 2008/9

Actual Funds Spent

These figures and table 1 indicate that funding specifically for Non-Local Roads (that is RAWRAT – access roads to remote Aboriginal towns) from the state government funds via Main Roads WA has been sourced from the “residual” funding after the 1/3 contribution to local governments for Local Access Roads (Shire Roads). Due to this 1/3 contribution being untied, local government authorities have the discretion to use these funds only on Local Roads and if they so desire they may allocate all or none on Non-Local Roads. Brown inferred there was no clear indication by councils on whether some of these funds had been spent on Non-Local Roads.
Chapter 4 Government Responses to Outstation Movement

For the following years these are the amounts allocated specifically for Non-Local Roads by Main Roads in WA.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>2003/4</td>
<td>$700,000</td>
</tr>
<tr>
<td>2004/5</td>
<td>$650,000</td>
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<tr>
<td>2005/6</td>
<td>$600,000</td>
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<td>2006/7</td>
<td>$620,000</td>
</tr>
<tr>
<td>2007/8</td>
<td>$540,000</td>
</tr>
<tr>
<td>2008/9</td>
<td>$480,000</td>
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There was also in 2003/4 what seems to have been a one-off allocation of $1 million from Main Roads WA for internal roads for remote Aboriginal towns.

In addition ATSIC also allocated funds for Non-Local Roads (access roads) and internal roads in the following years

<table>
<thead>
<tr>
<th>Year</th>
<th>Access Roads</th>
<th>Internal Roads</th>
</tr>
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<tbody>
<tr>
<td>2003/4</td>
<td>$100,000</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>2004/5</td>
<td>$1,300,000</td>
<td>$1,500,000</td>
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This additional funding via ATSIC (the Commonwealth) ceased in 2004/5 but the local ATSIC regional councillors of the Kimberley WA from the Malarabah Regional Council and the Kullarri Regional Councils, obviously realising the need, joined forces and put pressure on the WA State government via the Department of Housing and Works (DHW) through the Aboriginal Housing and Infrastructure Committee (AHIC) to source funds for these access and internal roads under the former ATSIC Commonwealth State Housing and Infrastructure Program (the SHIP program).

This line of funding from SHIP via DHW continued for two years and was spread across the three former ATSIC regional councils but it ceased in 2006/7 with a directive from DHW.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tbody>
<tr>
<td>2005/6</td>
<td>$3,400,000</td>
</tr>
<tr>
<td>2006/7</td>
<td>$4,130,000</td>
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These two allocations are much larger sums of money than the direct ATSIC allocation in the previous two years but when compared with what David Brown had estimated in 2006 as an appropriate annual amount of $10 million per year these combined amounts fall far short. In fact all of these past six years have on average have had about a $7.3 million short fall each year as indicated by the last line on table 1 estimated short fall.

Future Planning

Brown calculated (and submitted to the WA Government State Task Force in 2007) that an annual amount on average for RAWRAT for the future years 2009/10 to 2017/18 (that is access and internal roads other than funding for local roads in Western Australian) should be about $10 million each year. In the same submission Brown recommended that this amount be split on a 50/50 basis between the state and the Commonwealth which the Task Force accepted and recommended to the State Cabinet. (See Table 2 p 67).

In compiling table 2 it is understood that Brown assumed that if the proposal was accepted by the WA State Government and agreed to by the Commonwealth, the Commonwealth would accept that their annual $50 million allocation be “new additional” monies each year and not what is left over after their current allocations under R2R Commonwealth – Tied Grants, General Purpose grants or FAGs Untied Local Access Road Grants.

4.2.2 Review of the Graphs and Funding Tables

These figures and graphs indicate the following:

1 Funds specifically for Non-Local Roads in WA have been found from a variety of uncommitted sources without their own committed source.

2 State funds for Non-Local Roads via Main Roads are sourced from “left over” monies after the allocation to local governments for Local Roads.

3 The annual total amounts that have been and are currently allocated and spent on Non-Local Roads falls far short of the $10 million Main Roads WA has constantly said is an appropriate annual amount to firstly upgrade and then annually maintain RAWRAT to safe and appropriate standards that have been set by Main Roads WA.
Chapter 4 Government Responses to Outstation Movement

4 For the two consecutive years of 07/08 and 08/09, using Main Roads’ own estimate of what is needed to fund RAWRAT in WA, these years have fallen short by about $9.5 million each year. This 2 year shortfall has impacted greatly on the maintenance and standard of the existing access roads.

5 For the past 6 years 03/04 to 08/09, again using Main Roads’ own appropriate annual estimates for maintenance and upgrades spread across these years, there has been a total shortfall of $43,780,000.

6 The annual amounts specifically allocated for Non-Local Roads by Main Roads in WA has steadily been reduced each year for the past 6 years 2004 -- 2009.

What can be gleaned from this review and the research that has been conducted for this thesis is that there has been an avoidance of resolving the ownership by all levels of government for these roads in Western Australia. What has aided (and continued) this avoidance is the fact that there has been no formal classification for RAWRAT and thus no attribution of formal legal ownership by all levels of government. Could this quandary and dilemma stem from Australia’s history of the application of terra nullius to Aboriginal people, and the continuing notion of “a land belonging to no one” now being transferred in the collective minds of successive governments? Could it mean that these living areas don’t really exist and by association the roads that connect them to the rest of the world are roads “belonging to no one” or “terra nullius roads”? The next section looks at recent state and local government reports that throw some light on whether these questions are to be answered with ‘yes’ or ‘no’.

4.3 State Government and Local Government Response to Roads for Outstations

4.3.1 Access Roads to Remote Communities May 1988 Report
In September 1987 a very timely meeting was convened by representatives from the Department of Indigenous Affairs (DIA), Aboriginal Affairs Planning Authority (AAPA), WA Department of Local Government WALGA and Main Roads WA. It was agreed that a study be undertaken “to document road needs in a broad sense and to develop the basis of a possible future funding strategy” (Brown 1988)

This decision led to the research and production by Mr David Brown of the Main Roads Department of the first thorough and extensive study of the practical recommendations and
budgetary calculations regarding the construction and maintenance of roads to remote Aboriginal towns throughout the whole of WA.

The specific objectives in the study were:

- Identify the status of roads servicing communities by collation of existing information.

- To develop a strategy for determining acceptable standards of road access based on engineering, economic and social needs.

- To establish overall budgetary costs and priorities.

- To identify other relevant issues. (Brown 1998).

Within the study Brown determined among many other things: road classification types, total lengths of various road types, upgrading and maintenance costs, determination of road standards applicable depending on Aboriginal town population size, determination of Aboriginal towns with severe access problems, a summary of road construction requirements and implementation costs. In addition he identified and estimated the internal road needs and cost within remote Aboriginal towns. Finally he discussed other relevant issues and, most importantly, in conclusion spelt out quite clearly the actual costs to delivery of equitable road access for remote Aboriginal people (at that time).

This report titled Access Roads to Remote Communities 1988 was completed in May 1988. It is interesting to note that this report was produced some 20 years ago. In this document the Non-Assigned Roads in WA (later to be termed Non Local -Roads) were estimated at a total of 1,461 km. At that time it was estimated that these roads, along with the other roads in the local network including local government roads, Highways and Main Roads, serviced 58 remote Aboriginal towns and outstations (Brown 1988).

This thoroughly researched report highlighted the need for increased funding to service these RAWRAT. The estimated cost to upgrade these Non-Assigned Roads to the standard recommended in the report was $37.8m for access and $9.4m for internal roads (a total of
$47.2m. The report also highlighted that extra funds to a total of $0.15m were required to maintain these Non-Assigned Roads on an annual basis which is a separate requirement from the cost to upgrade the roads (Brown 1998).

In summary Brown wrote:

The provision of improved access to remote Aboriginal communities is a major undertaking in terms of both funding and physical construction of the roads. Of the 5,500 km of road network that has been identified as providing access to Aboriginal communities, some 1,500 km is not receiving road funding for upgrading or maintenance works, some 3,400 km of road require some form of upgrading at a cost of $39 million and a further $9.4 million is required to provide for improved internal Aboriginal community roads (Brown 1988).

This report achieved all its objectives and clearly laid out the need for extra funding for Non-Assigned Roads in Western Australia. It is interesting in light of the current situation today that this is the final sentence in the conclusion of the report:

The above costs have been arrived at by applying broad engineering and costs considerations and by attempting to identify those communities with special problems. The funding and priority of specific projects will require more detailed investigations, and most importantly, regular review, as the current situation is by no means static and is not expected to stabilise for many years (Brown 1988).

Could the funding of “specific projects” Brown refers to needs “further investigation” be monies that were and still are annually received by local councils that could have been used to improve the Non-Assigned Roads but, due to these monies being “Untied Grants”, could be deployed elsewhere at the discretion of the local council members?

It would seem that in 1988 Brown’s recommendation for finding and securing around $50 million for this purpose was a difficult proposal for all governments at the time, and still is at the time of writing.

All of the four specific objectives indicted previously were delivered in Brown’s report plus others, the total being:
Chapter 4 Government Responses to Outstation Movement

Original four

- To identify the existing status of these roads from both engineering and funding standpoint, on existing information.
- To develop a strategy for determining acceptable standards of access roads based on engineering, economic and social needs.
- To determine the order of cost for upgrading of these roads as well as ongoing maintenance costs.
- To identify any other relevant issues.

Additional three

- To establish priorities.
- To identify internal Aboriginal community road needs and costs.
- To identify Aboriginal communities currently accessed by unsealed roads.

Also a sense of frustration even at this early stage can be detected in the “Background” of Brown’s subsequent follow up report Access Roads to Remote Aboriginal Communities 1992:

Although the 1987/88 report was distributed to several Government organisations and Aboriginal Affairs agencies there was no positive response to implement a possible future road funding strategy (Brown 1992).

4.3.2 Access Roads to Remote Aboriginal Communities 1992 Report

In January of 1990 a serious tragedy on the Kidson Track, north of the remote Aboriginal town of Punmu (east of Port Hedland) involving Aboriginal members drew further attention to the seriousness of the access road situation. In response to the deaths the State Government commissioned Peter Alexander to investigate and report on safety facilities and services of remote Aboriginal towns. This report was managed by the Aboriginal Affairs Planning Authority AAPA (Brown 1992). The Alexander Report - Inquiry into Service and Resource Provision to Remote Aboriginal Communities August 1991 suggested the need to:

1. Incorporate “equity” provisions into the distribution of existing road program funds and

2. Seek additional Commonwealth funds in order to implement a “catch-up” strategy for access and internal roads in Aboriginal Communities (Alexander 1991).
In October 1990 a consultative meeting was held involving government departments at Camp 61 north of Jigalong. At this meeting the people of the Western Desert towns stressed their concern at the condition of access roads to their towns and expressed their desire for the roads to be upgraded to improve safety and reliability.

Following this meeting in November 1990 the Commissioner of Main Roads arranged a meeting with the Commissioner of Aboriginal Planning. It was resolved at a working level that a representative from AAPA and the Main Roads department would develop a Management Plan to update the 1988 report on access roads to Aboriginal towns and develop a future funding strategy for these roads to be presented to the Federal Cabinet. According to Brown a management plan was produced in consultation with both ATSIC and AAPA to undertake the tasks agreed by the commissioner (Brown 1992). The tasks included:

- Development of a feasible strategy on the provision and maintenance of road infrastructure to remote Aboriginal communities.
- The seeking of additional funds.
- Implementation of the programme.

In June 1991 a meeting was held in Derby between the Hon Minister for Transport and the Derby West Kimberley Shire Council which resulted in Main Roads being directed to undertake a state wide study of access roads to Aboriginal towns which include updating of the 1997/88 Report on Access Roads to Remote Aboriginal Communities.

4.3.4 The Updating of the 1997/88 Report on Access Roads to Remote Aboriginal Communities.

The updating of this report included:

- The development of a feasible strategy on the provision and maintenance of road infrastructure to remote Aboriginal Towns.
- The assessment of funding options.

It would seem it had taken the State Government 10 years and a major tragedy to decide that there is a need for a strategy and extra funding for these roads to Aboriginal people’s homes even
though this was clearly spelt out in the 1987/88 report Access Roads to Remote Aboriginal Communities.

In the new updated version of the 1988 Report on Access Roads to Remote Aboriginal Communities report Brown again laid out that the cost to upgrade these “Undesignated” (later to be termed Non-Local) access roads was $38.8m and for Internal roads $3.2m, a total of $42m and the annual maintenance for these “undesignated roads” would be $150,000. The estimated number of “established and stable” Aboriginal towns at this time serviced by the roads had grown to 112, about double the number at the time of the original 1988 report (Brown 1992).

This upgraded study of the 1988 report and the new report, Access Roads to Remote Aboriginal Communities 1992 Report was successfully completed by David Brown for Main Roads WA in 1992 achieved all the above objectives and clearly laid out the need for extra funding for Non-Assigned or Non-Local Roads in Western Australia.

In light of the current funding dilemma today it is worth noting the final sentence in the conclusion of the report:

The funding and priority of specific projects will require more detailed investigation, and most importantly, regular review as the current situation is by no means static and is not expected to stabilise for some years (Brown 1992).

Could the “special projects” Brown refers to that need “further investigation” be the use of monies that were and still are annually received by local government councils that could have been used to improve the Non-Assigned Roads but, due to these monies being “Untied Grants”, could be deployed elsewhere at the discretion of the local council members?

Within the section of the report Strategy for the Provision of Maintenance of Road Infrastructure, Brown listed issues that were current at the time (1991) and still seem current and relevant in 2010. As an answer to this malaise Brown has tactfully included on page 35 that “Unless local authorities take a positive interest in assisting to rectify problems on Aboriginal Community access roads (undesignated) there is little or no action”.

He goes on to state on page 36:
From investigations into Aboriginal Community access roads there appears to be two major obstacles preventing these roads being developed in a systematic manner and being adequately maintained. These are:

1. Responsibility for managing these roads from planning to maintenance; and
2. A reliable funding source specifically allocated for these roads.

Two succinct and obvious factors that are still unresolved today.

Under the section Recommendation, Brown proposed two areas for improvement:

1 Access Roads are formally planned, designed, constructed and maintained in accordance with existing road practices and improved to meet community’s requirements.

2 A strategy is implemented comprising the establishment of nine Road Plant organisations located at strategic centres throughout the state, and utilised by groups of communities. These organisations would be controlled and be the responsibility of Aboriginal communities.

He went on to add:

To alleviate the problem of insufficient road funding for access roads to Aboriginal communities it is recommended that:

A cost share road funding arrangement between the Federal and State Governments be implemented to accommodate the proposed strategy which is estimated to cost between $5.5 m and $9m annually.

It is suggested that the cost of sharing arrangement should be:

* Access roads to new communities Federal 2/3 and State 1/3.
* Access roads to existing communities – Federal ½ and State ½.

Brown proposed two strategies to roll out the program: the first to establish a method of contracting the work out the local councils, and the second to adopt the new approach of establishing Aboriginal Road Plant Organisations.

Strategy 1
The first strategy was the upgrading of access roads to specific standards. This would entail contracting out a conventional road management regime using classified road systems under the responsibility of a road authority to plan, construct and maintain the road assets to specific standards within finite funding boundaries. It was determined in 1991 during the study that this option would require $38.8 million to upgrade 47 roads
affecting 60 Aboriginal towns over a 5-10 year period. Brown stated that, “the management of this strategy needs to be by local authorities (Shire Councils) with possible assistance from MRD” (Brown 1992).

Strategy 2
This second strategy was a scheme whereby Aboriginal townships would manage and maintain the access roads to Aboriginal towns by themselves. This second strategy would involve Road Plant Organisations being established for selected groups of Aboriginal towns across the state. These organisations would be controlled and operated by the local Aboriginal towns. This strategy was estimated to cost $26.1 million over a 10 year period.

The second strategy of establishing local Aboriginal managed road plant organisations was considered less costly and more beneficial to local Aboriginal people and thus put forward as the proposed strategy. Under the option it was envisaged that roads would be improved and maintained to standards which satisfy the Aboriginal town needs and the estimated cost over a ten year period would be $14 million less than the alternative strategy of contracting out the program (to local governments) under a conventional road management regime.

Implementation
It was suggested that this strategy would have the flexibility for undertaking repairs to damaged road sections following disasters such as floods without major cost variation. Also a major benefit of this strategy was that Aboriginal towns would have control of and responsibility for Aboriginal town access roads, together with skill improvement and employment opportunities.

This second proposed strategy to establish Local Indigenous Road Plant Organisations was put forward by Brown and subsequently introduced as a trial. This strategy was seen to resolve road issues on a local basis and was within the scope of Main Roads to facilitate and implement. An agreement was reached in 1997 between Main Roads WA and the ATSIC Kullarri Regional Council (Commonwealth) in Broome to proceed with the implementation of a pilot project to establish a Road Plant Organisation on the Dampier Peninsula north of Broome.

The implementation and history of the Kullarri Network Association (or the Road Plant Organisation, as it finally became known) is the basis for a major Case Study within this thesis (see Chapter 9). The issue of funding continued unabated.
4.3.5 Funding Needs of Aboriginal Access Roads for the Aboriginal Roads Committee 2004

In October 2004 upon request Brown produced a report with the above title for presentation to the WA Local Government Grants Commission (WALGGC). Drawing on data from his 1992 and more recent estimates he detailed that in the year 2004-05 $3m had been allocated to 6489 km of access roads throughout the state compared to an estimated need of $14.6m – a major shortfall for roads associated with Aboriginal people.

There are two other very poignant references contained in the report.

The first relates to:

Local Governments in WA which do receive annual road funds via Special Project Grants, Direct Grants and Road Project Grants. Presumably some portion “can” be spent on access roads to remote Aboriginal towns but the sticking point being is that local government can decide not to use these funds on Non-Local Roads only on “their” Local Roads. Brown always made a clear distinction between the funding and planning required to “upgrade” and the ongoing annual “Maintenance” whether they be Local or Non-Local Roads. The point here is that local governments are not transparent as to what proportion annually is allocated to the upgrading of Local Roads that service Aboriginal towns and what proportion goes to their maintenance.

Brown states:

The Commission (being MRWA) has little information on how the “untied” Federal Road and General Purpose grants of $ 3.25 million are spent. For the purposes of this submission, it is assumed that the amount spent covers the maintenance needs of the access roads (Brown 2004).

By access roads he means the Local Roads that connect pastoral leases to the Main Roads and Highway systems that are also used and traversed by people travelling to and from remote Aboriginal towns that generally extend on from these local roads.

The second reference is:

It should be noted that these estimates do not include internal Aboriginal community roads. Data on the length and condition of these roads is not available. These roads have not been considered by the WA Local Government Grants Commission because they are not public roads (Brown 2004).
The point Brown is making is that internal roads − that is the non-designated, non-local roads (whatever their name may be) − are seen as not “public” roads. That is, successive governments have not grappled with the issue of the ownership or status of the roads that make up the streets of Aboriginal towns and thus it has been convenient to label them “not public”, as if Aboriginal people are not classified as being part of the “public” citizenship of Australia. And in doing so have abrogated their responsibility to fund them.

### 4.3.6 Aboriginal and Torres Strait Islander Affairs − "Inquiry into Indigenous Employment 2005"

In 2005 Brown was asked to submit a briefing to the Federal Standing Committee on Aboriginal and Torres Strait Islander Affairs Inquiry into Indigenous Employment.

In the document dated 26 May 2005 (Submission no. 82) Brown laid out the logic and benefits of the Kullari Network Associate project (KNA) which highlighted the progress and implementation of Strategy (a) from his Access Roads to Remote Aboriginal Communities 1992 Report, to establish an Indigenous Road Plan in the Kimberley regions to service the local remote Aboriginal towns (Chapter 9).

Brown was keen to explain and did highlight in the submission the issues facing the ongoing employment and training constraints on the project because of the “inflexibility of the Government Procurement Policies” (interestingly enough the same was faced by Andrew Forrest, CEO Fortescue Metals Group, in his proposed training program early in 2009) and the “lack of suitable road funding programs” (Brown 2005).

In section 3 Suggested Actions to Overcome Vulnerability of Similar Road Plant Organisations and in particular sub-section 3.2 State/Commonwealth Indigenous Bilateral Agreement, Brown picked up and highlighted under the area of Service Delivery of the proposed bilateral agreement the opportunity for a secure joint funding arrangement for “Non-Local Roads” associated with remote Aboriginal towns.

### 4.3.7 Briefing Notes Minister for Planning and Infrastructure 2006

In October 2006 the Minister for Planning and Infrastructure requested briefing notes on Remote Indigenous Community Access Roads from Main Roads WA. In the briefing notes that Brown provided to the Minister he indicated that, “there is an estimated long term funding requirement of $80 million to “Upgrade” some 1600 km of Local Roads ($50m) and “Upgrade”
some 800 km of “Non-Local’ roads ($30m) to consistent standards based on Aboriginal community expectations.”

In addition he stated, “There is also an ongoing need for $2.5 million per year for maintenance.”

Again Brown submitted a thorough document, building on all the previous figures and data and the ever increasing need for governments to address this issue and arguing the case for improved funding. A poignant addition on page 2 was the Recommendation:

This briefing note and accompanying detailed paper be distributed amongst relevant Ministerial colleagues for comment to facilitate a decision on the mechanisms for the future funding for remote Aboriginal community access and internal roads (Brown 2006).

In Section 5.7 Brown clearly laid out the costs for all areas:

| Cost to upgrade Local Government Roads (excluding Local Roads Special Projects being Broome-Cape Leveque, Tanami and Great Central Roads) | $49.3M |
| Coast to Upgrade Non Local Roads | $12.2M |
| Cost to upgrade/reconstruct and seal internal Aboriginal community roads | $18.0M |
| TOTAL for upgrades | $79.5M |
| Cost to Maintain Non Local Roads per year | $1.8M |
| Cost to Maintain internal Aboriginal community roads | $0.5M |
| (15 existing communities) (9 communities) per year | |
| TOTAL maintenance per year | $2.3M |

In Summary section 5.8 Proposed Funding Program to Meet Road Needs (06/07)

Brown concluded this section with:

Based on the estimated costs to upgrade access roads and internal Aboriginal community roads and annual road maintenance costs, it is recommended that funding source of $10 million per year be established.

The final page of the briefing section 6 Recommendations Brown extended his strategy and solutions for immediate improvements to the state of play in Western Australia with 5 key recommendations to the Minister for Planning and Infrastructure in the State Government:

As there is uncertainty regarding the short and long term future of roads associated with remote Aboriginal communities, changes are required to the current management
arrangements of these roads and associated program. The following resolutions are recommended to address the issues described above:

1. Implementation of the State Indigenous Strategy and establish specific ongoing funding source that will provide secure financial resources to meet road needs of all roads, both Local and non-Local, associated with Indigenous Communities.

2. All road Programs associated with Indigenous Communities be managed by Main Roads WA.

3. An Indigenous Roads Infrastructure Committee, with representatives from major stakeholders, to be established to oversee the management of Programs associated with Indigenous Communities.

4. Annual surveillance or inspections of road projects funded from the road Programs to be undertaken by representatives of the Roads Infrastructure Committee.

5. Discussion and negotiation be initiated with the Commonwealth, possibly through the State Road Funds to Local Roads Advisory Committee, based on the intent of the Indigenous Bilateral Agreement, to pursue a joint road funding arrangement to address the identified needs of roads associated with Indigenous Communities in WA.

The fifth recommendation has been accomplished as there are always negotiations between state and Commonwealth governments regarding funding arrangements but of all the other 4 recommendations none have been put into place.

4.3.8 July 2006 Bilateral Agreement on Indigenous Affairs between the Commonwealth of Australia and the State of Western Australia 2006-2010

In July 2006 the Bilateral Agreement on Indigenous Affairs between the Commonwealth of Australia and the State of Western Australia 2006-2010 was negotiated and signed off. This agreement was underpinned by the National Framework of Principles for Delivery of Services to Indigenous Australians, which was endorsed by the COAG meeting 24 June 2004 and included in the agreement as attachment 1 (Federal Government 2006).

Consistent with this framework the agreement laid out 3 key priorities:

1. Early childhood intervention
2. Safer communities and developing Aboriginal community capacity

In these agreements the Government sought to address these priorities by taking action in the following key outcome areas:
In 2007 a Senior Officers group in WA was established to implement the programs under this new agreement. Roads associate with remote Aboriginal towns, both internal and access (including local and non-local), were deemed to fall within the section Housing, Infrastructure, Essential and Municipal Service Provision contained in the key outcome area 3.4 Sustainable Environmental Health and Infrastructure.

Under this section of the agreement it states:

The Governments agree to work towards achieving one level of service delivery for the provision of housing, infrastructure, essential and municipal service to all Indigenous communities in Western Australian by 30 June 2008. This should be the Western Australian Government and local government respectively for services that they would normally provide to comparable non-Indigenous communities (Federal Government 2006).

This deadline was not achieved and was still not achieved in November 2009.

It goes on:

It is acknowledged that responsibility for service delivery by the Western Australian Government to Indigenous Communities will reflect the standard of services received by comparable non-Indigenous communities.

This same standard has not been achieved. The most poignant section though is:

It is envisaged that this will involve a progressive transfer of responsibility and agreed levels of funding from the Australian Government and increased involvement of local government in service delivery to Indigenous communities.

What is so glaringly obvious was that there was no time table or arrangement for the “agreed levels of funding”. No funding levels were indicated within the agreement, no mechanism for establishing the arrangements, no specific time tables or protocols for arriving at an amount for each section of housing, infrastructure and essential and municipal services. This was an
agreement directly affecting the daily lives, health and wellbeing of remote Aboriginal people in all of the above essential service areas and there were no structures or commitments in the agreement to formally decide on actual figures for funding or delivery dates.

Even more ambivalent was the statement:

Increased involvement of local government in service delivery to Indigenous communities.

It is acknowledged that increased involvement of local government will require the development of mechanisms to augment the revenue of local governments.

What does this phrase actually mean, what degree of involvement, what time table for this involvement, what specifically will this involvement entail and what funding arrangements for local governments? It is little wonder that local government in WA has been reluctant to be a part of the handover of this responsibility for Indigenous Affairs from the Federal Government to the State and to local government so lauded in the “agreement”. Local government was not consulted in the formation and writing of the agreement – an issue that still rankles the management of WALGA and councillors throughout the state to this day.

Hence there is still no take up of this “involvement” in the agreement in a formal specific sense by local government in WA.

Section 3.4 ends with:

An intergovernmental group will undertake the planning and consultation required on the terms of transfer, including, timetables and administrative arrangements.

Under this arrangement no funds or arrangements have been signed off between the Federal Government, the State Government or WALGA regarding Non-Local Roads and no funds specified for Non-Local Roads have been transferred to the state from the Federal Government under this arrangement.

4.3.9 WA State Cabinet Task Force 2007
In 2007 a Senior Officers group was convened to determine the implementation programs discussed in the agreement for 2008/9. The group established that roads were a part of the “key outcome” of the section Sustainable Environmental Health and Infrastructure.
Subsequently State Cabinet set up a Taskforce to progress the normalisation of essential services (water, waste water, energy, municipal services, and provision of access and internal roads) to Aboriginal towns for consideration during the 2008/09 State Budget Process.

Main Roads was requested via David Brown to present a briefing to the Taskforce on Indigenous Roads. In the Background Brown highlighted the past effort to secure funds for remote roads. There have been a number of previous studies, report, submissions and trials undertaken in association with these roads:

Access Roads to Remote Aboriginal Communities (Main Roads WA 1988 and 1992)
Trial of a Road Plant Organisation involving Aboriginal towns in the Kullarri Region of the Kimberley (of Western Australia) and

In section 4 of the briefing Brown laid out:

State and Commonwealth Governments identify a specific ongoing funding source for Local and non-Local roads servicing Indigenous Communities.

All road programs associated with Indigenous Communities roads be managed by Main Roads WA.

A formal management structure be established to oversee the road program involving stake holders from Commonwealth, State, Local Governments and Indigenous Communities.
Chapter 4 Government Responses to Outstation Movement

The structure Brown proposed for the formal management of Aboriginal Roads in WA, The Proposed Management Structure for Roads Associated with Aboriginal Communities is set out in the Figure below.

In section 6 Determination of Road Needs, Brown proposed the implementation of an initial 10 year road program from 2008/9 to 2017/18 to upgrade and maintain key roads servicing remote Aboriginal towns in WA at an estimated cost of $101 million (2007 figures).
It was proposed that this program be funded by an equal shared funding arrangement between the Commonwealth and State Governments.

4.3.10 Summary of 10 Year Road Costs for Road Improvement, Road Maintenance and Project Management 2009/10 – 2018/19 (2007 Dollars)

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ROAD IMPROVEMENT COST</th>
<th>ROAD MAINT COST</th>
<th>PROJ MGT &amp; MISC COST</th>
<th>TOTAL ROAD COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/09</td>
<td>825 $'000</td>
<td>2 320 $'000</td>
<td>340 $'000</td>
<td>3 485 $'000</td>
</tr>
<tr>
<td>2009/10</td>
<td>5 050 $'000</td>
<td>2 570 $'000</td>
<td>540 $'000</td>
<td>8 160 $'000</td>
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<td>2 780 $'000</td>
<td>830 $'000</td>
<td>12 660 $'000</td>
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<td>2011/12</td>
<td>8 900 $'000</td>
<td>3 015 $'000</td>
<td>840 $'000</td>
<td>12 755 $'000</td>
</tr>
<tr>
<td>2012/13</td>
<td>9 000 $'000</td>
<td>3 000 $'000</td>
<td>840 $'000</td>
<td>12 840 $'000</td>
</tr>
<tr>
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<td>11 770 $'000</td>
</tr>
<tr>
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<td>3 000 $'000</td>
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<td>10 700 $'000</td>
</tr>
<tr>
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<td>630 $'000</td>
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<tr>
<td>2016/17</td>
<td>6 000 $'000</td>
<td>3 000 $'000</td>
<td>630 $'000</td>
<td>9 630 $'000</td>
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<td>6 000 $'000</td>
<td>3 000 $'000</td>
<td>630 $'000</td>
<td>9 630 $'000</td>
</tr>
<tr>
<td>TOTAL</td>
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<td>28 685 $'000</td>
<td>6 750 $'000</td>
<td>101 260 $'000</td>
</tr>
</tbody>
</table>

Table 2 Summary of 10 Year Road costs for Road Improvement. Road Maintenance and Project Management 2009/10 – 2018/19

The Taskforce accepted the proposals put forward by Main Roads WA and Brown and issued the following recommendations to the State Cabinet of Western Australia.

The Taskforce recommends that:
• The State Government support the development of a specific program to update and maintain key Indigenous community access and internal roads;
• All road programs associated with Indigenous community roads be managed by Main Roads WA;
• A formal management structure be established to oversee the road program involving stakeholders from Commonwealth, State, Local Government and Indigenous communities;
• The State allocate $50.5 million over the next 10 years for the road program conditional upon matching funding from the Commonwealth Government;
• Negotiations of future road funding be progressed under the auspices of the Bilateral Agreement on Indigenous Affairs.

4.3.11 Report on the Inquiry into Local Government Service Delivery to Indigenous Communities 2008

Running parallel to the constant lobbying by Main Roads to resolve the issue was the loosely outlined recommendation in the July 2006 Bilateral Agreement on Indigenous Affairs between the Commonwealth of Australia and the State of Western Australia 2006-2010 for increased responsibility by local government in the delivery of essential services to Aboriginal towns.

Sensing the ambiguity in the agreement and the frustration from WALGA because of their lack of inclusion in drafting or agreeing to the terms of the agreement and more importantly the backlash from local councils unwilling to take on delivering these municipal services to remote Aboriginal towns with no clear support, funding allocation or timetable, the Minister for Local Government (at the time) Lijiljanna Ravlich MLC announced an inquiry in December 2007. The inquiry would examine local government service delivery to Aboriginal towns in Western Australia and be undertaken by a consultant under the management of the Local Government Advisory Board LGAB. It could be presumed that a more professional, worthy and Aboriginal supportive process would have been considered to do this enquiry. Then the findings of the inquiry could have been built into the final agreement. Such is the way governments have dealt with the lives, lifestyle and wellbeing of Aboriginal people in the state of Western Australia since settlement, existing processes seem to continue the delay in improvement to the state of Indigenous Affairs in general, and Aboriginal roads in particular.
The report was completed in August 2008 and delivered to the Minister for Local Government with a covering letter by the chair of the LGAB stating:

I trust the report will assist the State Government in its efforts to improve the delivery of services to Indigenous communities by Local Government.

This is an extremely important study particularly in its assessment of the role, or lack of, played by local government in progressing Indigenous development in the state of Western Australia since the introduction of local governments. However this could only be judged from comments made about it as the report had not been publicly released by the end of 2008, four months after being delivered to the government.

WALGA did respond to the call for input to the inquiry with its release of the Interim WALGA Submission July 2008 and the following recommendations.

4.3.12 Recommendations

WALGA offers the following recommendations for the Local Government Advisory Board’s consideration:

1. That the Bilateral Agreement 2007-2010 be reviewed and expanded to include Local Government represented by the Western Australian Local Government Association as signatory.

2. The State Government establish a Local Government Taskforce consisting of representatives from State Government and Local Government, to work through the issues facing the Local Government sector in detail and with the outcome of developing an agreed framework for the transition of specified services to Local Government by the 30 December 2008. The agreed framework should be cognisant of the COAG Indigenous Reform Agenda.

3. That the State and Commonwealth Governments identify and quantify the extent of “glue” funding and cross subsidisation occurring in current funding arrangements for Service Delivery to Remote Indigenous Communities.

4. That the State Government and Commonwealth Government fund a state
wide audit and gap analysis of existing Local Government and Indigenous Communities’ infrastructure, in accordance with the WALGA State Council resolution of October 2007 which recognises: That in any normalisation process infrastructure must be ceded to Local Government at no cost and at an appropriate standard.

5. That an Intergovernmental Agreement be developed between Commonwealth, State and Local Government that specifies:

- A policy framework that provides leadership to Local Government and supports Council service provision at a regional and local level, the framework is to comprise of four strategic outcomes: governance and leadership; service delivery; funding; and capacity building.
- Agreement between the spheres of Government on their roles and responsibilities and identifies clear outcomes, and performance benchmarks and revenue streams.
- A normalisation approach addressing legislative and land tenure Impediments.
- What the definition and role of each sphere of Government is and what the role is regarding Indigenous Community leaders in Aboriginal community governance.
- The provision of adequate funding to Local Government to support Councils in providing services to Indigenous people (WALGA 2008).

Due to the potency of the report and the far reaching nature of the 19 recommendations it is little wonder that the WALGA did not want it released to the public on completion. Some six months after its completion the report still had not been released to the public and Bill Mitchell, the President of WALGA, in a letter dated 23 February 2009 requested to the Minister for Local Government Hon John Castrilli MLA that the report remain unreleased:

Whilst negotiations with the Commonwealth Government are in progress (Mitchell 2009). 23 March Kalgoorlie Boulder Council meeting. (Bill Mitchell a prominent pastoralist from the Murchison area of WA)

On 4th February Hon John Castrilli MLA Minister for Local Government wrote to the CEO of the City of Kalgoorlie Mr Don Burnett:
One of the principal recommendations contained in the Report is that all the affected local governments (24 in total) be assisted with funding to develop business plans for service delivery to their discrete Indigenous Communities. I am seeking to progress this recommendation as a priority.

The objective of these plans is to identify the total cost of delivering these services to Indigenous Communities. When test costs have been determined they will be used by the State Government as the basis for negotiations with the Commonwealth for recurrent funding for service delivery.

The information produced in the business plans is pivotal to moving the report forward (Castrilli 2009). March Kalgoorlie Boulder Council meeting

Thus it would seem that for improved roads and other essential services to be delivered to remote Aboriginal towns in WA more time is needed and more money to research and draft more reports, namely “Business Plans” for local councils.

Bill Mitchell echoed this sentiment and the recommendation of the report by including in his letter that in order for local governments to produce these business plans the suggestion that:

The State and Federal governments fund a national audit and gap analysis of Local Government infrastructure in Indigenous communities... The total cost of such an audit in WA is estimated at $4 million (Mitchell 2009). 23 March Kalgoorlie Boulder Council meeting.

Yet more funds apparently needed to be spent on another request for another document to go towards research into Aboriginal people. It is widely known that Australian Aboriginal people are one of the most widely researched and documented ethnic groups within Australian and still WALGA wanted another document produced to justify acquiring long term funding to deliver equitable services to remote Aboriginal people. This was clearly the technique of avoidance so often used in the past as a part of myth making and a way of putting off making a decision.

On the 5 November 2008 I made an enquiry to the LGAB on the status of the report and was informed:

The Report has been forwarded to the Minister for Local Government, who has not indicated whether he will release the Inquiry yet.
On the 27 May 2009 I made another enquiry to the DLGRD on the status of the report and was informed:

The Report has not been released publicly. The State Government is in the process of considering a number of funding issues associated with recommendations contained in the Report.

### 4.4 Local Government Advisory Board – Report on the Inquiry into Local Government Service Delivery to Indigenous Communities

The Report on the Inquiry into Local Government Service Delivery to Indigenous Communities was finally released and available on the Department of Local Government website on 6 August 2009. The report included the following:

#### 4.4.1 List of Recommendations:

**RECOMMENDATION 1:**
That the Commonwealth Government consider reviewing its formula for Financial Assistance Grants to recognise the service delivery issues faced by local governments that have a significant number of Indigenous communities within their districts. Page No: 53

**RECOMMENDATION 2:**
That the State Government considers conducting a comprehensive audit of the municipal infrastructure in Indigenous communities that will be maintained by local government. This will include plant and equipment used in the provision of local government related services. The audit should be completed by 30 September 2009 with funding provided by the Commonwealth Government. Page No: 62

**RECOMMENDATION 3:**
That local government services be classified as primary or secondary services as set out in section 10.1 of this Report. Page No: 71

**RECOMMENDATION 4:**
- That the State Government consider classifying Indigenous communities in accordance with the following criteria for the purpose of service delivery:
  - Category 1 All discrete communities with a population of 200 people or more and at least 40 dwellings.
  - Category 2 Discrete communities with a population of 100–200 people and at least 20–40 dwellings.
• Category 3 Discrete communities with a population of 30 - 100 people and less than 20 dwellings.
• Category 4 Discrete communities with a population of less than 30.
• For each of these categories, the minimum service standards as proposed in section 10.2 of this Report should be considered. Page No: 73

RECOMMENDATION 5:
That the Commonwealth and State Government consider progressively upgrading municipal infrastructure in communities including the plant and equipment used to deliver local government services. This should occur prior to any transfer of responsibility for infrastructure to local governments. Page No: 76

RECOMMENDATION 6:
That Business Plans detailing costs and service standards for the delivery of services to Indigenous communities be developed by each of the affected local governments by 30 September 2009 with funding provided by the State Government. Page No: 77

RECOMMENDATION 7:
That the Commonwealth Government considers providing funds for the employment and training of full-time and part-time positions to deliver local government services to Indigenous communities. Page No: 77

RECOMMENDATION 8:
That the State Government consider providing additional resources to the Department of Local Government and Regional Development to develop and conduct awareness raising and training programs to promote and encourage increased Indigenous representation on local government councils. Page No: 81

RECOMMENDATION 9:
That the Department of Local Government and Regional Development together with the Department of Indigenous Affairs develop a strategy to facilitate service delivery by better informing relevant stakeholders, especially local governments and Indigenous communities, of the legislative issues surrounding access to communities and other issues such as the ownership of infrastructure and assets. Page No: 84

RECOMMENDATION 10:
That the Department of Local Government and Regional Development explore interim arrangements for funding to enable local governments to progress service delivery while legislative changes and infrastructure upgrades are being considered. Page No: 85
RECOMMENDATION 11:
That processes are put into place to determine the ownership of municipal infrastructure including the plant and equipment required to deliver services to Indigenous communities. Page No: 85

RECOMMENDATION 12:
That the Department of Local Government and Regional Development undertake an examination of section 6.26 of the Local Government Act 1995 to determine whether amendments are required to allow rating of Indigenous communities by local governments. Page No: 86

RECOMMENDATION 13:
That a system of rating or ‘user pays’ be introduced for the delivery of local government services to Indigenous communities. Page No: 86

RECOMMENDATION 14:
That the Department of Housing and Works commit to the payment of rates to local governments for ‘public housing’ on Indigenous communities. Page No: 86

RECOMMENDATION 15:
That the funding provided to local governments for service delivery to Indigenous communities be on a recurrent basis and adjusted (as a minimum) annually to reflect movements in the CPI. Page No: 88

RECOMMENDATION 16:
That additional resources be provided to the Department of Local Government and Regional Development to administer the allocation and acquittal of funds provided to local governments for the delivery of services to Indigenous communities. The level of these resources should be reviewed in July 2009 to determine whether they are sufficient for the Department to carry out this function. Page No: 88

RECOMMENDATION 17:
That the funds provided to local governments for service delivery to Indigenous communities be tied grants and local governments be required to report annually against a set of key performance indicators and on the expenditure of these funds to the Department of Local Government and Regional Development. Page No: 88

RECOMMENDATION 18:
That the Australian Bureau of Statistics be requested to review the 2006 Census statistics for Indigenous communities. Page No: 90

RECOMMENDATION 19:
That a review be undertaken by the Department of Local Government and Regional Development in 2011 to assess the effectiveness of the funding arrangements for local government service delivery to Indigenous communities (Thurtell, Thackaberry et al. 2008).

It is important to review the lobbying and recommendations over the past 20 years by Main Roads WA for improved funding and strategies to secure funds for RAWRAT and to draw out the issues that have hindered and stalled the involvement by local government in resolving the ownership of responsibility across the state.

4.4.2 Summary of History and the Bureaucracy Response

1. It has been convenient for all levels of government whether knowingly or unknowingly to procrastinate on defining and resolving the issues of service delivery in all its complexity to remote Aboriginal towns and thus conveniently side step the difficult decisions of securing and allocating appropriate long term funding for these services for the Aboriginal people (and also the non-Indigenous Australians) who live in these remote towns and outstations.

2. It has been convenient for Federal and State governments not to draw up clearly defined “inclusive” bilateral agreements (that included WALGA as a key player and signatory), thus fudging the need to act quickly and decisively and in turn delaying decisions to allocate adequate consistent long term sustainable funding arrangements for services in remote towns.

3. It has been convenient to give these Access roads and Internal roads non-descript non-committal names like … “Non-Local Roads”, “non-assigned" roads” or “undedicated roads”, in other words blackfella roads.

4. It has been convenient for local governments to not define these roads as Local Roads thus removing their responsibility for funding or maintaining them within their shires.

5. It has been convenient for local governments across WA to not be required by WALGGC to report on how they apply their funding of Financial Assistant Grants (FAGs) from the Commonwealth Grants Commission (via WALGGC) for funding of
the provision of services to their Indigenous populations. They have thus not had to justify where they have spent the money and they therefore have never had to account for why they do not fund Aboriginal roads.

6. It has been convenient for local government to not categorise and itemise their costs in a manner which allows them to identify service delivery expenditure in general on the Indigenous populations within their shires and jurisdictions.

In summary numerous reports over the past twenty years have concluded there is a need for funding the infrastructure of remote Aboriginal towns and outstations, particularly access and internal roads. Yet a committed long term funding regime still has not been forthcoming from the combined levels of government as with infrastructure in every other part of Australia. There is no agreed defined mechanism and process for the engagement and acceptance of responsibility by these combined levels of government for the proper delivery of municipal services to remote Aboriginal towns and towns.

If and when appropriate long term sustainable funding does become available, the next issue to tackle will be engagement by local government with the remote Aboriginal towns within their jurisdiction. If their own description of their past contained in WALGA’s submission to the LGAB inquiry below is anything to go by then there is a lot of work to be done in this area also by WALGA and their local councils.

In completing this chapter it is worth noting the following statements contained in WALGA’s own submission to the inquiry regarding local government’s track record for fostering Aboriginal involvement in local government in WA.

**4.4.3 Aboriginal Involvement in Local Government**

WALGA’s own research indicates that the:

- Majority of Councils, including those that contain discrete Indigenous communities, have not developed specific initiatives to encourage Indigenous people to stand for election,
• do not have Indigenous Advisory Committees or specific Indigenous representation on other Council committees.

• Most Local Government:
  - do not have policies in relation to Indigenous issues;
  - do not incorporate Indigenous issues into their Strategic Plans or other Council plans, or initiatives to encourage specific Indigenous employment.

• A number of Local Governments have recognised the need for greater engagement and have developed initiatives to foster good relations between Council and Indigenous people.

• There is capacity for other Councils to learn from these initiatives and how they have been implemented within a Local Government context.

• Clearly there is a need for greater liaison between Local Government and Indigenous people to facilitate two way understanding.

• To progress solutions put forward by Local Government included greater cross cultural awareness training for Councillors and staff.

• Local Government is intended to be a responsible and accountable sphere of democratic governance for all residents fostering citizenship through political participation in Council processes and decision making. The Declaration on the Role of Australian Local Government states that; Local Governments are elected:
  - To represent their local communities;
  - To be a responsible and accountable sphere of democratic governance;
  - To be a focus for community identity and civic spirit;
  - To provide appropriate services to meet community needs in an efficient and effective manner; and
  - To facilitate and coordinate local efforts and resources in pursuit of community goals. (Interim WALGA Submission July 2008).
4.5 Conclusion

This chapter has shown that the actual funding for Aboriginal roads has been sporadic and inadequate. Despite a plethora of reports recommending action on this there has been no political resolution of the issue. It is hard to assign complete responsibility to any level of government as all three need to synergise to enable remote infrastructure to be appropriately funded and maintained. However it is clear that local governments have deep concerns with this issue but have not been able to resolve it. Could it be that *terra nullius* or some element of this myth still remains out in the bush and in the mindset of the non-Aboriginal councillors that preside over the decision making of these councils? If the remote local councils had a majority of Aboriginal local councillors would this issue of funding for roads have been such a dilemma to resolve. Clearly it wasn’t for then Aboriginal majority controlled Wiluna Shire Council back in 1985.

In that year a Ngaanyatjarra man (T. Newberry) was elected to the Wiluna Shire Council. Other Ngaanyatjarra people were later elected and services increased in the eastern sector of the Shire, mostly reflected in improvements to roads. In 1992 a petition for the new Shire of Ngaanyatjarraku was presented to the Local Government Boundaries Commission by Ngaanyatjarra Council. In 1993 boundaries were redrawn and the Ngaanyatjarra lands were removed from the Wiluna Shire and the Shire of Ngaanyatjarraku was created and the first elections held. In 1999 bitumen roads are introduced at Warburton in the new shire, reducing dust in the Aboriginal town. In 2002 Bitumen roads were also introduced to the town of Jameson another town in the newly formed Shire of Ngaanyatjarraku.

Bernard Newberry quoted the document indicating the list of dated achievements at that time by the newly formed Ngaanyatjarra Council found at: http://www.tjulyuru.com/timeline.asp:

In my walk of life I've seen many achievements which are quoted in this document. It only came about working together with one voice. To the people of the Ngaanyatjarra Lands, you have done well, you should be proud of your achievements for your own country. There's no place like home. Bernard Newberry, Ngaanyatjarra Council Chairman, August 2002

The next chapter seeks to tease out where this notion of *terra nullius* has come from in Australian history as well as other literature relevant to the issue of why certain non Aboriginal councilors still find it a dilemma to fund roads to remote Aboriginal towns.
Chapter 5 Literature Review

Photograph 9 The northern start point of the Canning Stock Route
Chapter 5 Literature Review

This literature review will cover the core areas of this thesis: *terra nullius*, Aboriginal Engagement, Capacity Building and Community Development

5.1 The Enduring Myth of *terra nullius*

Although the myth of *terra nullius* was legally overturned as the basis of land law in Australia by the Mabo case in 1992 the myth lives on and has influenced past and present government policies directed towards Australia’s Aboriginal people and land use issues. Fundamental to the *terra nullius* myth was the notion held by the early British that the Australian land was “an empty land” thus “a land belonging to no one”. The myth of *terra nullius* has been disputed by some recent writers who claim that the term has only been invented in the late twentieth century. However, the use of the term can be defended by pointing to the British Parliamentary instruction to Captain James Stirling to establish a colony on “certain wild and unoccupied lands” (Great Britain, CAP XX11, George 11, IV Regis, 14 May 1829.) indicating their belief that the land was indeed “empty” – waiting to be colonized. The phrase “*terra nullius*” has been used to summarize this colonial viewpoint.

5.1.1 Myth Making

Myth making is the use of untrue, partially true or misconstrued statements to justify, reaffirm and unify in order to lay the foundations for actions by those who utilise myths (Freire 1972). This process can then be used to justify the continuance of these myths. Below is a brief history of the use of the myth to justify the creation of legislation and land laws in Australia and to avoid responsibility to Aboriginal people. Two other detrimental outcomes of these myths are the avoidance of responsibility to provide appropriate road networks and equitable infrastructure to people living in isolated Aboriginal townships and the avoidance of responsibility to the ecology (and protection of the flora and fauna) when “empty lands” are used as the excuse for decisions on where to locate nuclear waste dumps. Hall suggested that distortions and their usage based on myth-based thinking can be corrected by a discursive approach where “meanings” attached to people and objects by representation are identified and interrogated. In this case, the identification of the enduring myth of *terra nullius* should be followed by an interrogation of its effects on Australian public policy-making (Hall 1997).

5.1.2 The Mabo Case

On 3 June 1992 legal history was made in Australia when the High Court declared that the myth of *terra nullius* could no longer be used to deny “native title”. Myth making uses untrue, partially true or misconstrued evidence to inform the thinking and emotions and to justify actions. Even
though myths are often illogical and contradictory, this is not a cause for concern because the primary motive of the people who utilise myths is to justify their self-interests and their actions rather than reach truthful, consistent and logical conclusions. The connection between the myths and reality are not seriously considered because the primary objective is to reassure, justify, unify as well as reaffirm the group’s cultural and social distinctives, resolutions and policies (Milnes 2005). The *terra nullius* myth has justified and perpetuated the British colonisation of Australian lands for over two centuries.

This myth of *terra nullius* can be traced back to the early foundation of the Australian colonies. For example, Captain James Stirling was charged with the establishment of a colony on “certain wild and unoccupied lands” in the western third of Australia, now known as Western Australia (Great Britain, CAP XX11, George 11, 1V Regis, 14 May 1829). This gave legal force to his actions and legal force to the *terra nullius* myth of an empty land which then permitted the forced seizure and colonisation of the Australian lands and exempted him from the responsibilities of his actions. Terra nullius was an obvious myth and needed elaboration so, although it was not quite "empty land", the original Indigenous inhabitants were either invisible (just fauna or made so by the power of the gun) or insignificant (or made so by the power of the myth). After a few brief encounters with Aboriginal peoples at Botany Bay in 1770, Cook’s botanist, Joseph Banks, wrote that Aboriginal peoples were “a very pusillanimous (cowardly) people” (Forbes 1997). Their wise decision to withdraw with spears before the might of gunpowder, rifles and cannons was interpreted as weak and cowardly and, as a consequence, left an “empty land” for conquest. Later, throughout Australia courageous Aboriginal resistance in the face of bloody massacres bore testimony to a very brave people willing to fight and die for their land. The presumed absence of widespread Aboriginal leadership without sophisticated military technology was taken to mean that the existence of an insignificant people with no government, no law and thus having no culture validated *terra nullius*, leaving the land waiting to be colonized. The might of the British military made the *terra nullius* myth believable in the nineteenth century. Even as recently as 1971, Justice Blackburn upheld the myth in the Northern Territory and found that Indigenous Yolngu people could not prevent mining on their lands because Australia was legally *terra nullius* at the time of the colonisation and so was not subject to any prior claims of Aboriginal Title or “native title” (Milirrpum v Nabalco Pty Ltd, (1971) 17 FLR 141). The concept of Myth Making can be further illustrated in the Myth Make Sequence, see graph to follow.
In the twentieth century, the power of the construct of legal myth to continue and to justify occupation was eroded by further research, changing public attitudes and policy decisions. The
winds of change were blowing out the centuries old myth that enabled occupation of Australia without acknowledgment of prior ownership and thus responsibility and recompense. In 1967, a constitutional referendum was successful in At a ceremony on 16 August 1975, Prime Minister Gough Whitlam handed back leasehold title land at Wattie Creek to Vincent Lingiari, a “leader”, a modern day fighter and spokesman for the Gurindji people. On 11 May 1982 John Koowarta, a member of the Wik nation, successfully challenged the decision of Joh Bjelke-Petersen, Queensland’s premier, to block the purchase of the lease of the Archer River cattle station which covered his traditional homelands. Koowarta had argued that the Queensland Government policy to block Aboriginal acquisition of large areas of land was discriminatory (Racial Discrimination Act, ss. 9&12). The Court also agreed that the Racial Discrimination Act was intended to give effect within Australia of the UN Convention on the Elimination of All Forms of Racial Discrimination, signed by Australia on 13 October 1966, and that the external affairs power allowed by the Australian Constitution, s.51xxix, gave the Commonwealth Government the power to enforce the Racial Discrimination Act.

In the Mabo case, the High Court decided that the Meriam people were entitled “as against the whole of the world to the possession, occupation, use and enjoyment of (most of) the land of the Murray Islands in the Torres Strait”.

In reaching this conclusion, the majority of the Court held that the common law of Australia recognises a form of native land title, and indicated that these principles applied to the mainland as well as the Murray Islands. The Court rejected the traditional doctrine that Australia was *terra nullius* (land belonging to no one) at the time of European colonisation when absolute ownership was vested in the Crown. Instead, the Court found that native title rights survived colonisation even though the Aboriginal people were subject to the sovereignty of the Crown. Brennan J, Mason CJ and McHugh J indicated that the Court could not perpetuate a view of the common law that was unjust, did not respect all Australians as equal before the law and was out of step with international human rights norms. Deane J, Gaudron J and Toohey J also rejected the doctrine of *terra nullius* as repugnant and inconsistent with historical reality. The Native Title Act 1993 added a new title, the “native title”, to go with the other forms of Australian “land ownership” such as freehold title, leasehold title and mining tenements. The Act recognised “native title rights” and set down some basic principles that provided for the validation of past land acts particularly in regards to freehold title; and provided for a process of determining,
establishing and protecting native title rights. The scope of native title has been established and has grown and continues to grow in a series of common law cases.

Box 4 Native Title Common Law Cases

<table>
<thead>
<tr>
<th>Event</th>
<th>Location/Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Native Title overrides state legislation (Western Australia v Commonwealth, 1995, High Court, 16 March 1995)</td>
<td>upholds the right to fish (Mason v Tritton 34 NSWLR, Supreme Court of NSW 30 August 1994); extends to minerals and petroleum (Wik v Queensland, Federal Court, 29 January 1996); coexists with pastoral leases (Wik v Queensland, High Court, 29 January 1996); is extinguished by road construction but not by road reserves (Fourmile v Selpam Pty Ltd, Full Federal Court, 13 February 1998 and also Ward v State of Western Australia, Federal Court, 24 November, 1998); is extinguished by private freehold (Fejo v Northern Territory, High Court, 10 September 1998); provides for the exercise of traditional practices (Wilkes v Johnsen, Supreme Court of Western Australia, Full court, 23 June 1999 and Yanner v Eaton, High Court, 7 October 1999); is extinguished by grown to Crown grant (Bodney v Westralia Airports Corporation, Federal Court, 13 November 2000) is washed away by the tide of history (Yorta Yortan Aboriginal Community v Victoria Full Federal Court, 8 February 2001); extends off-shore (Commonwealth v Yarmirr High Court, 11 October 2001); is a bundle of rights and may be partially extinguished (Western Australia v Ward, High Court, 8 August 2002).</td>
</tr>
</tbody>
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5.1.3 The Myth Legally Overturned
This brief history should show that the myth of terra nullius has been completely overturned and should no longer be influential in Australian socio-political life. However, the myth lives on – this time to justify other policies and actions. Declaring the “remote” Australian interior terra nullius or an “empty land” perpetuates the myth and thus the lack of responsibility for the land, and the duty of care for the flora or fauna, and absolves governments of responsibility to provide equitable infrastructure to remote Aboriginal towns. Individual, government and corporate responsibilities can be sidestepped and ignored in an “empty” interior because there is nobody and nothing there – no trees or animals worth worrying about because it is just so vast.
Environmental, ecological and Indigenous social responsibilities can be avoided because it is still seen as *terra nullius*. In other words, the myth of *terra nullius* has been redirected and reinvented to avoid responsibility in place of the former justification for colonisation without due compensation.

This process of myth making that can lead to avoidance of responsibility can be represented graphically as follows.

### 5.1.4 Case Studies

A case study of the use of *terra nullius* as an avoidance strategy can be found in the development and creation by governments of remote Aboriginal living areas which should really be termed and classified as towns and not “communities”. Myth making is evident in the use of the term “Aboriginal town” in areas designated as *terra nullius* and as such government can avoid the responsibility of providing equitable services and infrastructure because these areas are “communities” and not “real” towns. In addition by subtly upholding and continuing the myth governments can avoid responsibility of caring for the environment and the lands surrounding these townships.

### 5.1.5 Aboriginal Towns

The myth of a homogenous “Aboriginal town” (and the consistent use of the term Aboriginal community) has “blurred understanding of public and private benefit” (Walsh and Mitchell 2000). On the contrary, many Aboriginal people were removed from their traditional areas by historical events such as colonial invasion of their land, orders from Chief Protectors to live with other relocated (unrelated) people and economic circumstances, to live in these “forced communities”. In more recent times “Aboriginal Corporations” legislation has been created and then applied to form “representative bodies” to speak for the local group which has no real equivalent in mainstream Australia since they are governed by separate legislation and no basis in traditional Aboriginal society where the cohesive unit was the extended family group. The Aboriginal Corporations are then used by government agencies as the basis of funding with expectation that traditional Aboriginal people will miraculously take on Western business style management practices. Yet, many of these “communities” are more like “communes” where there is little private ownership and people are economically dependent. Individuals become socially dependent on the state and the absence of private ownership produces a diminution of individual responsibility and a person’s fortunes become tied to the efficiency of the collective and the construct of an Aboriginal Corporation. While people in “urban communities” can maintain independent bases to life by owning their own houses, managing their own incomes and
using their own transport systems, they can also choose their level of involvement in their “communities”. On the other hand, Aboriginal people in remote “communities” have no alternative than to be linked totally and inextricably to the fortunes of the local Corporation management groups (boards of directors) that preside over these “forced communities”. Myth making has turned traditional family groups of people into “communities” in the empty lands of *terra nullius* where choices are limited and dependence on government agencies is assured – instead of acknowledging that these people actually now live in towns. The Myth Making Sequence can be applied to myths that have been created through the history of Australia. See Figure 12 below.

Figure 12 The Myth Making Sequence applied to the Australian context. See next page.
The Myth Making Sequence Applied to the Australian context

(An adaptation of the)
The process of Myth Making by Freire

1 Situation or Problem
Create the Myth

2 Make a Myth
Using untrue, partially true misconstrued “facts”

3 Justify the Myth
through actions or no actions

4 Reaffirm the Myth
Through legal means

5 Reaffirm the Status Quo
Take an Action or take No Action

6 Avoid Responsibility
Justify the Myth

EXAMPLE 1
Colonization of Australia

The British desire to find new lands invade take ownership and control of Australia

Myth
Australia an empty land belonging to no one

Colonize these “Wild and unoccupied lands” they are only inhabited by animals

Create Acts that reduced Indigenous people to having no voting rights or legal status

Support laws up hold the removal of Aboriginal people from desired lands and areas

Actions taken for the good of the colony

EXAMPLE 2
Secure a nuclear testing site

We need to test nuclear weapons Move Aboriginal people out - empty land

Myth
Land not owned by anyone. A land devoid of people, flora and fauna

We needed wasted land for bomb testing

Create legislation that gives permission to test nuclear weapons. The country needs these new weapons

Governments take control and make use of the land by testing nuclear weapons

Empty Land no damage done to humans flora or fauna no responsibility for protection or compensation.

EXAMPLE 3
Establish Aboriginal Living Areas

The need to sort out the Aboriginal living issues

Myth
Aboriginal people to live in communities not towns

Aboriginal people are tribal thus we require them to live in “communities”

Create Acts To produce communities and special corporations councils to govern the “communities”

Control people through government funds

Governments pass responsibility of these communities to the councils

EXAMPLE 4
Access Road Classification and Funding

A major management and budget expense for the state of WA

Myth
Aboriginal People are bush people they don’t need good roads

Don’t take control leave the situation in abeyance and limbo

“Non local” roads to remote communities have no legal classification thus no ownership

Maintain the Status quo that access roads are not classified thus they belong to no one

This limbo and lack of ownership justifies taking no responsibility or the provision of equitable funding
5.1.6 Access Roads
The outcome of applying the myth of *terra nullius* is the avoidance of provision of infrastructure to these Aboriginal towns. An example of this avoidance strategy is in the lack of funding and maintenance of access and internal roads to Aboriginal towns in Western Australia. In remote Australia roads according to their classification are owned, constructed and maintained either by the Commonwealth government, the state governments, local governments and sometimes private bodies such as mining companies. Due to the ongoing myth of *terra nullius*, the sections of access roads that extend on from these owned and classified roads to Aboriginal townships have been left unclassified – and thus conveniently no one has taken responsibility for them. They are seen as “roads to nowhere”, just roads to Aboriginal “communities”. In Western Australian Main Roads WA has coined the term “Non-Local Roads” to distinguish them from the “Local Roads” which have been determined, classified and thus owned, funded and maintained by local government councils. Likewise the internal roads within these towns have also been left unclassified and neglected.

In an interesting twist for these “non Non-Local” roads in 1998, the Full Federal Court determined that roadways had been found to extinguish native title. The full Federal Court unanimously held in the Fourmile v Selpam Pty Ltd determination on 13 February 1998 that “the constitution of a public road from Crown land through formal statutory procedures created enforceable rights of free passage in third parties (i.e. the public) that are wholly inconsistent with the continued existence of native title” even though the reservation of land for future roadways does not extinguish native title (*Fourmile v Selpam Pty Ltd*, Full Federal Court, 13 February 1998).

So, public roads have extinguished native title and it can be concluded that government authorities (or the “Crown”) are now the legal owners of non-local roads and thus responsible for funding, maintenance and any insurance responsibility obligations that might flow should this maintenance not be upheld to a reasonable standard.

Furthermore on 24 November 1998 in the case of Ward v The State or Western Australia the Federal Court Justice Lee “found that roads set apart, taken or dedicated under legislative authority were public works which extinguished native title (*Ward v State of Western Australia* Federal Court 24 November 1998). What follows here from the perspective of the Government of Western Australia is the continuance of the myth that these so call “non-local” roads are not owned by anyone, hence the range of names that have been applied to them over recent times such as unclassified roads, Aboriginal town access roads and blackfella roads. In fact the full
Federal Court has determined that “access” roads to remote Aboriginal towns are now not owned by the Aboriginal people or their Aboriginal Corporations (that right has been taken from them) but that they are now owned by the “Crown” which can be interpreted as the State Government. See graph Example 4. This myth that has been subtly perpetuated by the state and local governments in Western Australia has allowed successive state and local governments to avoid their responsibility over the past 30 years of the Outstation Movement to own these roads and to take full responsibility to allocate equitable funds for the vital infrastructure of access roads and internal roads of Aboriginal towns.

Photograph 10 Access Road to the town of Crocodile Hole (wet season January 2009)

5.1.7 Ecological Responsibility
The *terra nullius* myth has also been used to avoid ecological responsibilities for these remote environments. This has a long history. After the opening of the trans-Australian railway on 22 October 1917, there was pressure to keep the Spinifex people “under control and out of sight”. Commissioner Moseley repeated this sentiment as a strong recommendation in his Report: “Aborigines should be drawn from the railway line because their presence presented a poor image to tourists”, and so 15 years later in 1950, a Canadian missionary, Albert Sopher, ill-advisedly established Cundeelee at a seasonal waterholes called “Upurl Upurla” (the place of the tadpole), 45 kilometres north of the rail siding at Zanthus and 300 kilometres east of Kalgoorlie.
(Carlisle 1936). Water had to be carted to the mission and there were very few non-Aboriginal economic opportunities available (Milnes 1985). The need for the mission’s services was soon heightened by the establishment of the Woomera atomic testing program 800 kilometres away. The West Australian, on 10 August 1956 benignly reported that “perfect weather for the Maralinga firing (of the atomic bomb) would require a wind to take the radioactive cloud into the “uninhabited inland or out to sea” without considering that the area was in fact the inhabited Spinifex people’s homeland. Also encompassed in this directive is the myth that there were no animals, birds, fishes, insects, plants, water holes or food sources out there. It was terra nullius – empty land that could be used (or abused) for whatever purposes the mainstream government wanted (see graph Myth Sequence Applied in the Australian Context Figure 12).

In this case, the myth was used for the justification of testing bombs but also meant the destruction of the habitat and the homelands of the Indigenous Spinifex people. Mysterious illnesses resulting from radiation poisoning were reported and so Cundeelee missionaries were commissioned to carry out a number of treks to find and fetch the people from their ancestral home between 1957 and 1962. Many Spinifex people saw four wheel drive vehicles for the first time and later remembered with laughter the fear they experienced at “trees rushing at them” while riding on the back of Land Rovers during their journey hundreds of kilometres to Cundeelee – far away from their homeland where they had developed attachment for many generations over historical life cycles. To them, the land was no longer being cared for, it was being destroyed and they along with it. Meanwhile, people in Australia and the cities along the coast and the governments could avoid their responsibilities to the land and its flora and fauna and its Aboriginal people and justify the use of these sites for bomb experiments by using the myth of terra nullius.

5.1.8 Nuclear Waste Facilities
More recently the Federal government has decided that nuclear waste facilities could be stored north of Tennant Creek in the Northern Territory. This area is home to Aboriginal clans who have followed their dreaming tracks across the low scrub land that became known last century by white people as Muckaty cattle station. A secret deal was struck with some compliant Aboriginal members to allow Australia’s first national waste dump to be established on 1.5 square kilometres of their land in return for $12 million – most of it in cash. It was also planned that about 4000 cubic metres of waste that had accumulated in southern states over 50 years; 2000 cubic metres of radioactive soil from the Woomera atomic testing area; radio active stockpiles from Sydney’s Lucas Heights reactor and about 32 cubic metres of highly radioactive waste from Scotland and
France would be dumped at Muckaty – on “empty land” with little importance or impact on the lives and lifestyles to policy makers far away on the urban coasts (Statham 2010). The environmental effects and the effects on the animals, birds, reptiles, fish and insects are little considered in a land that is “out of sight, out of mind” or part of the deserted centre – *terra nullius*.

### 5.1.9 Avoiding Responsibility – The Discursive Approach

Hall suggested that distortions of representation inherent in myths can be corrected by a discursive approach where “meanings” attached to people and objects by representation are identified and interrogated (Hall 1997). While some credence for avoiding responsibility in “empty lands” can be based on Jeremy Bentham’s utilitarian argument that the role of government is to provide the maximum happiness for the greatest number of people (felicific calculus) and, by implication, deny minorities the same service, there are other compelling issues that need to be discussed.

More thorough data collection, collection of information and empathy with the so-called empty lands are required. It is ignorance and its manifestation in myth making that brings us to believe that a land is empty and thus useless. These remote areas are lands that have been walked on, lived in and intrinsically linked to the cultural and spiritual lives of Aboriginal people for countless generations – just as the whole of Australia once was. Before these empty lands continue to be bombed, cleared, grazed, mined or built on more detailed research needs to be conducted to clearly ascertain and define what forms of life actually do exist there, what connections and significance they hold for the original people and what will be the long term wider effects for our nation if we continue to use the myth of *terra nullius* to inform policies and legislation that treat these areas as waste lands belonging to no one.

To the missionary’s eyes on that long trip down the Canning Stock Route the road seemed endless – same sand hill after sand hill and no one there (at that time) – but to his Aboriginal friend’s eyes it was a home filled with fond memories, stories and good times as well as food and water plus animal and plant life; you just needed to know where and how to look, or could it be the empathy to do so.

### 5.2 Literature associated with the Engagement Process in Western Australia

In order to locate this thesis in the Western Australian context this section of the literature review examines texts and publications that explore the history of the Western Australian government
and its interaction with Aboriginal people. This review also examines the barriers associated with Aboriginal people interacting with people outside of their world and their Aboriginal town.

5.2.1 Interaction

History of interaction in Western Australia
In 2001 Dr Peter Milnes published the book From Myths to Policy: Aboriginal Legislation in Western Australia, a milestone in the history of interaction in WA. The book focuses on the activities by the dominant Non-Aboriginal community to pass laws (Acts from 1841 to 1972) that justify “their” failed attempts at equitable interaction.

This book highlights the way the WA colonial government of the day passed laws to implement its own development at the expense of the Aboriginal people and its use of myth making and the creation of myths to justify drafting and enacting of these laws. Of particular importance to the modern history of Australia is the construction and justification of the myth of *terra nullius* (Milnes 2001). This book provides the basis for understanding the vacuum of responsibility on Aboriginal roads. It stresses the convenient way that Aboriginal people were deliberately neglected as this doctrine enabled them to be treated as though they did not exist. Therefore, why should Aboriginal roads exist? They are there but they do not exist in any legal sense. The book graphically lays out the abysmal history of early WA governments in grappling with the formation and passing of laws that were expected to advance the Aboriginal people of the state but clearly failed.

Levels of interaction
As a record of past government’ history of interaction with Aboriginal people in WA de Hoog and Sherwood prepared a guide book, Working With Aborigines in Remote Areas (Hoog and Sherwood 1979). This publication offers constructive and informative advice to potential non-Aboriginal staff that may be required to work (and thus interact) with Aboriginal people in remote Australia. Salient areas that are explored are Cultural Difference and Communication Issues. The mere existence of such a book reveals the extent of the problem.

A more recent publication in 2005 by the WA Labor Government was called A Guide to Engaging with Indigenous People (Government Western Australia 2005). It marks a positive step by the government to guide public servants, those employed in industry and those working for
non-government organisations on how to improve the way they work with Aboriginal people (Government Western Australia 2005).

There is an interesting proposal at the end of the document for regional principles of engagement wherein the idea is floated that Aboriginal people and organisations may want to enter into a process of developing a formal document of Agreed Principles for Engagement. Obviously the interaction between Aboriginal and non-Aboriginal people has a long way to go.

Cultural Differences
Anthropologist K Ogberg (who first used the phrase “culture shock”) has devised a cycle of stages that are common to people when they are confronted by a new culture or have to adapt to a new culture, either because they have geographically moved or the new culture has moved to them (Ogberg 1960).

Devising ways of coping with these changes brought about by cultural differences can produce barriers to good “equitable communication”. Ogberg’s figure to follow shows how people move through stages as they adapt to a new culture which in turn can effect their desire to communicate with people outside of their own culture.
Milnes has studied communication examples with Aboriginal people and offers case studies that explore intercultural analysis in the book Cultural Interaction Analysis (CIA). As a way of improving this communication and engagement process with Aboriginal people of remote towns Milnes devised the “yarning model” (Milnes 2007). Different cultures have different ways of going about their processes for decision making. Among many differences Milnes in CIA outlined the difference in the meeting styles of Aboriginal people compared to non-Aboriginal people and has highlighted the necessity to “listen actively … as a vital skill for intercultural analysis” (Milnes 2007). Paulo Frere likens this to a process called “dialogue”:

A conversation between equals where opinions are expressed freely, problems are confronted without flinching, and where individuals suspend judgements in order to respond directly and exclusively to what another says (Freire 1972).

Obviously there is great scope for the improvement of this type of dialogue in remote Western Australia.
5.2.2 Engagement
Primarily this thesis has been focused on the development of remote Aboriginal towns and outstations and the ongoing construction and viability of these living areas. It is inevitable this will mean the involvement and engagement of governments and their practitioners. With the involvement of these practitioners in the lives of remote Aboriginal peoples it is inevitable that there will be research and thus philosophies on the delivery of services, the creation of development theories, and changing policies and strategies to best achieve “outcomes” that governments, development agencies and donor organisations have taken on as their mantra for “dealing” with Aboriginal people and their “development” issues. Out of these machinations and processes of governments, states and countries dealing with “their” Aboriginal peoples and people from “less privileged” backgrounds have come the terms and theories on Governance, moving to Community Governance and thus Aboriginal Community Governance, and by necessity the “Engagement” with Aboriginal people by governments and stakeholders. This involvement in the delivery of services and the allocation of funding for the development of remote Aboriginal towns, particularly in Australian, has drawn on and incorporated over many years a wide variety and approaches to Community Development and Capacity Development which have become ever increasing elements in the “Governance” of a remote Aboriginal town.

Past Experience of Government Engagement with Regards To Roads
Christine Fletcher’s small but poignant book Black Roads: Isolated Aborigines and Road Funding Policies in Western Australia was published in 1988. It examines Western Australian state and local government involvement with remote road funding and the engagement of local Aboriginal people and their towns in three case studies. The shires of Wiluna, Menzies and Broome are examined and the complexity of representation and the involvement of local politics in the delivery and construction of roads to remote towns (Fletcher 1989).

Fletcher proposes that the advocacy of different “remote Aboriginal groups” can affect road funding policy outcomes. She argues that:

The extent to which particular Aboriginal communities within these shires can influence road policy is contingent on local, electoral and bureaucratic politics and different configurations of institutional structures (Fletcher 1989).

This funding complexity is still evident in 2010 as can be seen from the complex funding graph from Main Roads WA perspective Table 1 on page 48. But what makes the allocation of funds
more fractured is that road funding policy objectives that are formulated within the Federal and State spheres can, as Fletcher indicates, “be plundered at the local level by Shire councils…and the complex diffusion of governmental resources designed for Aboriginal people”, an activity that still exists in 2010.

5.3 Capacity Development
To review the literature that abounds in these areas of study it is important to clarify broadly what has become accepted as the definition of the terms and theories relating to capacity development.

5.3.1 Definitions
The Centre for Aboriginal Economic Policy Development (CAEPD) within the Australian National University (ANU) has researched and published a vast amount of literature and papers on the subject of capacity development within Indigenous Australia. Of great worth is the discussion paper no. 278/2005 by Dr Janet Hunt entitled Capacity Development in the International Development Context: Implications for Indigenous Australia.

Capacity building and capacity development can mean many things to many different people. In addition Hunt indicates that capacity development can “apply to a host of diverse activities at many different scales”. Hunt has preferred to use Naire’s meaning of capacity development within this paper (Hunt 2005): “the ability of individuals, organisations and whole societies to define and solve problems, make informed choices, order their priorities and plan their future as well as implement programs and projects to sustain them” (Nair 2003).

UNDP defines capacity development as:

the process through which individuals, organizations and societies obtain, strengthen and maintain the capabilities to set and achieve their own development objectives over time (UNDP 2008).

A leading UK based group of Indigenous community development organisations (which includes the Community Development Foundation) has described Indigenous community development in the document Community Development Challenge Report, (2006) as:

A set of values and practices which plays a special role in overcoming poverty and disadvantage, knitting society together at the grass roots and deepening democracy. There is a CD profession, defined by national occupational standards and a body of theory and experience going back the best part of a century. There are active citizens
who use CD techniques on a voluntary basis and there are also other professions and agencies which use a CD approach or some aspect of it (Department of Communities and Local Government 2006; Development 2006).

Another group, the Community Development Exchange, has described it thus:

The process of developing active and sustainable communities based on social justice and mutual respect. It is about influencing power structures to remove the barriers that prevent people from participating in the issues that affect their lives. Community workers (officers) facilitate the participation of people in this process. They enable connections to be made between communities and with the development of wider policies and programmes. Community Development expresses values of fairness, equity, accountability, accountability opportunity choice participation mutuality reciprocity and continuous learning. Education enabling and empowerment are at the core of Community Development (Learning 2010).

5.3.2 Technical Cooperation
Initially in the 1970s, international development assistance and the delivery of aid focused on Technical Cooperation as this was seen as the way forward for developing countries. A technical expert delivered technical training and introduced models and systems but under this approach little thought was put into the transfer and retention of these skills (i.e. ongoing utilisation of these skills) or the sustainability of these new interventions that were delivered by the Aid Organisation. This technical expert would come for a short period of time, provide the expertise and technology and then leave. This approach can be seen as a “supply driven” approach with little regard for the recipient’s point of view or the sustainability of the skills or program. The main feature of this form of international development was the focus on provision of infrastructure and skills in technology.

5.3.3 Capacity Development (CD)
In the early 1990s this concept of traditional technical assistance began to fall short and a new approach emerged, that of capacity development (CD). CD brought in issues of sustainability and trying to “fit the development to suit” the Indigenous community (or Aboriginal town) or the country in question. This phase also introduced more training, train the trainer programs and the organisation of study trips by recipients to see how things were done in developed countries and other places.

In 1998 UNDP produced a Technical Advisory Paper (TAP no 3) entitled Capacity Assessment and Development – In a System and Strategic Management Context. The paper describes its
concept as a “range of tools, techniques and approaches which can be adapted in different situations” and requires practitioners to “have comprehensive understanding of capacity” in both strategic management context and at the following various levels.

1. The Individual Level – the personal capacity level
2. The Entity Level – the level of capacity of the organisation
3. The Enabling Environment – the functionality and capacity of the broader system in which the entity and individual function.

These guidelines were developed to help managers and other professionals better manage capacity assessment and development initiatives, to view capacity development within a strategic management context and to explore the scope for improved capacity initiative within each of the above levels.

Part 2 of the guidelines offers the following graph as a simple strategic management framework to address the broader issues of capacity development.

It is based on a simple but logical progression or lifecycle of assessing:

1. Where we are now – current situation
2. Where we want to be – vision/mission
3. How to get there – strategy/actions
4. How to stay there – sustainability

The UNDP Capacity Assessment Practice Note 2008 outlines a Capacity Development Process (UNDP 2008) as follows.
Hunt has examined this process and the UNDP strategic management framework in her paper Capacity Development in the International Context: Implications for Indigenous Australia, and has applied the theory to Aboriginal towns in Australia (Hunt 2005). The paper in particular examines the three levels of capacity: The Enabling Environment, the Entity and the Individual which draws attention to the Aboriginal town and its “enabling environment”.

Hunt highlights that within this approach:

> there is no explicit consideration of the culture of the enabling environment as a resource or constraint within this framework (Hunt 2005).

Eventually it is the ability and capacity of the members within the Aboriginal town to articulate their ideas and desires and, if given the right cultural settings to build their motivation, to act on these ideas, which will determine the success of the engagement, the improvement in their capacity and thus the development of their towns.
Of equal importance is the awareness by government personnel (and the donor organisation staff that they bring with them) of very different cultural processes and operational styles when dealing with their clients in remote towns. Overcoming these differences and acknowledging and working with the internal Aboriginal town drivers will ultimately determine the success of the engagement process and thus the level of capacity that is produced.

It is inevitable that when the development of an Aboriginal town (and its people) is considered, the outside parties will be required to “engage and interact” with members of the Aboriginal town that “they” wish to develop. Therein lies the core issue of this thesis and the many theories of engagement and in turn capacity development that abound and are continuing to evolve throughout the world. How do governments, funding bodies and stakeholders enthuse, engage and empower these remote peoples to one day be able to govern their own affairs and futures with the necessary education, skills and confidence?

5.4 Community Development

5.4.1 Interaction and engagement

In tandem and as part of the growth and development in capacity of the people within an Aboriginal town, attention can then be focused on the development of the Aboriginal town itself within which these people live and thus exploring the internal drivers that will determine the sustainability of that Aboriginal town.

Definitions abound in the literature on “Aboriginal community development” and the process by which this development can proceed. Fundamentally this process has to include interaction then engagement, and then a partnership which eventually means a transaction between two or more parties which can lead to more professional and longer lasting alliances. These parties can include an Aboriginal town (and its people) with government, funding bodies, donors, private operators and commercial businesses. Community development has also become a catch cry that encompasses many things, principles and philosophies in the drive by stakeholders, donors, governments and countries to help (and “develop”) the peoples and communities who are or may be seen to be “less fortunate”.

In parallel with Aboriginal town development has been the growth in the theories of organisation development which is a vast and diverse area of study in itself and according to author Rick James: “It is very important to appreciate the different influences which have shaped organisation
development (OD) as a diverse discipline” (James 1998) The origins and history of this doctrine can be traced in the map Journey of Organisation Development (James 1998) see below.

The exploration of organisation development is outside of the scope of this thesis but is nonetheless important as a study in itself and for its influence on community development.

5.4.2 Community Development Defined
The fundamental idea behind community development is the empowerment of individuals through the acquisition of skills and the development of knowledge so they can effect change for the better within their own community.

The Community Development Challenge report produced by the Department of Communities and Local Government defines community development as:

Organisations should be controlled like machines – scientific + mechanistic approach

Organisations seen as organic systems with properties associated with living organisms
Community development is a set of values and practices which plays a special role in overcoming poverty and disadvantage, knitting society together at the grass roots and deepening democracy. There is a CD profession, defined by national occupational standards and a body of theory and experience going back the best part of a century. There are active citizens who use CD techniques on a voluntary basis, and there are also other professions and agencies which use a CD approach or some aspects of it. (The Department of Communities and Local Government UK 2006).

This report establishes four key roles for community development workers (CDWs) – Change Agent, Service Developer, Access Facilitator and Capacity Builder – in the course of working with communities (The Department of Communities and Local Government UK 2006). The activities of most practitioners and government employees working with remote Aboriginal towns in Australia could fall into one, more or all four of these roles in the delivery of a service to these towns.

These four areas have been borrowed and adapted from the Department of Health UK publication Community Development Workers for Black and Minority Ethnic Communities: Interim Guidance (Department of Health 2004).

To be connected and to be able to develop social networks has become known as “social capital”. Robert D Putnam has defined it as:

The collective value of all social networks (who people know) and the inclination that arises from these networks to do things for each other (norms of reciprocity) (Putnam 2000).

Within the theory of community development it is proposed that there are three general types of communities – geographical communities, communities of culture and community organisations. Remote Aboriginal towns of Australia can involve features combining all three of these type communities.

To be effective requires a complex set of skills for each practitioners who work in this field and for each type of Aboriginal town. One of the most critical of these three areas when working amongst remote Aboriginal people is the awareness and acknowledgement that remote Aboriginal towns are definitely discrete communities of culture. Even though there are links and long held associations between the neighbouring cultures and Aboriginal tribes there are also important different histories, journeys and interpersonal relationships that have been experienced by the people in their travels both culturally and physically to arrive at where these towns are at
today. To make sense of this history, the past culture and the present culture that currently exists it is critical for the ongoing planning and future of remote Aboriginal towns that all the people in a particular Aboriginal town have the right time, place, opportunity but most importantly culturally appropriate method to tell their story and thus formulate the future of that Aboriginal town. From the telling of stories of the past and thus fleshing out a current sense of place and ownership, an ownership of the future and how the Aboriginal town should proceed can be negotiated.

5.4.3 Equitable communication
It is at this point the two different cultures need to come together and communicate their mutual thoughts, issues, plans and outcomes. The outside culture of the organisation (donor or government department) and its practitioners (including the personal cultural background of the staff) and the culture of the people of the remote Aboriginal town or recipient country need to be brought together. A mutual “meeting place” needs to be negotiated and this concept is explored by Milnes in CIA (Milnes 2007). A practical way to achieve an “equitable communication” process can be found in the “Yarning Model” as proposed by Milnes in a working definition:

Yarners feel relaxed enough to share their own stories with others who will listen to them about anything they feel is important, to link with others and to enlarge their own view of the world.

This model has proposed six “C” elements which aid equitable communication. They are:

- **Context** (the place, time and people that are either conducive or not conducive to relaxing): “…feel relaxed enough…” – means that people trust other persons in the group, are in a place where they are comfortable and are free from the constraints of time.

- **Content** (the “stuff” that the people speak about): “…to share their own stories…” – means that people talk about personal experiences or experiences of those they know, things of interest to them and issues that reinforce their relationships with one another.
• Communication (the way people talk together): “…with others who will listen to them…” – means that people are empathetic listeners who are genuinely interested and open in their communication.

• Consideration (the issues that people talk about and their exchange of ideas): “…about anything they feel important…” – means that there is no set agenda, with priorities set by the yarners themselves and not of those outside the conversation and treating the participants’ felt needs.

• Connect (the feeling of “knowing” or “not knowing” others): “…to link with others…” – means that yarning may result in getting to know others more so that relationships are deepened and a common history established.

• Co-operation (the way people react to the things that are spoken about): “…to enlarge their own view of the world” – means that yarning may result in difficulties, problems and issues being identified, options being identified and plans of action being made (Milnes 2007).

“The Yarning Model opens alternative structures to communication, to ‘government speak’ and to words on paper.” He goes on to propose how this model can affect newer systems that empower local people in the following areas.

• Encourage fiscal autonomy and responsibility
• Increase opportunity for individual’s choices of housing
• Encourage systems that encourage collaboration rather than competition
• Encourage peace, order and good government (Milnes 2007).

These elements, the concept of a mutual “meeting place” and this Yarning Model have formed the basis for producing “equitable communication” which will be explored in the proposal put forward in this thesis in Chapter 8 The CED Strategy.
Chapter 6: Field Trips

Photograph 11 Field trip to One Arm Point
6.1 Field Trips and Practical Engagement Issues

6.1.1 Introduction
Let me begin by expanding on the fact that I was born and raised in the Kimberley. In 1989 I then returned for a year to work as a Project Officer with Marra Worra Worra Resource Centre in Fitzroy Crossing. I returned again in 1991 and stayed for five years as the inaugural Manager of the local Aboriginal Radio station and later was employed for three years with the Kimberley Development Commission in Kununurra as the Aboriginal Economic Development Officer. I am therefore very familiar with these Aboriginal issues and with many of the people and staff of the organisations that I chose to interview. Nevertheless the quality of the engagement that I experienced during this research left a lot to be desired even for someone with my local knowledge and experience.

I visited the seven remote Aboriginal towns within the focus area of the East Kimberley at least twice. On each successive visit I felt that I was becoming more acquainted with the issues facing each Aboriginal town and town and more familiar with the way things were done and how decisions were made within that particular area. However due to the time restrictions and costs of my field trips I had planned only two trips to each Aboriginal town within my specified area of the East Kimberley.

In hindsight two visits did not seem to be enough to enable me to organise meaningful committee meetings for dates that I was scheduled in each Aboriginal town. Nor had the local management staff created opportunities for me to have a meaningful conversation or “engagement” with all of the local leaders or chairpersons. Had the funds been available to make a third visit I may have had much more success with gaining access to the leaders and appropriate Aboriginal town directors. With a third visit or more my familiarity and local knowledge regarding the staff and Aboriginal town directors may have been sufficient for a much more fruitful and meaningful engagement experience. However it probably would not have been enough even then. Good things take time and engagement from outside personnel with Aboriginal people in these remote towns takes considerable time, patience and understanding as discussed in further chapters.

Nevertheless the two visits to each Aboriginal town delivered valuable data and highlighted in no uncertain terms the issues and factors present in devising an improved process for the
engagement of government departments or stakeholders with the people in these remote Aboriginal towns.

This chapter will set out the goals of the field work, how it was done and some reflections on the whole experience.

6.1.2 The Goals of the Field Trips

The goals of the field visits were to:

1. Introduce myself and explain the details of the project and the research to as many people as possible who were available within the remote communities and towns, both Aboriginal and non-Aboriginal, as well as the regional town based organisations, and relevant government agencies.

Meet the relevant Aboriginal town leaders and management staff within the communities and record their phone numbers and contact details and any other relevant information and data about the Aboriginal town.

2. Research and record any past road projects and particularly any past engagement by the Aboriginal town in local road maintenance.

Gather suggestions and ideas on an appropriate method for engagement by outside agency staff with the Aboriginal town council, Aboriginal town leaders and office staff. These people will include where possible, the Chairpersons, the CEO, the Office Manager, the CDEP coordinator, any council or Aboriginal town directors and any other non-Aboriginal persons who were interested in the research.

3. Request that suggestions and solutions to the engagement issue be discussed within the Aboriginal town and be placed on the agenda at future council meetings regarding the best way for Main Roads to engage with the Aboriginal town in the future.

4. Seek the best way forward for people to engage with Aboriginal towns on roads issues in the future.

The results of the visits and consultations are outlined in this chapter.
6.2 Field Work Tables

To follow are the tables showing the Aboriginal towns, organisations and types of people that I interviewed in the course of this research.

6.2.1 Towns consulted and the approaches used
(see Table p 110 to follow)

6.2.2 Organisations consulted and data collection used
(see Table p 111 to follow)
### Table 3 Aboriginal Towns consulted and data gathering methods used

<table>
<thead>
<tr>
<th>Method</th>
<th>Description</th>
<th>Towns</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Face-to-face consultations and interviews</td>
<td>CEO (1) Council Member (2) Community Member (3) Priest (1)</td>
<td>Kalumburu</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>CEO (1) Council Member (2) Community Member (3) Priest (1)</td>
<td>Balgo</td>
<td>7</td>
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<tr>
<td></td>
<td>CEO (1) Council Member (2) Community Member (2) Building construction supervisor (1)</td>
<td>Mulan</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>CEO (1) Council Member Community Member (1) School Principal (1)</td>
<td>Billiluna</td>
<td>2</td>
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<td></td>
<td>CEO (1) Council Member (2) Community Member (2)</td>
<td>Warmun</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Chair Person (1) Council Member (1)</td>
<td>Wuggubun</td>
<td>2</td>
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<td></td>
<td>Chair Person (1)</td>
<td>Cockatoo Springs</td>
<td>1</td>
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<tr>
<td></td>
<td>School Principal (1) Council Member (1)</td>
<td>Glen Hill</td>
<td>2</td>
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<td></td>
<td>Chair Person (1)</td>
<td>Balgo</td>
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<td></td>
<td>CEO PMHC Community Health Clinic Balgo</td>
<td>Total</td>
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<tr>
<td>Written survey</td>
<td>7 Written surveys were completed where possible.</td>
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<td></td>
<td>The questions used in the recorded interview were taken from the written survey sheet.</td>
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<td></td>
<td>Total</td>
<td>7</td>
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<tr>
<td>Sound Recording of Interview</td>
<td>Community Members (1)</td>
<td>Kalumburu</td>
<td>1</td>
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<td></td>
<td>Community Members (2)</td>
<td>Warmun</td>
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<td>Chair Person (1) Council Member (1)</td>
<td>Wuggubun</td>
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<td>Chair Person (1)</td>
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<td>Community Member (1)</td>
<td>Glen Hill</td>
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<td>Survey completed</td>
<td>Description</td>
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<td>CEO</td>
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<td>Road Engineer</td>
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<td>Executive Director</td>
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<td>General Manager</td>
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<td>Senior Project Officer</td>
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<td>Manager</td>
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<td>Training Officer</td>
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<td>*</td>
<td>*</td>
<td>*</td>
<td>Regional Manager</td>
</tr>
</tbody>
</table>

Table 4 Organisations consulted and data gathering methods used
6.3 Field Work Results (Interviews and Stories)
A fundamental finding of the interviews and conversations with both non-Aboriginal staff and the Aboriginal town directors is the lack of awareness and understanding of the responsibilities of the service provider for access roads and which department or service delivery agent is responsible for which road type. Thus there is a lack of awareness of who funds what roads and where the funds come from and how contracts for road maintenance and construction are awarded and managed. The rest of the chapter sets out the evidence for this from some of the interviews and reflections on them.

The research and therefore the questions to people in these remote towns and towns were quite specific:

What is the best way for Main Roads WA to engage with you and to what degree can you or how would you and your members like to be involved or employed in the delivery of a road service for your Aboriginal town?

The more difficult issue for Aboriginal people in remote regions is what do you ask for if you don’t know what you can ask for or what might actually be on offer from the many departments and stakeholders that are offering support and programs; then you may not get anything anyway. So my story in the initial meetings and contact with whoever was willing to listen became one of firstly providing information and explaining the current status quo. It seems so obvious but this subject area needed to be put into “their context” and “their way of viewing” the world.

Thus the first questions were:

- What kind of road works were Main Roads actually doing in their region and which different road types were actually the responsibility of Main Roads?
- How was the money for remote Aboriginal town roads sourced for this purpose and where it came from?
- How were decisions made as to what road projects and programs were funded and how might they – the Aboriginal town people – get involved with this process or how might Main Roads in the future let them be involved or engaged?
- How were the contracts granted to deliver the construction and maintenance of these roads?
It became quite obvious that, before I could get replies to the question about how they might engage with MRWA (and thus gather data for a thesis), it was critical for them to understand what the issue was about and what was the current practice and operational procedure for the maintenance of the road in and around their Aboriginal town.

Most people including the local Aboriginal people and the non-Aboriginal staff in the towns and outstations had no knowledge of these procedures or arrangement. It really was a *terra nullius*. They knew that Main Roads graded roads and so did the shires (sometimes) but as to the relationship between them and what roads local government was responsible for compared to what State government via Main Roads did, there was little knowledge. The complexity and confusion regarding funding sources expressed in Figures 1 and 2 were very obvious when it came to those on the ground who used the roads.

Particularly there was a lack of knowledge as to the amounts of money spent each year and as to where it came from. There was little understanding except that it must come from “the government”.

So I was starting from a very low understanding base.

I was placed in the most difficult position to try and explain that Main Roads were “hoping” that in the near future they may be able to access increased new funding to improve their roads. In effect I was suggesting that there might be new money for their roads and that the Aboriginal town might like to be involved in the contracts that “might” flow from this money. I got the impression that here again was government “bod” promising money and improvements for their town and Aboriginal town but it was not a definite; would they like to be involved in this “proposed” project that wasn’t funded! What a choice. You can imagine it didn’t get much traction.

As to the question – how might the department (Main Roads) improve its “engagement” with you (should this money eventuate) in order to improve your roads? – it seemed a little trivial. Any wonder that I received comments like … “just build the bloody roads … or fix then up … or you don’t need to ask us about that, just do it”.

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But the underlying reason for wanting this engagement and an improved partnership with MRWA (which was hard to communicate because it was still a “might happen” situation) was that training programs and employment options could be built into future contracts and the Aboriginal town could greatly benefit from meaningful employment and thus another income stream for these job starved towns.

Underlying the question of who should look after these roads was the question of whether a settlement or the establishment of an Aboriginal town should be seen as vital or not. This is a contentious issue but I found many people like Ian Trust in the interview below, can handle the concept.

Box 5 Interview with Ian Trust Executive Director Wunan Foundation Kununurra

<table>
<thead>
<tr>
<th>Interview Ian Trust Aboriginal Director Wunan Foundation Kununurra</th>
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<tbody>
<tr>
<td>JS - And what about this notion that some people would say .... a bit like with housing in remote communities where people have been asked to put some of their own money towards their housing. Because they chose to live in a remote Aboriginal town should they be “chucking in” something towards the roads … their internal roads or their access roads?</td>
</tr>
<tr>
<td>Ian - I think that there’s got to be a cut off in terms of where government has a responsibility for ... I mean ... if it’s one of the 72 communities that they accept responsibility for then they should grade the road in there.</td>
</tr>
<tr>
<td>JS - Is that in the East Kimberley?</td>
</tr>
<tr>
<td>Ian- I think there is 72 in the state isn’t there. That includes Balgo, Kalumburu and Turkey Creek and so on. They have a responsibility to grade those roads in there I think. If it’s a small Aboriginal town that sits off the road well then I don’t think it’s a big issue. But if you are talking about another Aboriginal town that is about 150 miles further on from Balgo where the Aboriginal town has agreed to live out there well then you foresee how much the government is supplied about because I think your are dead right ... I think that ... whose decision was it for that Aboriginal town to go and live out there.</td>
</tr>
<tr>
<td>It was the decision back in the 70s and 80s that you had to get people back out on country and so on I don’t think there was enough thought gone into how sustainable that was as far as the roads were concerned, health, pension, maintenance of water supply, provision of stores, you name it … um there’s a cut off in terms of when an Aboriginal community is not viable and you know 10 people in the middle of the Great Sandy Desert ... I would suggest isn’t viable.</td>
</tr>
</tbody>
</table>

6.3.1 Field work stories
On my last research trip I visited Bow River Aboriginal town in the East Kimberley whereI sat down at the front of the home of the mother of the Chairperson and had a long yarn. In the
process of the conversation the Chairperson approached and joined in. As the conversation was on the subject of the access road (which I had mentioned had been newly graded) the Chair person began to tell me how on the one hand she was pleased the access road to the Aboriginal town had recently been graded but that she did not know which contractor had done the job, who had engaged them and authorised the contract, whether the Aboriginal town would be charged and, of more importance to her, the operators did not talk to them or ask permission to do the job or to be within the boundaries of the Aboriginal town. She also added that the job was poorly done and that the local grader operator (her brother) who lived in the Aboriginal town had to go back over the job with their own grader and refine the job and remove the large stones that had been unearthed and left on the road by the contracted operators. I promised to track down the operators for her and who had authorised the job. I have since found out the information. This suggested that there was a need for better communication with Aboriginal town leaders regarding the allocation of contracts and between the local council and Main Roads WA.

6.3.2 Past Consultation – no outcomes
An issue that came up in conversation time and again was that the local Aboriginal people were willing to engage and talk and share their desires and ideas (which they had done on numerous other occasions) but that nothing seemed to eventuate after the interviews and “meetings”. A case in point was the past engagement and input by local Warmun people into the proposed bridge access across Turkey Creek at the Warmun town to link the two sides of the town. In my initial conversation with a past chairperson at Warmun he was under the impression that I had come to the Aboriginal town to continue the discussion about this proposed bridge which was not the case at all much to his amazement.

6.4 Reflections on Field Work
In my field notes I made the following comment after one frustrating visit to a Kimberley town:

An interesting thesis and research project for another place and time would be to research how many times government officials and other stakeholders have come to a remote Aboriginal town and engaged, researched or discussed an issue, a potential project, a plan or problem with a town whilst nothing definite or sustainable has eventuated or changed from all that consultation and engagement.

From my field work experience over the past three years and from comments made to me by people living in these remote towns and outstations this has happened time and time again.
6.4.1 Who invite who
Who has created these proposed outcomes and who has requested that they be achieved? Have these outcomes been created in tandem with the people of the Aboriginal town? Did the department need to engage and to what degree was that engagement necessary in order to be able to deliver the service? In my case was there a need for engagement for the construction and maintenance of an access road to their town? Was the engagement requested by the town, was the engagement justified? In my particular research and study I was not requested by these particular towns to come and visit, research and engage. Main Roads WA had requested (and funded me, for which I am grateful) to find out from these people how would they would like Main Roads to engage with them in the future—a most valid, commendable and useful thing to know if MRWA wished to improve their methods of engagement and thus improve the delivery of their core brief of building roads. But it was my enrolment with Murdoch and Curtin Universities and a Main Roads WA initiative that created the engagement and not the other way around.

6.4.2 Capacity of the Outside Employed Management Staff
It has become starkly obvious from my research and visits that the degree of functionality (or disfunctionality) of an Aboriginal town is 90% dependant, not on the Aboriginal people or the governance skills or “capacity” of the council (now since the changes to the Act, the “Board”), but on those employed from outside the Aboriginal town in roles such as the CEO, the Office Manager or the CDEP coordinator. These people are generally non-Aboriginal people. The level of skill, commitment, energy, enthusiasm and integrity of these people is paramount to the success of an Aboriginal town and thus the functionality and capacity of the governing council/board.

6.4.3 Handover periods
Critical also to the ongoing functionality (or disfunctionality) of these remote towns is the length of time taken to install the new recruits in roles such as the CEO, office manager and CDEP coordinator. Often the towns are left in limbo which aids disfunctionality and works against financial continuity let alone social continuity. Regularly the situation occurs where the outgoing management staff has moved on by the specified resignation date without new people in these critical roles due to the following typical types of situations.
6.4.4 Early withdrawal of appointed staff
The withdrawal at the last moment of the newly appointed candidates whilst the outgoing person has just left or would be leaving within the next week so, leaving no handover period to the next candidate or an open ended time frame with no one in the role whilst another candidate is sourced and interviewed etc.

6.4.5 Forcible removal of staff
The previous person or persons in these roles have been forcibly removed from their role and sometimes from the Aboriginal town, due to illegal acts, inappropriate behaviour or incompetence, thus leaving no one in the role whilst the process is put in place to find someone new.

6.4.6 No suitable applicants at the time
There had been no suitable or available applicants to take on the role at the end of the outgoing employee’s contract.

6.5 Insights for Those to Follow
6.5.1 Field work insights
Drawing on my experience at engaging with each Aboriginal town throughout my research I hope to offer some insights into how Main Roads as a government agency, and thus future and current employees of Main Roads, might go about doing this all over again in the future. Noting the pitfalls, challenges and the best way forward for Main Roads to engage, or should a remote Aboriginal town in the future request that such a department visit the Aboriginal town and begin a dialogue, is critical.

6.5.2 Research focus area East Kimberley
The field work of this research project has concentrated on engaging with four major areas of the East Kimberley: the Tjurabalan region (minus Ringer Soak), the Kalumburu area, the Warmun (Turkey Creek) area and the Kununurra area. The research plan to drive to the locations (thus experiencing first had the condition of the roads) wherever possible and stay overnight at least one night in each Aboriginal town has been achieved.

It is important to note that as the researcher I had been given the task set by Main Roads to focus my research on the remote towns of the East Kimberley. I have taken the initiative to contact the people involved in the management of these towns (as a route to engage with the Aboriginal people) via the standard approved methods of firstly telephoning, then emailing and then sending a letter requesting permission to visit and to enter the Aboriginal town, and
obtaining the appropriate permits were necessary. But it must be stated that I the researcher have done the initiating for the above reasons and it has not been the Aboriginal town people requesting that I or Main Roads visit because they had an issue with their roads or wanted to engage with Main Roads in order to resolve their road issues. Had this been the case much of what I have experienced and observed in this engagement exercise could well have been very different. If one is requested or invited to visit an Aboriginal town I am sure it would put a whole different perspective (and interest) on the reason for a researcher (or a government service provider) engaging with the Aboriginal town and thus possibly on the outcomes of the research.

This then begs the question of empowerment, confidence and control of one’s own destiny, and the wherewithal to be in a position to initiate this type of engagement which implies knowledge and awareness of how government processes and procedures operate. It is paramount that we the outsiders, the anthropologists, the government workers, the contractors and the “engagers” are aware that we, in "our" endeavour to do “our” job and gain “our” living, are actually walking into their world and often we have not been requested to be there. How we resolve this bigger long term issue of capacity development and education levels and turn this situation around is the subject of another thesis and is something that requires great thought and reflection.

6.5.3 Authority to enter and engage with an Aboriginal town

It has become starkly obvious from my visits to these towns that the degree of success or failure in being able to meet and engage with local Aboriginal town directors and have the opportunity to address a council meeting or be introduced to local leaders is dependent on the interest and personal commitment in the project or service being offered, firstly from the CEO and then the office manager or the CDEP coordinator or whoever is in control in the main office of the Aboriginal town at the time. Without these people being on side or engaged it is near impossible to visit an Aboriginal town and hope to have a chance meeting with the relevant Aboriginal people in a short time frame. Without the local knowledge these management people have attained in their positions you will not be able to identify the relevant people you should be dealing with. It is therefore crucial for any ongoing productive engagement with an Aboriginal town that a positive rapport is built with the CEO, office manager and CDEP coordinator etc. in order to gain their support in introducing you to appropriate people, arranging interviews, organising council meetings or including your project on the council agenda. A project’s success in a remote Aboriginal town may depend on the friendship and interest of the managerial people (usually non-Aboriginal) in the above mentioned roles in the Aboriginal town management offices.
6.5.4 Empathy and Attitude
This requires that the researcher is imbued with empathy, people skills, good communication skills but above all patience and acceptance that your particular project at that particular point in time may not be of any particular relevance or importance. There may be other more locally important and pressing issues that will take precedence on the day you have arrived. Constructive engagement with the management staff is the key to gaining access to local people and leaders within the Aboriginal town. The personal philosophy of these people, their political persuasions, their personal leverage and power amongst the Aboriginal and non-Aboriginal people of the Aboriginal town, their reasons for taking on the job and their personality and management style will differ from Aboriginal town to Aboriginal town. It is also worth noting that from my experience these key people in positions of authority in an Aboriginal town (the so called Gate Keepers) may become very unhelpful and uncooperative if they perceive they have not been “engaged” on “their” terms (regardless of whether they see value for them or the Aboriginal town in the project) or that one is going about meeting Aboriginal people without “their” awareness, and engaging without “their” consent or permission.

6.5.5 Legal obligations
It is also worth noting that there is a legal obligation to get permission from the chairperson of an Aboriginal town to enter or stay within an Aboriginal town and in some particular living areas there is a state government requirement via DIA to obtain a permit before entering an Aboriginal town. These regulations have been put into place for very good reasons but they can become very impractical and redundant on the day you arrive in the Aboriginal town if the appropriate people are not available to process your request and to grant you permission to enter.

The major aspect that has become evident from my research and experience is that engagement by outside stakeholders and government personal with an Aboriginal town requires time and flexible arrangements and great tact and patience.

It is also important to have enough time to be flexible (and funding and a budget to do so) should other more pressing issues suddenly present themselves on the day you are scheduled in the Aboriginal town and your project is shoved to the back burner or just ignored for the day.

6.6.6 Time to build rapport
As mentioned previously I visited eight towns within the East Kimberley on at least two separate occasions each. On each visit I felt that I became more acquainted with the issues facing the Aboriginal town and more familiar with the way things were done and how decisions made in
that particular Aboriginal town. Yet I still did not seem able to get a committee meeting organised for the dates that I was scheduled to be there or the opportunity had not been created in which I could have a meaningful conversation or “engagement” with the local leaders or chairpersons. I believe that had the opportunity been available to make a third visit I would have had much more success with gaining access to the leaders and appropriate Aboriginal town directors. I would have acquired enough familiarity and local knowledge regarding the staff and Aboriginal town directors to enable me to have meaningful engagement on the third visit. Good things take time and engagement by outside personnel with Aboriginal town people takes time and understanding. It would therefore seem that at the very least three visits to an Aboriginal town by an “engager” are required before any meaningful dialogue or decision making can occur. Due to the time restrictions and costs of my field trips I planned only two trips to each Aboriginal town within my specified area of the East Kimberley. It is interesting to reflect on Ian Trusts perspective on sustainable Aboriginal towns and meaningful engagement.
Interview with Ian Trust Executive Director Wunan Foundation Kununurra continued.

JS It is my understanding that the main thing that Main Roads wants feedback on is:

How to develop long term strategies for people in the communities to develop ways to manage their own road networks or is this not an option?

As a rough overview Main Roads want to find out about:

* How can they value add through employment options and through the planning and prioritising process in the handing out of contracts.

* What could be done to improve the long term asset value of the road network to remote communities?

* How can they engage better with Aboriginal town people?

JS What do you think?

Ian. I think the sustainability issue with regards to remote communities like Balgo Kalumburu and so on ... When you look at the sustainability of the communities themselves they are too up and down in terms of leadership and management... you mentioned earlier the Dampier Peninsula what’s fairly typical of a lot of these places is that they have had good quality machinery for a number of years whilst there is good management out there ... then when people move on or people leave because of you know physical interference or whatever happens it all falls down in a heap. I think that if you wanted something to be sustainable for a longer term you would need to have ... I mean the one thing that guarantees management sustainability is political sustainability at the management level. And that's something a lot of these communities just don’t have. I think that what has been the real thing with Wunan is that the big difference between Wunan and a lot of these communities is that Wunan has got political stability.

JS. As an organisation?

Ian As an organisation ... It doesn’t suffer from you know takeover bids and all the things that come with leadership... Well I mean ... I suppose it calls into question this whole notion about Aboriginal town self-management I think that in a lot of cases it’s worse than others ... I think there is a fundamental flaw with the model.

6.6 Field Work Results (Interviews and Stories)

6.6.1 Who engaged who

Taking the time and patience to build this kind of report also highlights the need to discuss what is meant by engagement with “a remote Aboriginal town” and what outcomes are envisaged through this engagement and more importantly will these proposed outcomes actually get funded to make them a reality. An interesting thesis for another place and time would be to research how many times government officials and stakeholders have come to an Aboriginal town and engaged, researched or discussed an issue, a potential project, a plan or problem with an Aboriginal town but nothing has eventuated or changed from all that consultation. From my field
work over the past three years and comments made to me by people in remote towns this has happened time and time again.

My research question was quite specific: What is the best way for Main Roads to engage with you and to what degree and how would you and your Aboriginal town directors like to be involved or employed in the delivery of a road service to your Aboriginal town?

The more difficult issue for Aboriginal people in remote regions is what do you ask for if you don’t know what you can ask for or what might be on offer from the many departments and stakeholders providing funding, support and programs? So my research story in the initial meetings and contact with whoever was willing to listen became one of explaining:

1. What Main Roads were actually doing in their region and what sections of road maintenance and construction was their responsibility?

2 Where in the past has road funding been sourced from?

3 How decisions were made as to what road projects and programs were funded (and how could they get involved with this process)?

4 How the contracts were granted to deliver the construction and maintenance of these roads?

It became quite obvious before I could get their reactions to the request about how to engage that it was critical for them to understand what the issue was about, who and what Main Roads WA was and what was the current practice and operational procedure for the maintenance of the roads in and around their Aboriginal town.

Most people including the local Aboriginal people and the staff in these remote towns and outstations had little knowledge of these procedures or arrangement. They knew that Main Roads graded roads and so did the shires (sometimes) but as to the relationship between them and what roads local government was responsible for compared to what State government via Main Roads did, there was little knowledge. As to the amounts of money spent each year and where it came from there was little knowledge.
So I was starting from a very low understanding base.

I was placed in the most difficult position to try and explain that Main Roads were “hoping” that in the near future they may be able to access increased new funding to improve their roads. In effect I was suggesting that there might be new money for their roads and that they might like to be involved in the contracts that might flow from this money. I got the impression that here again was government “bod” promising money and improvements for their Aboriginal town but it was not a definite and would you like to be involved in this proposed project that wasn’t funded! You can imagine it didn’t get much traction.

This request for information or the question − How might the department (Main Roads) improve its engagement with you (should this money eventuate) in order to improve your roads? − seemed a little trivial. Any wonder that I received comments like … “just build the bloody roads” or “just fix them up you don’t need to ask us about that”. But the underlying reason for proposing this engagement, which was hard to communicate because it was still a “might happen situation”), was that training programs and employment options could be built into future contracts and thus the Aboriginal town could greatly benefit from jobs and another income stream for these employment starved towns.

6.6.2 Best laid plans have come to naught

The daily plans and arrangements within remote towns are constantly in a state of flux. All arrangements or plans to address a council meeting, or to meet with particular elders or meet office staff upon arrival in a remote Aboriginal town can be cancelled within an instant or can be impossible to implement as the day progresses for many reasons including the following.

On field trips over six months in early 2008 I experienced all of the following, resulting in curtailed arranged meetings or introductions to Aboriginal town leaders. Thus there is a great need to have time up your sleeve and be prepared to be flexible.

- Management staff have forgotten, even after numerous phone calls, letters and emails that I was coming and thus have not arranged any Aboriginal town meetings for me to attend as were planned and promised. (This highlights the
Chapter 6 Field Trips

stress and over worked nature of these roles and the emotional toll on people who take up these positions).

- There has been a death or a suicide in the Aboriginal town and all planned meetings or arrangements are placed in limbo or cancelled.

- There has been a feud or an upheaval or some violent incident in the Aboriginal town overnight and this has negated all meetings or arrangements the following day.

- There has been a rape or some other offence committed recently in the Aboriginal town which has either directly or indirectly affected the planned meetings with associated family members and extended family members.

- Alcohol has been bought into the Aboriginal town on the day (or week) before and there has thus been a drinking session or party with all the subsequent knock-on issues and thus non-attendance at arranged meetings or introductions.

- Personnel and leaders I had planned to meet have gone to town and left the Aboriginal town for the day or week for a variety of personal reasons or Aboriginal town related business.

- There are other planned meetings, courses or workshops with council people and office staff at neighbouring Aboriginal towns on the day you have arranged to arrive in the Aboriginal town. This has been unforeseen by Aboriginal town people or management staff and they have not conveyed the arrangements and dates confirmed with you to other staff members who are running programs such as governance courses, leadership training courses, skills training, other government agency meetings and special events.

- Certain office staff who you were working through are sick on the day you arrive at the Aboriginal town.

- Certain office staff have taken holidays on the day you have arranged to meet them in the Aboriginal town or have forgotten that you were coming.

- The staff and Aboriginal town leaders have left the Aboriginal town to attend a court case.

- The mail plane has arrived and needs attending to by office staff.

6.6.3 Better luck next time

One has to be prepared to accept these issues and live in hope that things will work out better the next day or the next time you plan to visit the Aboriginal town. These setbacks and cancellations
of arranged meetings and thus any plans for Aboriginal town development projects and government business with personnel in a particular Aboriginal town are part and parcel of the fabric of remote Aboriginal town life and must be viewed in the context of a journey when dealing with people in remote towns who are also in the journey.

6.7 The Community Engagement Journey

6.7.1 Ways of Viewing the Engagement with a Remote Community
It is necessary for researchers, government employees and people from outside wishing to engage with an Aboriginal town (and its members) to view the engagement as if we are joining with them on “their journey.” We must do so firstly when they are ready and willing and the time is appropriate to join them in their journey and secondly we have to accept them and their Aboriginal town at whatever stage they are at on their development journey. There may be other towns that are well advanced on the journey and have a lot of structural elements in place, such as experienced management staff, established functioning government liaison processes, professional accounting and book keeping practices and established regular council meeting times. Other towns may not have these things in place or may not be at the same level of functionality and thus each Aboriginal town has be approached and engaged at its own level and within the style of management and engagement practices that have evolved in that Aboriginal town depending on past practices of the office staff or the council members. We have to remember that the office staff whilst working in that Aboriginal town, are or have become an integral part of the journey due to the established business models that have been put in place. Thus they are critical to allowing or facilitating others in joining the trip regardless of what the Aboriginal town council are aware of or might want. Such is the power these people can wield.

The other important thing is to never forget that as outsiders joining their journey there will come a time when we have to get off and disembark (because we actually do not belong there), we have chosen not to live there or we do not live there permanently for work reasons. Thus we have to be mindful of genuinely leaving something of worth behind whilst we are on the journey and prepare for a dignified exit and one that considers the feelings and aspirations of those within the Aboriginal town.

Aboriginal people have seen and experienced (and continue to experience) many people from all walks of life who have joined their journey and have left taking much but in many cases leaving little. Some have supported and worked with the local people at their level and produced commendable outcomes for the Aboriginal town and its people, whilst others have fleeced the
Aboriginal town emotionally, financially and spiritually sometimes knowingly and sometimes unknowingly. Many people have also joined the journey and have left and have done very well financially and have utilised their experiences in advancing their careers well beyond their time in that Aboriginal town. Whilst there is nothing untoward about this situation what is important to ponder is what has been left behind for the local people: is it commensurate with what gains the individual has acquired or can lever out of the experience?

6.7.2 Implications of Aboriginal Decision Making

Often within the decision making process, we the staff of agencies and government service providers require an Aboriginal Corporation (council or an Aboriginal director) to make a decision promptly and we are frustrated with the lack of resolutions or decisions. What we have to remember is that we (and thus the department) have joined the journey and it is not our journey (or job requirement) any more than it is theirs and the decisions that we are requesting of them and thus the solution has to work (and go on working) for them in their world after we leave. It has to fit within their family constraints, their financial framework, their cultural context and the ramifications for their extended family. They may be factoring in past histories and past incidents of their journey which frame how and why they make their decisions and thus may need time to make those decisions. We (the outsiders) may have no knowledge of any of the implications our request for a decision is placing on them within the above mentioned contexts or within the future context of where they are heading on their journey. We must not forget that when we drive or fly away from an Aboriginal town and go back to “our” town or Aboriginal town we are no longer on the journey with them thus we have been removed from any of the outcomes or consequences both positive or negative that a decision may have on those who are still within that Aboriginal town and on that journey.

6.7.3 Future decisions

After much research and soul searching the question that still remains and thus impacts greatly on the extent of the upgrade to Non-Local Roads and thus Main Road’s commitment to remote towns is: Which towns will still be in existence after 10 years or even 25 years?

And more importantly if they still exist, what size in population might they be? This poses some difficult questions such as which roads to which towns should be given the appropriate attention and what level of upgrade should be implemented. It will be a very embarrassed state government department which commits and delivers a major upgrade (or even sealing) of a road to a particular Aboriginal town only to find out that a year later a decision has been made by a higher authority in a Federal government to shut down that Aboriginal town and move all those people
and infrastructure to a neighbouring town. It is worth considering however that our great societies regularly manage to do such things even in all of the world’s largest cities See Great Planning Disasters (Hall 1982).

The current management model that remote Aboriginal towns nationally are structured on is one that was hoped would lead to self-determination, quality local decision making and local ownership in the future of the Aboriginal town. This structure has now been in place for the past 30 years. The model was refined from 1 July 2008 to include and be re-structured around a “management board” (and not a Council) and thus be controlled by a “board of directors” (and note community councilors) under the new CATSI Act. (The new Corporations (Aboriginal and Torres Strait Islander) Act 2006 http://www.oratsic.gov.au)

6.7.4 The Corporation structure as a Governance model for remote Aboriginal towns
The continued interview with Ian Trust on governance models raised the issue of the political stability of Aboriginal organisations and how this impacts on their sustainability.

Box 7 Interview with Ian Trust 3 Field Work Results (Interviews and Stories)

<table>
<thead>
<tr>
<th>Interview with Ian Trust Aboriginal Director of Wunan Foundation Incorporated Kununurra continued.</th>
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<tr>
<td>JS. From the Aboriginal town’s side?</td>
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<td>Ian. I think this idea about setting up a corporation that has an AGM when you get all these people that turn up there … and you know … that model in a lot of cases it just doesn’t work. With regards to the issue of trying to come up with something that sustains in the long term it almost got to be like a regional organisation like Wunan that could provide say… a mobile maintenance team going out and doing roads and engaging the local Aboriginal town in that region but if you tried to put together a mobile maintenance team say from Balgo or Mulan it would only last as long as the political stability of the Aboriginal town lasts and good quality staff. If you look back through history on the historical data it doesn’t last very long.</td>
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<td>JS. Would that be same the case with KREAC? Remember there was KREAC here in Kununurra that was set up to do road maintenance? (Kununurra Regional Economic...</td>
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Aboriginal Corporation) And KREAC has gone down the drain and now that KREAC is solvent again that could be the same thing again, through poor quality staff, poor management,

Ian. Yea ... Balangarri gone down the drain with the same problem.

JS. How could an organisation that would be initiated and run by Wunan differ from what happened with KREAC? What would make it a success whereas KREAC wasn’t a success?

Ian. Well the reason is what I said earlier Wunan has political stability mainly because of its structure. It doesn’t have a membership consisting of 500 people or 300 people; the membership of its foundation is its board – which is about 7 people. And that’s made up of the board of directors who come from throughout the region.

JS. Is it a proprietary limited company? Is it a company as such in a commercial sense?

Ian. No Wunan itself is a charity; it’s exempt from paying income tax. All these individual companies underneath like Kimberley Wilderness Adventures (KWA) are proprietary limited companies. But they are all owned by Wunan and Wunan is a charity, of which ... it does make profits and that’s the whole idea of what it exists for but the profits are about elevating poverty and informed opportunities for people. It’s not about dividends for the directors and so on.

JS. So by having that director structure you think that has made it more of a stable organisation?

Ian. Yes I think that’s the reason why and also Wunan is a regional thing it’s not just for one town like even though it’s based in Kununurra here it’s not just for Kununurra. So Wunan is a regional thing and its strength is the fact that it doesn’t have politics at the board level amongst the commission.

JS. And that would be a good reason it could initiate and sustain a Road Plant Model compared to what happened to KREAC?

Ian. Exactly yea. I mean if we set up a road plant model like we have set up between Kimberley Wilderness Adventure Tours (KWA) in partnership with Australian Pacific Tours (APT) ... we could set up a separate company in partnership with say BGC (depending on what extent you want to go commercial) you could set up a company in partnership with a commercial operator and the Aboriginal side of it you could have some sort of involvement by some of the remote communities if there was any involvement of having them involved or it could be just be purely a Wunan thing involving the remote communities. Whilst doing work in their region you employ people from that area. In terms of accessing employment and training and getting them involved in the industry but not actually at the management level.

6.7.5 Government's Capacity to Engage and Deliver

Is it talk or is it engagement and does it have a real outcome for Aboriginal people?

From my research and past experience it seems that engagement that takes the form of talking with Aboriginal people can seem like a waste of their time as this type of engagement seems to
have happened many times before and nothing seems to have happened or changed in a meaningful way on the ground even though these conversations have taken place. So there is a jaded attitude towards staff from government agencies and researchers from universities. Ideas and suggestions from people in remote towns have been documented and they have offered them willingly but nothing has happened or changed. So whilst it is all very well and good to engage and get the perspective of Aboriginal people within an Aboriginal town one has to ask whether any thing has happened or changed for the better particularly in the short term and in the here and now which is where most Aboriginal town peoples’ mind set is focused. Without something concrete like real committed funding to create a real project within the immediate future it is just more words on paper or some kind of vocal recording device.

There seems to be a gulf whereby city based voters and academics insist that governments engage more effectively with Aboriginal people in order to understand their desires and aspiration whereas in reality it is not an easy task to communicate with appropriate Aboriginal people in a remote Aboriginal town on a drive in drive out basis, considering the actual logistics and Aboriginal town issues on the ground at any given time.

What is required is a long term commitment by government personnel and service delivery staff to build a rapport and relationship on regular basis – a regular engagement. This could incorporate the principles of Appreciative Inquiry and the Yarning Model which will be discussed later in chapter 8.

Another method for engagement that could be utilised is to work in partnership with already established programs.

Of paramount interest to me throughout my research and involvement with these towns has been the issue of them coming to terms with the notion of a plan or model for engagement into the future. The future seemed to many people to be something that was not "planable". Governments and their officers just seem to appear and instigate things and they just have to go along with the next scheme or program as it was rolled out. So the notion of how would you like the government to engage with you seemed very foreign. Most of what I have seen and experienced on my field work has indicated that the planning and development of Aboriginal towns has been on an ad hoc basis and lacking in coordination and hence the multitude of problems and social issues that are now beginning to manifest themselves. Some towns have
established (or someone has been contracted on their behalf) to produce Community Layout Plans (CLP’s) which are visual plans for the roads and buildings within an Aboriginal town and which show scope for future developments. These plans have been funded by DIA for most of the larger towns and have been submitted to the local Shire councils to keep on file. But due to most of the Aboriginal town lands being on Reserve Land the councils technically cannot enforce council rules and regulations that are applicable to all other areas and towns within their jurisdiction. Nevertheless, these CLPs serve as a basic town plan which can enable the placement of infrastructure into the future. Infrastructure Australia has recognised this element as a major positive initiative in the Northern Alliance submission. However the larger issue is that there is still no overall long term plan on what to do about the sustainability of Aboriginal towns in general.

6.7.6 What plan?

The truth is there is no state government plan for establishment, development and sustainability of these remote towns and there appears to be no process that is leading to this plan.

It is no surprise therefore that when the question was asked of local people regarding how might Main Roads engage in the future there was a blank look and a sense of bewilderment. There is an inability to think that one could plan and thus construct a new process or model for engagement let alone come to terms with the idea of an actual plan for how things might unfold in the future using this engagement process. Could it be that Aboriginal people have become totally disconnected with the future because their past has been so controlled and they have been so powerless to initiate or be a player in their future because governments have enforced it in the past? The concept of a model or how Main Roads might engage in the future seemed to be a simple one. But a common response was why they don’t just come and talk to us as you have done and are doing. But I did come (on their behalf) and found there was a range of obstacles to me talking and engaging with Aboriginal people as discussed earlier. A fundamental concern that has emerged from my research is the presumption that the delivery of government essential services has to be negotiated or approved by the Aboriginal town or council. If an access road is an essential service does it need to be negotiated with the Aboriginal town? Why can’t it just be delivered?
Box 8 Interview with Ian Trust

Interview Ian Trust Aboriginal Director Wunan Foundation Kununurra WA 2008 continued.

JS - OK taking the other idea of engagement. How might Main Roads engage better with an Aboriginal town council or do they need to?

Ian - Look I think that ... I don't think they do ... (long pause) ... I see roads as a ... you know I mean ... in the framework of the world that you and I work in ... they don't go and talk to everybody in Kununurra – they just go and do the bloody road.

You know I don't see the reason why they actually have to engage it's an automatic thing that should just ... should just happen.

Obviously people want to know the times that the roads have to be graded but it's not something that is has an impact on... if you are putting in a new road that's going through sensitive areas or they may be historical or cultural sights obviously that's an entirely different matter but if it's just maintaining an existing road... it's just like going down there and maintaining the bloody rubbish tip. It's something that you don't have to consult with everybody.

I think that for Main Roads the issue is how they can value add in terms of providing some value to the local people, the Aboriginal people in the region in terms of the 5 million of whatever it is that they spend on East Kimberley every year. How can they value add to that – that would be more of a key question I think in terms of what they could do there.

6.8 A Delivery Model for Main Roads: A Delivery Structure for the Kimberley

I propose that the best way forward is for Main Roads to create and fund three new positions (Program Delivery Managers) within each of the three old ATSIC regions of the Kimberley, is to work with and through the framework of the already established and current Civil Works Committees that have been created by Main Roads. The role of these people will be to engage with the respective Aboriginal towns and outstations within their area and in partnership facilitate the long term engagement by Main Roads and thus the delivery of ongoing contracts, employment and training regimes in the road construction and maintenance program for these Aboriginal towns. It is critical that these positions be established and adequately funded in the following towns in: Broome for the Kullarri Regions, Fitzroy Crossing for the Malarabah Region and Halls Creek for the Wunan Region. The funding to establish these positions will be extensive and the budget will need to cover the purchase (and construction if necessary) or leasing arrangements for permanent housing and office space plus vehicle purchase and usage cost and the annual administration and travel costs.
Chapter 6 Field Trips

This will be a major change and focus for Main Roads and will take considerable courage and commitment if this long term engagement is to deliver real outcomes and be sustainable. This commitment and courage will be even more poignant (if this strategy is successful in the Kimberley) because it will necessitate the same approach to be rolled out across the whole state. Is Main Roads serious about addressing this road issue and thus equitable service delivery to other Aboriginal Australians who live in remote towns across this vast state? Time will tell.

6.8.1 Service Delivery and the Engagement Process
Firstly equitable communication and productive engagement requires adequate funding and resources to take into account the need for flexibility at the time of engagement and flexibility in arrangements during the engagement. This requires appropriate funding for the staff and they must be resourced adequately. Secondly what has been lacking since the inception of the Homeland Movement across Australia is that access roads (and internal roads) to remote Aboriginal towns need to be classified, and formally established as an essential service and therefore need to be supported with committed long term appropriate management and funding.

In 2007 Main Roads presented to the State Government Task Force a proposal that the level of funding to fulfil this requirement is approximately $10 million each year for the next 10 years, a total commitment of $101 million. To date no decision has been made regarding this application and proposal.

6.9 Conclusion to Field Research
The interviews with Aboriginal people in remote Aboriginal towns reveal as follows:

- Complete lack of knowledge regarding who is responsible for their roads and where the funds come from to maintain them and confusion about the status of the roads is universal.
- Frustration with the past lack of communication or engagement by governments at all levels to explain their various roles and responsibilities with regards to fixing and maintaining their roads.
- A despondent attitude towards government’s ad hoc approach to doing something about their roads.
- Awareness of the problem of having too many small isolated outstations but no belief that anything much will happen or change to improve their roads.
Awareness of the fact that regarding either the outstations or the larger Aboriginal towns and towns there are no communicated plans for the future from government.

To highlight the practical (and personal) issues that can be encountered when “engaging with” a remote Aboriginal town, I have described my experience via a daily diary exploring the issues and experiences that I was involved with during my five day field trip to Kalumburu and its people (Appendix 1).

6.10 The Kalumburu Experience
East Kimberley field trip 13 – 16 May 2009 at Kalumburu.

6.10.1 Background
The town of Kalumburu (formally known as Kalumburu Catholic Mission) or Kalumburu Aboriginal Corporation is the most northern Aboriginal settlement of the Kimberley. It is situated on the King Edward River about 5 km upstream from the mouth of the river which opens into Napier Broome Bay.

According to the ABS statistics in 2006 there was a total population of 414 with the break-up of 359 Aboriginal and 55 non-Aboriginal. The total number of dwellings with Aboriginal persons was 52 with an average household of 6.4 people with 1.9 persons per room (ABS 2006). (For comparison the National statistics in 2006 was 3.4 per house– about half - and 1.3 per room).

The area is claimed by two native title holder groups, the Balangarra and Wunumbal-Gaambera native titleholders.

The gravel access road south from Kalumburu to the intersection with the east-west aligned Gibb River Road is 263 km long. Travelling east along the gravel Gibb River Road it is 244 km before the intersection with the bitumen of the Great Northern Highway. From here you can travel north to Wyndham, a distance of 48 km making the total distance travelled from Kalumburu to Wyndham some 555 km. Or you can travel south from the intersection with the highway, a distance of 53 km to Kununurra making it a total of 560 km from Kalumburu to Kununurra. To follow the five days documented in the diary turn to Appendix 1.
To grasp the gravity and to make sense of my experience at Kalumburu it is important to understand the history and the influences that led to establishment of towns like Kalumburu. This will require an understanding of the origins of the Homeland or Outstation Movement. This has been explored in Chapter 3. The next chapter begins the journey of seeking solutions to this deep seated set of problems associated with the lack of commitment by governments to Aboriginal roads in Western Australia.
Chapter 7 Aboriginal Road Forums

Photograph 12 Access road into Osmond Valley south of Kununurra
Chapter 7 Indigenous Road Forums

7.1 The Future of Roads Associated with Remote Aboriginal Towns
Sourcing secure long term funding for Aboriginal roads has eluded Main Roads WA over the past 20 years. Numerous thoroughly researched and documented reports and submissions produced by MRWA staff justifying the need have been made to secure a consistent line of funding at the state government level and the Federal government level or in some combination thereof but to no avail.

Thus a new approach was taken to try and unlock funding and achieve some responsibility as part of the action research in this thesis. A group was established (hereafter called the Planning Group) consisting of key people involved in the research project to try and establish a different approach to the issue.

7.1.1 The Planning Group
The aim of the Planning Group was to secure appropriate long term funding for roads associated with remote Aboriginal towns through creating a series of Road Forums comprising the three major jurisdictions involved with Aboriginal road issues and to get them to apply jointly to the Federal government body Infrastructure Australia (IA). The Planning Group was a partnership between CUSP Curtin University (Professor Peter Newman and John Smoker, PhD Student), Main Roads WA (David Brown Senior Project Manager, Operational Services) and PATREC (Greg Martin Executive Director and Chairman of National Transport Commission).

Due to the short time lines for the applications to IA the various states and territories across Australia had by this time produced and submitted their own overall state applications and those states with an interest and need for funding for roads associated with remote Aboriginal towns had included a budget for this purpose in their total state budget applications to IA.

7.1.2 Broaden the Scope for Funding Success
After much discussion and planning (due to the short application dead line and time frame stipulated by IA) the Planning Group decided there would be great advantage in a joint application. This would broaden the scope and thus the clout of the individual state applications by combining the budgets, strategies, procedures and the justification of the road agencies for increased funding across the Top End. This would also create a unity of purpose and in turn more leverage for a positive outcome from IA for the funding of remote roads. To facilitate this WA initiative it was decided to get the other Top End states together. The Planning Group was well placed to deliver this goal. Greg Martin, the Executive Director of Western Australia's Planning and Transport Research Centre (PATREC), had just been appointed in September 2008
as the Chairperson of the National Transport Commission (NTC). Professor Peter Newman had been appointed to the Board of IA in May 2008, David Brown for the past 20 years had produced numerous reports for MRWA justifying the need for increased funding and I had for the past four years researched the need for appropriate long term funding for this essential service as a legitimate right of all Australian citizens. The Planning Group thus approached the task with a sense of optimism that perhaps this was the historic breakthrough required.

It was decided to hold a forum in Kununurra Western Australia in order to bring together and gain the support of the representatives from Main Roads departments in Queensland, Northern Territory and Western Australia and other key stakeholders (such as local governments) across these northern jurisdictions associated with funding and delivery of access roads and internal roads in remote Aboriginal towns.

7.2 The Kununurra Forum
Fate and timing had offered a unique opportunity through Infrastructure Australia (IA) to highlight this funding need as a national priority and an opportunity to develop a new source of funding. It also offered an opportunity to develop new strategies that could improve the engagement of local Aboriginal people in the delivery of this essential service. Other guests and stakeholders with experience in these issues were also invited to the Forum. This included people with ideas and experience on how Aboriginal towns in the future might play a bigger role in future road construction and maintenance programs. These included representatives from WALGA and LGANT, the four Kimberley Shire Councils, the Centre for Appropriate Technology and Horizon Power which had a well-recognised program for training Indigenous service delivery for electricity supplies. It was envisaged that the Forum would be facilitated in a round-table workshop format. A professional facilitator was contracted by Main Roads WA to manage and record the workshop.

7.2.1 Reason for the Forum
The fundamental reason and the agreed outcome of the Forum was to secure from the Federal Government long term appropriate funding for access (and internal) roads to remote Aboriginal towns, something that has been non-existent over the past 30 years. The title of the Forum was The Future of Roads Associated with Remote Indigenous Communities.

7.2.2 Purpose of the Forum
It was agreed that the purpose of the conference was to:
1. Integrate submissions from Queensland, NT and WA to Infrastructure Australia for appropriate long term funding for roads associated with remote Aboriginal towns across these jurisdictions.

2. Explore successful models and partnerships with Aboriginal towns and road authorities (and possibly other organisations) within Australia that have been successful in the delivery of road maintenance and improvement services in remote regions.

7.2.3 Potential Forum outcomes
The Planning Group were quite clear and determined that there would be definite outcomes delivered by the Forum and these were:

1. To secure agreement from State and Commonwealth Governments to grant long term appropriate funding for access and internal roads in remote Aboriginal towns.

2. To provide advice to governments on preferred models for a working partnership between road agencies and principal stakeholders, including Aboriginal towns and local governments, regarding the planning, delivery and monitoring of road maintenance and improvement services should funding become available in the near future.

The Forum was therefore the culmination of research, planning and negotiations that had been conducted by myself and David Brown over the past three years into the funding dilemma and the engagement and involvement of local Aboriginal people of these towns in the maintenance and delivery of access and internal roads in remote Aboriginal towns of the Kimberley Region.

7.2.4 The Kununurra Roads Forum – “The Future of Roads Associated with Remote Indigenous Communities”
The Forum was conducted on 21 November 2008 for a whole day in Kununurra at the start of the wet season in sweltering heat and monsoonal conditions. It proved to be a great success with 25 people attending. The range of presentations, examples and overviews relating to funding and road delivery programs from each of the three jurisdictions across Northern Australia was illuminating. Having heard all the presentations relating to budget allocations and programs for the delivery of a roads service for remote Aboriginal towns across the top Professor Peter Newman made the following observation of each state. He said, “Queensland could be likened to a developed economy, the Northern Territory to an emerging economy and Western Australia to
a Third World economy”. Clearly Western Australia was not doing well, though each jurisdiction had its own needs in the area as well.

### 7.2.5 Outcomes of the Kununurra Roads Forum – The Northern Alliance

The Northern Alliance and the Communiqué

Two major outcomes of the forum were the agreement by delegates to form a Northern Alliance between all top end remote road stakeholders and the production and release of a communiqué entitled “Northern Alliance for Roads Associated with Remote Indigenous Communities” (see complete version Appendix 2).

In summary the Northern Alliance delegates agreed in the communiqué as set out in Box 9 below.

**Box 9 Summary Northern Alliance Communiqué**

<table>
<thead>
<tr>
<th>“Northern Alliance for Roads Associated with Remote Indigenous Communities”</th>
</tr>
</thead>
<tbody>
<tr>
<td>To request that Infrastructure Australia consider the remote roads component in the various applications from WA, Qld and the Northern Territory as a single national collaborative initiative.</td>
</tr>
<tr>
<td>That there is a need for a specific ongoing road program of funding for roads associated with the remote Indigenous communities as a basic entitlement. The need has been recognised by the COAG Bilateral Agreement on Indigenous Affairs (July 2006). The Agreement seeks to normalise essential services in Indigenous communities to “close the gap” in health and wellbeing.</td>
</tr>
<tr>
<td>To meet as an Alliance on an annual basis to continue to work collaboratively and to consistently readdress the issues and strategies that have been discussed at this Forum in order to maximise the return to the Indigenous people in remote communities.</td>
</tr>
<tr>
<td>That over the next year representatives of the state and territory road authorities and local government associations will meet on a quarterly basis to further this agenda.</td>
</tr>
</tbody>
</table>

To further the agreed objectives of the Planning Group and in accordance with the directives in the communiqué, the key representative from the Roads Departments met again over three days in Darwin in February 2009 to address the feedback from the initial round of state submissions to Infrastructure Australia and to begin gathering the data for submitting a new joint submission.

### 7.2.6 Infrastructure Australia (IA) Feedback

The feedback from IA interim report released in December 2008 indicated that components of the initial applications associated with Aboriginal roads from each of the three northern jurisdictions had progressed to the next round.
As a result of the initial assessment and prioritisation of projects it became clear that IA was giving priority to major projects with high Benefit Cost Ratios (BCRs). To maintain a focus on the roads associated with Aboriginal towns it was agreed at the Darwin meeting by members of the Northern Alliance, with the support of the principal road authority CEOs, that a new joint submission from the Northern Alliance be developed that combined all three Aboriginal road budgets as one application and which addressed the new set of application guidelines as provided by IA.

Main Roads WA under the guidance of Mr David Brown took over the task to oversee the production of the combined application which included obtaining letters of support from the three northern Local Government Association agencies and sourcing and amalgamating the road budget submissions from all three key road authorities using the new IA assessment framework. The final submission was produced by the consultants Marsden Jacobs Associates who were commissioned by MRWA. The joint submission gave a new rationale for “The Future of Roads Associated with Remote Indigenous Communities" and was submitted to IA in April 2009.

7.2.7 Wider Economic Benefits (WEBs)
A new feature of the joint submission was the addition by Marsden Jacobs Associates of “wider economic benefits” (WEBs) in order to add weight and justification for the need to fund these roads and thus enhance the standard economic benefit cost analysis (BCA) criteria. The inclusion of WEBs in the Northern Alliance submission as developed by the consultants Marsden Jacobs Associates is now required by all IA submissions but was something new and without precedent for this type of analysis on Aboriginal roads.

Ongoing Progress and the Mt Isa Roads Forum
As a follow up to the successful Roads Forum in Kununurra (Nov 2008) and in accordance with the agreed Communiqué, another Roads Forum needed to be planned.

At the meeting in Darwin in late February 2009 to facilitate the combined application to IA the Principal Road Authority members of the Northern Alliance agreed to hold the next Roads Forum in Cloncurry Queensland on Wednesday and Thursday 29/30 April 2009. This decision was subsequently endorsed by the Planning Group in Perth.

Cloncurry is a major regional centre for managing road projects and training programs associated with Aboriginal towns. It was agreed that the Roads Forum would provide an opportunity for representatives from WA and NT to benefit from examples of successful Queensland remote
road projects and training programs. Due to unforeseen flight restrictions to Cloncurry it was then decided to move the forum to the neighbouring town of Mt Isa.

7.2.8 The purpose of Mt Isa Roads Forum
The purpose of this Forum was to explore examples of establishing and managing successful Aboriginal road construction, road maintenance and training organisations:

- To discuss the role of local government in the management of roads associated with Aboriginal towns; and
- To provide a briefing of the joint submission by the Northern Alliance to Infrastructure Australia seeking funding to undertake road and associated training projects in WA, NT and Queensland.

7.3 The Mt Isa Forum

7.3.1 The second Road Forum – The Mt Isa Road Forum

The second Road Forum as agreed in the communiqué was held in Mt Isa at the Verona Hotel on 29/30 April 2009. This Forum was planned and delivered by Main Roads Queensland and in particular Colin Neville (Principal Advisor Strategic Directions, State-Wide Planning, Department of Main Roads, Brisbane, Qld) and Les Dunne (Executive Director, Road System and Planning and Performance Division, Department of Main Roads, Brisbane).

The first day (Wednesday) was dedicated to presentations relating to remote road issues and future developments with particular focus on the processes, background and future developments associated with past Barkly Highway Alliances and the growth and development of Myuma Pty Ltd (developed further as a Case study in this thesis).

In addition and of great importance to the future roll out of Aboriginal roads services in Queensland were presentations made by the various departments and stake holders associated with the setup, funding approval and management of the Indigenous training projects that were utilised by these various alliances and in particular Myuma Pty Ltd. Following are the presentations that were delivered.
• Councillor Joseph Elu, Mayor of the Northern Peninsula Regional Council (NPARC) Examples of road infrastructure funding and associated issues such as job skills development, jobs and economic development for Aboriginal people.

• Bernie Carlton, Executive Director, Employment and Indigenous Initiatives Queensland Department of Employment, Economic Development & Innovation (DEEDI).

• Terry Long, Federal Department Education Employment and Work Place Relations (DEE&WR) Partnering in funding and delivering job skills and employment options on road projects – the importance of the reliability and continuity of road infrastructure funding to create projects for this purpose.

• Noel Gertz, Indigenous Training Project Manager N & NW Qld, Construction Skills Queensland – CSQ’s role and how broader employment opportunities following road project completion arise and can be delivered through the acquisition of formal job skills on road projects.

• Colin Saltmere, Managing Director, Myuma Pty Ltd – Partnering in alliances on Road projects – the Myuma story – from Georgina River Bridge to Split Rock Inca Alliance and beyond.

• At the end of the Conference a Statement of Intent was agreed to by all participants in the Northern Alliance and released for public comment.
Statement of Intent  Northern Alliance Forum  Mt Isa 29 April 2009

The initial meeting of the Northern Alliance partners in Kununurra, on 25 November 2008, agreed to form the Northern Alliance and make a combined submission to Infrastructure Australia seeking funding to meet the needs of roads associated with remote Indigenous communities.

A working group of the Department of Planning and Infrastructure and the Local Government Association Northern Territory, Main Roads Queensland and Main Roads Western Australia, met in a workshop in Darwin over three days in February 2009 and produced a joint submission which is now with Infrastructure Australia. Following on from its initial meeting in Kununurra and the workshop in Darwin, the Northern Alliance (the alliance) met in Mt Isa on 29, 30 April 2009.

At the Mt Isa Forum the Northern Alliance reaffirmed:

• our commitment to improving road access to Indigenous communities and other road infrastructure related projects that provide outcomes that address Indigenous disadvantage through our joint submission to Infrastructure Australia

• our commitment to ensuring that the proposed projects initiated through the joint submission will provide increased levels of Indigenous employment through training, job opportunities that where possible provide formal transferable job skills, plus support for existing and development of new Indigenous enterprises

• our commitment to continue the alliance to make submissions to future funding programs for roads associated with Indigenous communities

• our commitment to maximise the benefits for Indigenous people through government and private sector training and employment programs.

The alliance will strive to provide high Indigenous employment outcomes through sharing experiences and learnings between Western Australia, Northern Territory and Queensland and engaging with both government at the local, state and federal levels and relevant private sector organisations. This sharing and partnering is demonstrated through the focus of the Mt Isa forum.

The alliance will meet again after receiving formal feedback on its submission from Infrastructure Australia, and will continue to seek State, Territory and Australian government support for this important initiative.

At future meetings the alliance will:

• continue to share our experience, leaning and knowledge to efficiently maximise Indigenous employment and enterprise development outcomes resulting from the proposed projects

• continue to include local government in the planning and delivery of the projects

• encourage the ongoing refinement and collection of information and data to support the broader application of wider economic benefits (WEB) analysis to support the funding case for roads associated with Indigenous communities.

The Northern Alliance calls upon Infrastructure Australia and the Australian Government to support our timely and essential proposal.

Box 10 Northern Alliance Statement of Intent Mt Isa Roads Forum
7.3.2 Continuing Goals of the Northern Alliance
It was also agreed by all delegates that the continuing goals of the Northern Alliance would be:

1 A sharing of knowledge regarding managing road projects and training programs associated with Indigenous communities and benefiting from successful experiences.

2 Subject to a successful joint submission to Infrastructure Australia by the Northern Alliance to continue to:

- Pursue long term funding to meet road needs and skill enhancement that will benefit Indigenous people; and

- Strengthen working partnerships between associated government and non-government organisations involved in the management and delivery of road construction, road maintenance and training services.

It can be seen from the Myuma Pty Ltd experience that one of the many factors that was present in the establishment and ongoing growth and development of Myuma was the granting of secure and appropriate funds to deliver the Barkley Highway Upgrade Program through the AusLink – National Transport Plan. Whist this was specific funding for a particular project it does highlight the necessity of securing appropriate funding which in turn created the confidence and professional attitude of the Main Roads staff to begin the process of a long term engagement with the traditional people of the Camooweal area in the delivery of the program.

7.3.3 Current Progress of the Northern Alliance
Unfortunately for the Northern Alliance and the Planning Group, funding for their projects did not get approval in the announcement of funded projects approved by Infrastructure Australia in the Federal Budget that was handed down in April 2009. Instead of seeking mainstream funding for their competitive grants scheme IA suggested that an alternative route for securing funding for remote roads from the Federal Government could be through the COAG programs of the “Closing the Gap” initiative, rather than seeking to put the IA submissions as a high priority project. This then put the Northern Alliance submission into the budget process through a largely welfare orientated focus.
In early April (prior to the release of the budget) members of the Planning Group, John Smoker and Peter Newman, requested a meeting with the Chief of Staff Ms Deidre Willmott of the Department of Premier and Cabinet in the WA State Government to inform her and thus the Premier of the progress to date regarding the Planning Group’s desire to secure funding for roads to remote Aboriginal towns from the Federal Government. She was supportive and sought to assist in lobbying for these funds.

The Planning Group thus focused its attention on securing funding via this source. However the COAG processes produced no funding at all for any program thus a vacuum remains. As this thesis is being completed a proposal for a $1 billion Indigenous Infrastructure program in IA has been proposed and was supported by the ALP Policy in the 2010 election. Hope still runs eternal.

The IA has setup an Indigenous Infrastructure Sub Committee involving Peter Newman as a member. They are seeking to establish a mainstream fund from the Minister of Infrastructure (through a budget submission for the 2012 Budget). This fund would establish a competitive process requiring states and Aboriginal towns to:

- Demonstrate a Regional Plan and a Community Plan showing the strategic importance of committing funds to particular Aboriginal roads.

- A Benefit Cost Ratio (BCR) using new techniques associated with EcoNomics that Professor Paul Hardisty has demonstrated can apply to remote infrastructure (Hardisty 2010).

- A delivery governance mechanism that can enable the Aboriginal town to be finally engaged in the planning, delivery and ongoing maintenance of their roads.

This fund will hopefully be established. If it is then the question of the engagement process will be critical to the awarding of such money. Thus the thesis turns to how this could be done.

7.4 Conclusions

The Road Forums highlighted a national need and a national process to seek resolution to a long term funding need. However if there is to be an improvement in the area of Roads Associated with Remote Aboriginal Towns (RAWRAT) then ongoing productive long term engagement
between governments and Aboriginal towns needs to be established to deliver this service. It obviously requires long term adequate funding but it will also require the following.

7.4.1 Flexibility in Delivery
It will be critical for the success of the program to take into account the need for flexibility during engagement with Aboriginal towns and their members and in the contract rollout arrangements during this engagement. This will require not only a substantial increase in capital expenditure across the whole state (to repair, build, and maintain the roads) but also an appropriate level of funding to employ agency staff to build the relationship, engage with Aboriginal towns and deliver the program. It is imperative that they be adequately resourced in order to engage successfully.

7.4.2 Roads as an Essential Service
Secondly what has been lacking since the inception of the Homeland Movement across Australia is that access roads (and internal roads) to remote outstations and Aboriginal towns need to be viewed and formally established as an essential service. This will require a major shift in attitude and perception on the part of politicians and state bureaucrats. It has become starkly obvious to me over the course of the past four year project that conditions in remote Aboriginal towns and towns in the area of roads will only improve when there is a commitment by governments to genuinely address this issue with appropriate long term policy as well as funding, something that has been non-existent in WA since the beginning of the Homeland Movement at the beginning of the 70s.

If and when this policy and funding does materialise and if the intention of the Bilateral Agreement for a greater take up of responsibility by local government in this area of service delivery also materialises, how might agencies and governments improve their engagement processes and programs with remote Aboriginal towns to deliver these services? To obtain a remote town and Aboriginal town perspective on the improvement of this engagement I chose to focus my research on eight Aboriginal towns of the East Kimberley.
Chapter 8 The CED Strategy (Connect, Engage and Deliver)

Photograph 13 Crocodile Hole
The literature survey has focused on the issues of interaction, engagement, partnerships and alliances with Aboriginal people. This has set the context for the development of the Connect, Engage and Delivery Strategy (the CED Strategy) and how this strategy may improve the delivery of an Aboriginal Roads Network in Western Australia.

**Description**

The fundamental starting point for this strategy is that state and local governments and their respective departments and the people who staff them have to reflect on their internal preparedness and capacity to communicate with the local people of remote Aboriginal towns which in turn will create the platform for partnership with the local people to resolve the issue of sustainability of their towns. I have termed this the Strategy to Connect, Engage and Deliver which incorporates;

- **Step 1** Government Self-Assessment of Preparedness to Engage which will need to be assessed and rated, and

- **Step 2** Community Self-Assessment of Preparedness to Engage which will need to be assessed and rated, and

- **Step 3** Establish a Community Partnerships Level between 1-5 which will need to be done in partnership, adopting the Yarning Model for the engagement process.

This strategy will gauge the level of empathy and understanding of the situation Aboriginal people find themselves in and facilitate an improved awakening by governments to appropriately fund and deliver an equitable service and program.

Having firstly addressed the capacity of the government, its department and its staff to understand and connect with the scope of the issues impacting on Aboriginal people in remote towns (having lived for a few days in a remote Aboriginal town or with remote Aboriginal people) only then will governments and their leaders develop the capacity to empathise and commit to appropriately fund and deliver a sustainable access and internal road network program.
8.1 The Framework for the CED Strategy

8.1.1 Communication

All of the above interactions and requirements for the roll out of service delivery involve consultation and engagement. They must also make sense to the people in the context of each individual Aboriginal town and must be understood from an Aboriginal town person’s perspective.

The use of the Yarning Model within The CED Strategy

In order to understand the Yarning Model we need to break down the components of Cultural Interaction Analysis (CIA) as described by Milnes and see how it can be utilised to achieve sustainable engagement and partnership between a delivery agency and the Aboriginal town in the process of delivering government service contracts.
An initial starting point is to examine how this communication has been delivered in the past and tease out the aspects – the blocks and barriers to Aboriginal people – that are inherent in how the government may have done business in the past.

Collaboration
Milnes advises that governments should:

Encourage collaboration rather than competition … and advises that … Collaboration can often achieve better results than either cooperation or competition (Milnes 2007).

The following simple formulas in the Yarning Model explain the value of collaboration over cooperation and competition.

Collaboration - Asks people and organizations to keep what they have and build something new:
\[1 + 1 + 1 \text{ (the new thing)} = 3\]

Cooperation - Asks people and organizations to bring and modify what they have with another group
\[1 + 1 = 2\]

Competition - There are winners and losers – some get the prize and others miss out altogether:
\[1 + \text{(loser)} = 1\]

So this approach to engagement and the setting up of partnerships and alliances needs to have as its foundation a collaborative approach that acknowledges where the Aboriginal towns are at, and what they have currently established, acknowledges their past achievements and mistakes and then builds on their current reality.

Past Government Approaches for Engagement
The two fundamentals of systems and attitudes that governments traditionally bring to the consultation table need to change if there is to be genuine progress in building equitable long term partnerships and improved sustainable engagement.

The Yarning Model proposes devising “systems that are committed to self-determination”. Milnes states that “Dependant attitudes, where governments rely on belief in the tried and effective ways of the past, and its desire to maintain power can negate systems that are geared towards a commitment to self-determination (Milnes 2007).”
Extra-cultural influences
At the heart of the Yarning Model is the issue of extra cultural influences and the use of the Appreciative Inquiry method.

8.2.2 Engagement
What participants whether knowingly or unknowingly bring to the engagement process in their interaction with Aboriginal people can be described as “extra-cultural influences”. These are influences that are inherent in areas such as personality, power, poverty and place and should be considered when engaging and building partnerships with people in remote Aboriginal towns.

These influences are embedded in the attitudes of the practitioners and in the systems that they work within for the delivery of government services.

Milnes describes these:

“Attitudes” focus primarily on the human response to a situation (primarily groups of people).

“Systems” focus upon the organization and management of resources (primarily government).

The power of self-determination should never be underestimated but a process to encourage and facilitate this takes great care and tact. Australia has a chequered history in this area of self-determination verses the welfare model. The “systems” used by governments and the accompanying attitudes of its practitioners can either enhance self-determination or increase dependency. The solution lies in how we slowly change these systems and attitudes.

Self-determining System
In the book Narlu: A Cultural and Spiritual Strengthening J Roe explains the situation:

When people are so disempowered they don’t want, or know how, to take responsibility, but instead externalize this, pointing the finger at service agencies and government departments: “You fix it,” “We want this,” “We want funding,” that is: “We want you to fix our problem.” To begin the recovery process, such services have to give a very clear message back: “We can’t fix your problem; only you can fix your problem, but we’re here to support you in finding some solutions and start working together on the issues that impact on you.”
Milnes uses the following table to illustrate the comparison between the Welfare System and the Self Determination System and how the partnership can progress through stages until the participants become directors and not subjects.

<table>
<thead>
<tr>
<th></th>
<th>Welfare Dependence</th>
<th>Self Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Providers</strong></td>
<td>Maintain the status quo</td>
<td>Is critical of the status quo</td>
</tr>
<tr>
<td></td>
<td>See “problems” that need fixing &amp; believe they “know” the solutions</td>
<td>Sees possibilities that should be taken &amp; enters into dialogue with the Aboriginal town</td>
</tr>
<tr>
<td></td>
<td>Often provide inappropriate solutions from other places that treat symptoms rather than causes so ultimately fail</td>
<td>Looks within the Aboriginal town to find responses that can be developed locally</td>
</tr>
<tr>
<td></td>
<td>Contributors often feel tired, pessimistic, frustrated and lack energy</td>
<td>Contributors are energized, focused and optimistic</td>
</tr>
<tr>
<td><strong>Recipients</strong></td>
<td>Use facilities in a child-like fashion.</td>
<td>Develops facilities in an adult-like fashion.</td>
</tr>
<tr>
<td></td>
<td>Believe that there are no solutions within and so look outside for resources to “fix” their problems</td>
<td>Believes and look for resources within the Aboriginal town so that they can work towards their goals</td>
</tr>
<tr>
<td></td>
<td>Blame the lack of funding for the present state of affairs</td>
<td>Actively seeks better ways to do better with what they have</td>
</tr>
<tr>
<td></td>
<td>Compete with others for funds &amp; criticise others</td>
<td>Cooperates &amp; collaborates with others for mutual goals</td>
</tr>
<tr>
<td></td>
<td>Limited planning is possible because the providers often change the rules</td>
<td>Able to plan ahead because they make the rules</td>
</tr>
<tr>
<td></td>
<td>Have no control over the future</td>
<td>Have greater control over the future</td>
</tr>
</tbody>
</table>

Table 5 Welfare dependence versus self determination
If we examine the approaches (that is the “systems”) taken by governments in the past we can compare and contrast a passive or compliant role of the welfare system with a self-mobilization
role or the Self Determining System and thus the resultant outcomes. This graph also indicates how a change in “attitude” can evolve from local people, “the recipients of the service”, being seen as “subjects” in the Compliant role whilst at the other end of the scale they have become “Directors” when in the Self Determining role.

<table>
<thead>
<tr>
<th>Classes of consultation and participation</th>
<th>Types of Interaction</th>
<th>Role played in the interaction by local participants and external people</th>
<th>Role of local people</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>“Do as we want”</td>
<td>Local people are told what has happened or is going to happen – they have no real power or commitment</td>
<td>Subjects</td>
</tr>
<tr>
<td></td>
<td>Passive or compliant role</td>
<td>Outsiders own process and content</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Do it for money”</td>
<td>Local people provide resources such as their land in return for incentives</td>
<td>Employees/</td>
</tr>
<tr>
<td></td>
<td>Participation for material incentives</td>
<td>Locals do not have the chance to decide or learn &amp; they have no stake in continuing the project/practice when incentives finish</td>
<td>Subordinates</td>
</tr>
<tr>
<td></td>
<td>“You’ve been asked”</td>
<td>Outsiders define the “problem” &amp; local selected people are asked their opinion</td>
<td>Clients</td>
</tr>
<tr>
<td></td>
<td>Consultation</td>
<td>Outsiders accept or reject local opinion &amp; decide on actions themselves</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Do it for us”</td>
<td>External agencies set objectives and use locals to achieve them OR local people set objectives and ask outsiders to meet them</td>
<td>Collaborators</td>
</tr>
<tr>
<td></td>
<td>Functional participation</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Planning with each other”</td>
<td>Local people &amp; outsiders share responsibility &amp; use their knowledge to analyse, develop action plans &amp; form or strengthen local groups</td>
<td>Partners</td>
</tr>
<tr>
<td></td>
<td>Interactive participation or co-learning</td>
<td>Outsiders are facilitators &amp; local people have a stake in maintaining the actions &amp; projects</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“Doing it by yourselves”</td>
<td>Local people actively initiate things for themselves and by themselves, choosing if &amp; how outside agencies assist them</td>
<td>Directors</td>
</tr>
<tr>
<td></td>
<td>Self-mobilization</td>
<td>They maintain actions or projects for as long as it suits them</td>
<td></td>
</tr>
</tbody>
</table>
Table 6 Classes of consultation and participation

What can be seen is that the “system” and its practitioners can have the power and thus the control to dictate the types of interaction whether consciously or unconsciously. As this power is relinquished the recipients can progressively take control and they can then move from being the subjects of their affairs and aspiration to being employees, then clients, then collaborators, the partners and finally directors of their Aboriginal town, its services or their future.

8.2.3 Appreciative Enquiry

This process or progression is embedded in Appreciative Enquiry (AI) an organisational development process or philosophy that engages individuals within an organisational system in its renewal, change and focused performance. It is based on the notion that organizations change in the way they inquire.

This philosophy utilises a cycle of four processes focusing on:

- DISCOVER: The identification of organisational processes that work well.
- DREAM: The envisioning of processes that would work well in the future.
- DESIGN: Planning and prioritising processes that would work well.
- DESTINY (or DELIVER): The implementation (execution) of the proposed design.

Fundamental to this concept is the search within an organisation (or Aboriginal town) for what is good and what has worked in the past and in doing so to discover more and more good things within the organisation (or Aboriginal town) which it can add to produce a groundswell of positive movement. The alternative and potentially destructive approach is to go looking for the limitation and “the problems” (the “we can fix it” approach) within an organisation (or Aboriginal town) which will inevitably keep finding more of the same.

David Cooperrider of Case Western Reserve University (a private research university located in Cleveland, Ohio, USA) and Suresh Srivastva further developed this approach in the 1980s with their catch phrase, “that an organization is a miracle to be embraced rather than a problem to be solved” (Cooperrider L. David 1998; Cooperrider L. David 1998).
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Milnes has further developed these processes in his Cultural Interaction Analysis CIA for application in interacting and resolving with Aboriginal people as to what they want and where they want to go:

- Discovery – “What gives life?” (Identify values and ideals)
- Dream – “What might be?” (Identify the possibilities)
- Design – “How can we together … make it happen?” (Identify the strategies)
- Delivery – Doing it – supporting and adjusting.

The following graph indicates how Cooperrider compared the “traditional problem solving approach” which focuses on problems and solutions with his Appreciative Enquiry approach of “giving life” (Cooperrider L David 1998).

<table>
<thead>
<tr>
<th>Two Contrasting Models of Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problem solving – futility</td>
</tr>
<tr>
<td>“Felt need”</td>
</tr>
<tr>
<td>Identification of Problem</td>
</tr>
<tr>
<td>“Why”</td>
</tr>
<tr>
<td>Analysis of Causes</td>
</tr>
<tr>
<td>“What can be done”</td>
</tr>
<tr>
<td>Analysis of Possible Solutions</td>
</tr>
<tr>
<td>Action Planning</td>
</tr>
<tr>
<td>Treating (“fixing”)</td>
</tr>
</tbody>
</table>

Table 7 Problem Solving model versus Appreciative Enquiry model
This is another version of his approach using the 4 Ds.

Figure 17 The Cooperrider 4 Ds Appreciative Enquiry stages

8.2.4 The Yarning Model
Milnes has adapted Cooperrider's philosophy and has constructed the Yarning Approach using 6 Cs to enhance the communication of peoples across different Aboriginal cultural divides: Context, Content, Communication, Consideration, Connect and Co-operate.
The “Yarning Model” explained:
Yarners feel relaxed enough to share their own stories with others who will listen to them about anything they feel is important, to link with others and to enlarge their own view of the world.

As mentioned earlier the Yarning Model encourages Collaboration rather than Co-operation and Competition and delivers something new. It encourages a change to current systems and attitudes and asks people to keep what they have and from this to build something new.

In order to achieve the outcomes of the Strategy to Connect, Engage and Deliver the following steps and stages are suggested for a stakeholder or service delivery agency.
8.2 Delivery Stages

8.2.1 Stages for the Rollout of the CED Strategy

Stage 1
Government Self-Assessment of Preparedness to Engage
A government department self-assesses its preparedness to engage and rectifies each of the four areas where necessary then indicates its readiness to form a partnership and deliver its service.

Stage 2
Community Self-Assessment of Preparedness to Engage
A remote Aboriginal town self-assesses its preparedness to engage (and establishes what it might or can rectify) in each of the four areas and then offers to government what it can deliver in the partnership.

Stage 3
Establish Community Partnerships Levels (between 1-5)
The people of the town and government (and third parties) jointly establish the Community Partnership Level to start the engagement and thus the delivery of the service or program.

Establish Appropriate Communication Style and Method
An Aboriginal town’s people and government (and potential third parties) decide the appropriate style and mode for consultation and communication including locations, times, seasons and costs for consultations and meetings and encourage the use of the Yarning Model and its values where appropriate.

Stage 4 Roll out of Service
All parties (Aboriginal people, government and third party) agree on the commitments, timetable, plans and mode of roll out of service or program
8.3 Administration of the CED Strategy

8.3.1 Stage 1 Governments: Four Areas for Self-Assessment in Preparedness to Engage and Improve Capacity:

1. Connectedness and Empathy
2. Responsibility for Ownership and Outcome
3. Resource Allocation
4. Administrative Structures

Four areas to apply preparedness

The above Four Areas for Preparedness offer a strategy to self-assess (and then address) whether the department and its staff have the capacity to grasp the situation, the level of preparedness to engage equitably and the aptitude and willingness to appropriately fund and deliver the service or project in partnership with a remote Aboriginal town or Aboriginal town.

Following are activities and responsibilities within the four areas that will need to be addressed to ensure that a department has its own house in order and is adequately prepared before it begins the engagement process with Aboriginal people in remote towns.

Areas and Actions to Self-Assess and Address

1. Connectedness and Empathy
   Areas include:
   - Participate in at least two overnight stays to the particular remote Aboriginal town in question.
   - Create opportunities to engage in positive meaningful experiences with Aboriginal people.
   - Create courses and projects that offer exposure to Aboriginal cultural and awareness raising.
   - Create activities that develop empathy and understanding about the way things are done and how decisions are made by Aboriginal people in remote towns.
   - Facilitate opportunities and programs that deliver one on one dialogue with Aboriginal people.
   - Engage in field trips and observation material that offer first hand exposure to Aboriginal poverty.
• Engage in field trips and research material that expose the impacts of inequitable funding.

2. Responsibility for Ownership and Outcome
   Areas include:
   • Allocation of responsibility of the program and ownership of the outcomes to all members of the department right to the very head of department.
   • Timely and professional management and coordination of all staff if the delivery is to be via a group of agencies.
   • Adequate appropriate and professional response and delivery times.

3. Resource Allocation
   Areas include:
   • Long term forward planning for sustainability
   • Justifiable appropriate long term funding
   • Interdepartmental cooperation between all three levels of government
   • Monitoring and managing asset depreciation
   • Sustainable maintenance of delivered assets

4. Administrative Structures
   Areas include:
   • Efficient administrative systems
   • Maintenance of administrative equipment
   • Source appropriate skills and ongoing up skilling
   • Creation of appropriate job descriptions
   • Allocation of appropriate infrastructure
   • Appointment of appropriate staff
   • Committed and professional staff
   • Long term commitment of staff

Staff members and departmental managers are required to work their way through the Four Preparedness areas of the graph below and make changes and institute internal programs and
practices that will raise the awareness and understanding and delivery levels in all the four areas to a required benchmark or point before the staff and the department can consider approaching the people of a remote Aboriginal town to engage in the roll out of their program. See graph to follow: Government’s Self-Assessment of Areas in Preparedness to Engage.
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ASSESSMENT of GOVERNMENTS PREPAREDNESS TO ENGAGE

Decisions need to be made on PREPAREDNESS TO ENGAGE

CONSEQUENCES FOR LACK OF PREPAREDNESS
No Exposure to the real conditions
No Empathy from staff
Continued misunderstanding
Institutional Racism
Inappropriate Funding Allocations
Meaningless Policies
Exponential negative impacts
Inequitable Service Delivery

What level currently exists in CONNECTEDNESS AND EMPATHY
- Aboriginal cultural exposure and awareness
- Empathy and understanding for cultural differences
- Positive meaning full experiences with Aboriginal people
- Overnight visits to remote communities
- One on one dialogue
- First hand exposure to poverty
- First hand exposure to impacts of inequitable funding

What level currently exists in RESPONSIBILITY FOR OWNERSHIP AND OUTCOMES
- Single agency or group of agencies
- Professional response times
- Ethical government responsibility
- Ownership of community project or program
- The social impacts of inequitable funding

What level currently exists in RESOURCE ALLOCATION
- Equitable appropriate long term funding
- Interdepartmental cooperation between all 3 levels of government
- Long term plans for sustainability of assets
- Impact and allowance of asset depreciation on future budgets
- Proper budget for road travel and overnight accommodation

What level currently exists in ADMINISTRATIVE STRUCTURES
- Efficient administrative systems
- Maintenance of administrative equipment
- Appropriate infrastructure
- Appointment of appropriate staff with adequate skill levels
- Long term committed staff

Figure 18 Step 1 Governments Self-Assessment of Areas in Preparedness to Engage
8.3.2 Stage 2 The Aboriginal Town’s people: Four Areas for Self-Assessment in Preparedness to Engage and Improve Capacity:

Four areas to apply preparedness

Having established and rectified the government and its department’s internal “capacity” and “level of preparedness to engage” the department can then begin to address, in partnership with its people, the Aboriginal town’s preparedness to engage. The same four Preparedness Steps of the assessment will need to be addressed with each remote Aboriginal town and its board of directors and the staff if the Aboriginal town wishes to engage with the government in partnership with the roll out of the service. Through this joint assessment it will become evident what the Aboriginal people of the town feel they have achieved to date and what the town can offer and what level of responsibility it is prepared to accept in each of the four preparedness categories in the future roll out of the road service or any other government service.

Four areas of Preparedness to Engage

1 CONNECTEDNESS AND EMPATHY
2 RESPONSIBILITY FOR OWNERSHIP AND OUTCOME
3 RESOURCE ALLOCATION
4 ADMINISTRATIVE STRUCTURES

By using these same following four Preparedness subject areas and working through each stage both parties will be able to arrive at an understanding and an appreciation of what level the Aboriginal town wishes to engage with a government service provider or department.

Areas and Actions to Self-Assess and Address

1 Connectedness and Empathy
   • Non-Aboriginal urban cultural exposure and awareness
   • Empathy and understanding of government ways of working
   • One on one dialogue with non-Aboriginal people
   • Overnight visits to a city or regional town
   • Positive meaningful experiences with non-Aboriginal people
   • First hand exposure to the issues of wealth acquisition
2 Responsibility for Ownership and Outcome
- Community functionality
- Professional response times to government time frames
- Town projects or program development
- Aboriginal initiatives to engage and understand non-Aboriginal people
- Individual responsibility for their lives and families
- Service program delivery

3 Resource Allocation
- Efficient administrative systems
- Maintenance of administrative equipment
- Appropriate skills
- Appropriate infrastructure
- Appointment of appropriate staff
- Committed and professional staff
- Long term commitment of staff

4 Administrative Structures
- Human and infrastructure resources
- Management of long term funding
- Interdepartmental cooperation within Aboriginal town agencies
- Long term management and sustainability of Aboriginal town assets
- Pooling resources between agencies and Aboriginal towns
Figure 19 Step 1 Aboriginal Town's People: Self-Assessment of Areas in Preparedness to Engage
From this joint assessment it will become evident that at any point in time each Aboriginal town will have certain available employees, with a range of skills, available infrastructure, experience, resources and understanding which will then indicate at what level it may wish to enter the partnership with a service provider and discover its “Town Partnership Level”.

8.3.4 Stage 3 Establish Town Partnership Levels (see Figure 20 p 170)
Within the CED Strategy there are five Aboriginal town partnership levels that have to be established by the assessment team.

The assessment team will be able to establish the degree of understanding, commitment and preparedness of the Aboriginal town to be a partner and if needs be allocate a value or degree of readiness on one of the partnership levels. From the tally and through consultation and partnership and standing back and observing with a broader view, the Aboriginal town and the team will be able to assess the Aboriginal town’s situation in each of these areas and ascertain its readiness to engage and on what level and in what capacity

This then provides a comprehensive assessment tool and process whereby all parties can see the areas that may need to be improved and developed for a partnership to grow and continue to work. It also directs the alliances and contracts that may then be formed in these partnerships and articulates the time frames and what areas of training, skills and abilities can then be built into the contracts and business models during the delivery of the service. It can also establish what infrastructure or equipment the Aboriginal town wishes to offer or include in the partnership for use in the contract or project.

The Five Town Partnership Levels
Having used and explored the four Areas of Preparedness the team and the Aboriginal town participants can then place themselves within one of the following five Partnership Levels:

1 Apathetic Partner, 2 Non-Participating Partner, 3 Observing Partner, 4 Associate Alliance Partner and 5 Fully Fledged Alliance Partner.

Characteristics of Town partners
Below are the characteristics that define each partnership level.

1 Apathetic Partner
- The Aboriginal town has no interest in government and no interest in engaging.
• Past experiences have turned the Aboriginal town against service delivery programs and the Aboriginal town may even be antagonistic towards government or outside people.

2 Engaged but Non-Participating Partner
• The Aboriginal town is not in a position to engage or does not wish to be a partner in the service delivery but requests that the service be implemented and delivered as soon as possible.
• The Aboriginal town wants the program or the service to proceed but wishes the agency to deliver the program or service without their involvement or engagement and they have given the approval (via native title requirements) for the service or program to proceed at this stage without their involvement or partnership.
• The Aboriginal town is informed of how and where the service will be delivered and the time frames involved should the delivery impact on or have issues associated with their native title requirements or permission.
• The Aboriginal town may one day in the future request to engage as an Observing Partner any other partner and the department should always leave this option open.

3 Engaged and Observing Partner
• The Aboriginal town is open to engaging and observing but does not wish to be a direct partner in the service delivery but requests that the program or service be implemented and delivered as soon as possible.
• The Aboriginal town wants to be kept informed and wants to observe all stages of the delivery and have explained to them where they might fit in and at what level with a view to progressing to level 4 as an Associate Partner as they gain understanding and experience about the role.
• Only three of the four areas are in place or have been established.
• The Aboriginal town is willing to improve in these areas.
• The Aboriginal town is willing to grow and develop to an Associate Partner level but there are issues that will inhibit them at that point in time.
• The Aboriginal town is willing and interested in further engagement sometime in the future when they are more ready.
4 Associate Alliance Partner

- The Aboriginal town is open to engaging and participating as a direct partner in the service delivery and requests to be employed in the delivery of the program or service and wishes it to implemented and delivered as soon as possible.

- The majority of the four areas are in place or have been established through past experience and the Aboriginal town is willing, prepared and has the ability, skills and budget to grow and improve those areas that are lacking.

- The Aboriginal town has some people with limited skills and abilities and requests that these people be engaged in the service or program to enhance their experience and skill so the Aboriginal town can move to being a fully-fledged Fully Fledged Partner in future contracts and agreements.

- The Aboriginal town is keen to evolve to being Fully Fledged Partner with more time and experience.

5 Fully Fledged Alliance Partner

- The Aboriginal town has engaged and continues to want to be engaged in partnerships and contracts and has past experience in delivering programs and services in partnership with governments and third parties.

- All four areas of the Strategy for Change have been attended and attained at a high level and meet all partners’ standards.

- The Aboriginal town has people with experience, skills and abilities to fulfil a range of roles as part of the alliance and the partnership agreements and contracts.

8.4 Flexibility and scope for progress

These five categories have been structured to allow flexibility and scope for progress should a town or Aboriginal town change its plans, change management, change directors, receive funding or find a new direction. There may also be negative issues or events that may impede the town’s growth or even cause the Aboriginal town to regress. Having established in consultation with the Aboriginal town their level of preparedness as a partner the agency can then develop the appropriate long term plans for engagement and delivery of service with regards to budget allocation, timeframes, training programs and the Aboriginal town’s aspirations. The levels also give the department and the Aboriginal town and other third parties (commercial contractors) the tools and understanding to adapt and change and thus allow the Aboriginal town to move between levels depending on all the many issues that might confront its people and prevent them
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from delivering on a particular level in that particular year. Each year and throughout the year all parties will be required to continually consult and ascertain where the Aboriginal town feels they are at and on what level they wish to engage subject to their particular issues, available time commitments, work levels, people interest and available staff and trainees.
Chapter 8 The CED Strategy (Connect, Engage and Delivery)

FRAMEWORK TO CONNECT ENGAGE AND DELIVER

PREPARED TO ENGAGE
Governments or Donors Perspective

Check List for Sustainability
1 Empathy Awareness and Understanding of Aboriginal people’s situation
2 Appropriate Resource Allocation
3 Administrative Structures
4 Responsibility for Ownership and Outcome

Non Aboriginal People learn and understand Aboriginal Community Culture and their ways of doing things.

ESTABLISH TOWN PARTNERSHIP LEVEL

The Meeting Place
(The fire place)
Adopt the “Yarning Model” which incorporates the importance of Context then the Content, Communication, Consideration, Connection and Cooperation. A Two Way Exchange – A Two Way Exposure. Meet at the Town and the City
The place and time is critical.
Build Relationships Build a Partnership

Agreed Partnership Level
1 Apathetic Partner
2 Non participating partner
3 Observing partner
4 Associate Alliance partner
5 Fully Fledged Alliance partner

PREPARED TO ENGAGE
Aboriginal Town’s People Perspective

Check List for Sustainability
1 Consideration and Awareness of Government and Donor Requirements
2 Resource Allocation
3 Administrative Structures
4 Responsibility for Ownership and Outcome

Aboriginal People learn and understand Anglo Australian Operational Culture and their way of doing things.

Commence Project

Regularly reassess

John Smoker © 2009

Figure 20 Stage 3 The Framework to Connect Engage and Deliver
8.5 Conclusions
The above processes and assessments within the CED Strategy require the government, the service provider or the stakeholder in the first instance to self-assess its preparedness to engage and then in consultation with the Aboriginal town to assess the people’s preparedness and willingness to engage and be a partner in the service delivery with governments and other third parties. It requires that all partners communicate their respective requirements, positions and issues. This may seem overly prescriptive but the myriad of failures in the past suggest it is warranted. This imperative to communicate in a truly empathetic and equitable manner and with full participation with remote Aboriginal town residents and staff demands this more formalised approach for the engagement process. My research and my personal past life experiences have led me to advocate the use of the Yarning Model as outlined above as the focal point in the CED Strategy. If the values and procedures contained in the Yarning Model can be utilised in tandem with the principles of the Strategy to Connect, Engage and Deliver, the use of the four areas of Preparedness to Engage and the five levels of Community Partnership can be adopted and a long term engagement and a sustainable service delivery model will evolve.

In order to test the effectiveness of this strategy it is of value to retrospectively utilise the CED Strategy model as an assessment tool on examples of past remote Aboriginal road service delivery programs which will be explored in the next chapter.
Chapter 9 Case Studies

Photograph 14 Internal road in Beagle Bay near to where the KNA base was situated
Applying the CED Strategy as an assessment tool: Evaluating Two Case Studies

In order to ascertain the value of the above assessment tool it is appropriate to utilise it on the two case studies that have been researched in this project. They are outlined below in order to see if the CED strategy can cast a light on these two projects – one a failure and the other a success.

9.1 Case Study A: Kullarri Network Association (KNA)

9.1.1 Background

As discussed earlier two strategic options were put forward by David Brown, Senior Road Engineer MRWA, in 1992 to address the inadequacies of funding for remote access roads to remote Aboriginal towns in Western Australia (Brown 1992). The first was The Road Improvement Strategy and the second The Strategy to Establish Local Aboriginal Road Plant Organisations.

The road improvement strategy

This strategy had it been adopted (and more importantly appropriately funded) would most likely have been contracted out to the Shire councils in WA and thus have been funded and accepted as part of their existing Local Road Network annual maintenance program with each council.

It has to be made clear that the Local Roads of the Kimberley over time have been those roads that have been classified and identified by each council as “local” roads and as such have therefore been accepted as being the responsibility of the local government or shire. These are the roads that have evolved to service the cattle stations and the mining and exploration industry. With the advent of the Outstation Movement in the early 70s a whole additional network of gravel roads began to emerge throughout the Kimberley. These roads have aptly been classified as Undesignated Roads. It would seem that no one wished to accept them as “designated” and take responsibility for managing or funding roads that went to Aboriginal towns.

It has been argued by Shire councils that due to the fact that the Outstation Movement was initiated and championed without their involvement, acceptance or engagement they were therefore not in a position to accept direct responsibility to fund and thus maintain and manage these roads within their shire boundaries. It would seem that along with the impasse to solve the problem of funding the above issue (or the political will to try) and other very justifiable criteria such as the enormous estimated annual maintenance cost of $5.5 - $9 million based on 91/92 figures (Brown 1992) the second option – the Strategy to Establish Local Aboriginal Road Plant Organisations was recommended by Main Roads and thus presented to the Aboriginal towns.
The Strategy to Establish Local Aboriginal Road Plant Organisations
The cost of setting up and operating this strategy of an Aboriginal Road Plant spread over a 10 year period was estimated to be $26.1 million compared to strategy 1 of $40.3 million for a local authority or council to fulfil the same upgrading program, a saving of about $14 million (Brown 1992). It was thus deemed that the Broome Peninsula was an ideal location to trial the pilot of establishing such a project.

By proceeding with the recommended option of developing and implementing a Road Plant Organisation directly involving groups of Aboriginal towns, the process of delivery of access roads was simplified (Brown 1998).

9.1.2 Establishment of Kimberley Network Association (KNA)
In accordance with the recommended strategy of the study by Main Roads WA 1992 an Aboriginal Road Plant was established in the Broome Peninsula region of the Kimberley of Western Australia. The Aboriginal corporation formed to undertake this project (which eventually became known as KNA) originally came into being in September 1997 as Kullarri Roadworks Aboriginal Corporation (KRAC). It was incorporated under the Federal Aboriginal Councils and Association Act 1976 and registered with the Office of the Registrar of Aboriginal Corporations in Canberra (ORATSIC 2007).

The rules for the incorporation of this body were slightly modified from the standard rules utilised in the establishment of an Aboriginal community and were drawn up to reflect the establishment of a Road Plant project and included the following:

Objectives

6.3 Assist in the provision of services to disadvantaged Aboriginal persons to a level commensurate with the general Aboriginal town, including coordinating the activities of its members in furtherance of:

a) Providing road works and earthmoving services to its member communities

b) Providing training programs for Aboriginal people in areas related to the Association’s activities
c) Helping to bring about the economic development of member communities by the development of related projects, businesses and industries

d) Helping and encouraging members to develop their enterprise management abilities

e) Participating with other Aboriginal associations in projects for their mutual benefit

f) Receiving and spending grants of money from the Government of the Commonwealth or the state or from other sources (Brown 1998).

Membership of the corporation comprised representatives from the then eight CDEP organisations operating within the West Kimberley Kullarri ATSIC region. It was intended that this spread would offer a broad range of membership across the region. However this was seen to be an unsuitable governance model and arrangement because under the Federal Aboriginal Councils and Association Act 1976 natural living persons only were permitted to be members of the corporation and not towns or organisations. Under the State Act, the Associations Incorporation Act 1987 organisations are permitted to be registered as members of such an association. In October 2000 it was decided to take out State incorporation and the body then become known as the Kullarri Network Association. It was understood that this would facilitate a better governance model for the objectives of the project.

The funding arrangement to facilitate KNA was negotiated in 1996 under the Regional Agreement on Road Funding and was based on the 50/50 agreement between the Main Roads (State) and the ATSIC Kullarri Regional Council (Commonwealth) (MRWA 1996). The training component was facilitated with funding provided by DEETYA, DEWRSB, WADOT and CDEP (MRWA 1996). Upon establishment in 1997 the Road Plant became operational with the plant initially being based at the town of Lombardina on the Dampier Peninsula some 200 km north of Broome due to the availability of existing maintenance facilities within the Aboriginal town. In 2002 a purpose built depot was constructed at Beagle Bay about 70 km south of Lombardina and the equipment was transferred to this site. An experienced manager and supervisor were appointed in 2001 in order to maximise future planned additional contract opportunities and thus improve the organisations’ skill base and the economic growth of the project. The additional employees at this time comprised seven Aboriginal operators and trainees.

A business plan for KNA
In order to strengthen the future of the project a comprehensive Business Plan was commissioned for KNA in 2001 (Thackaberry 2001). A recommendation of the plan and thus
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the ongoing viability of KNA was the need to generate significant capital funding on an ongoing basis to regularly replace the plant and machinery of the organisation either through external funding or profit (Thackaberry 2001).

Under the agreement reached by the ATSIC Kullarri Regional Council and Main Roads WA back in 1996 (MRWA 1996) each party would fund the ongoing budget requirements of the project on an equal basis. Thus the Kullarri Region for a period of some 3 years had an Aboriginal Road Plant maintaining the roads to remote towns on the Dampier Peninsula funded by this joint funding arrangement under the Regional Agreement. All seemed to be set.

But in April 2002 ATSIC Kullarri Regional Council notified Main Roads that it would not continue to fund the project after the first initial 3 years of 07/08 to 09/2010. David Brown of Main Roads WA sensed that this decision by Kullarri Regional Council was based on the Regional Council not being able to source the significant ongoing capital injection for the organisation to gradually replace the plant and machines as detailed in the business plan.

Upon receiving this decision the KNA management committee decided in June 2002 on the basis of this funding uncertainty to partially rationalise its operations. To achieve this goal the organisation decided to reduce the number of access roads to be maintained and seek other additional work and contracts in order to improve the financial viability of the project.

Partial closure of KNA
The ATSIC decision not to continue to fund the project, placed Main Roads WA in a difficult position regarding its ongoing funding commitment to the project as it was the policy of Main Roads to not be the sole funder of such projects. In the absence of any additional funding from the Commonwealth and other sources KNA struggled on for another year and officially ceased operation in June 2003. It would be approximately another two years before a new arrangement or funding decision would be made in order to keep up the maintenance of the access roads to the remote towns of the Peninsula region. In the meantime maintenance of access roads in the Kullarri region lapsed.
Local Aboriginal Council Takes Control
The next phase of this story shifts to the councillors’ solution in the neighbouring central Kimberley ATSIC region (Malarabah) under the management of the Malarabah Regional Council. Prior to 2004 they had taken the initiative (due to no other source) to allocate funds to roads out of their annual Commonwealth ATSIC budgets in order to maintain the remote access roads in the Fitzroy Valley area. They had established a working relationship with the Shire of Derby West Kimberley Road Maintenance Plant to provide road maintenance work within the Fitzroy Valley on a fee for service basis from their funds.

It would seem this was one of the first times that a Kimberley shire council had actively and constructively engaged with a local Aboriginal decision making body to resolve the issues of access road maintenance and thus sustainability of the remote Aboriginal towns within their jurisdiction.

Engagement with the Department of Housing and Works (DHW)
In April 2004 in order to secure an alternative source of funding for the ever growing cost to continue the maintenance of unallocated roads plus refuse site maintenance and fire breaks within their regions the Malarabah Regional Council and Kullarri Regional Councils joined forces and put pressure on the State Government via the Department of Housing and Works (DHW) through the Aboriginal Housing and Infrastructure Committee (AHIC) to source funds for these roads under the former ATSIC Commonwealth Regional Housing and Infrastructure Program (the RHIP program). RHIP was funded via DHW through the Agreement for the provision of Housing and Infrastructure for Aboriginal and Torres Strait Islander People in WA. This bilateral agreement between the state and Federal government was for July 2002–June 2007 and was signed by Hon Tom Stevens, WA Minister for Housing and Works, Hon Amanda Vanstone, Commonwealth Minister for Family and Community Services, and Mr Geoff Clarke, Chairman for ATSIC in July 2002.

This strategy was successful for Malarabah Regional Council and Kullarri Regional Councils with DHW allocating funding on an annual basis for the life of the agreement to the three ATSIC regions of the Kimberley including the Wunan region on the East Kimberley side. This finally was the beginning of some form of official government funding responsibility for the allocation of funds for access roads to remote Aboriginal towns.

Under this agreement funding for remote unallocated roads of the Kimberley was secured until the 06/07 financial year. This was extended another year with the signing in November 2005 of
the Agreement for the Provision of Housing and Infrastructure and Essential Services for Aboriginal and Torres Strait Islander People in WA November 2005–June 2008 (signed by Hon Fran Logan, WA Minister for Housing and Works, and Hon Kay Patterson, Commonwealth Minister for Family and Community Services). This agreement signified the merging of the principals and the funding arrangements of the previous agreements signed in 1997, 2000 and 2002 in this area. This agreement was presumed to extend the funding of upgrading and maintenance of unallocated roads in the Kimberley via RHIP to the end of the 07/08 financial year. According to the budgets compiled by David Brown (Figure 1) this did not seem to be the case as there is no indication of funding from this source (DHW) for the 2007/8 financial year.

DHW Appointment of a Project Manager
In order to manage the allocation of these funds DHW appointed the Centre for Appropriate Technologies (CAT) in late 2004 to be the project Managers for Kimberley Region and to oversee the budget and the contract delivery for remote road maintenance and the construction and maintenance of refuse sites and firebreaks. In order for CAT (and DHW) to satisfy the state government’s procurement policy, road works funded from this source were to be undertaken by contracts based on open tender or a two staged tendering process of Expressions of Interest.

9.1.3 Renewed Scope for Kullarri Network Association (KNA)
In early 2005 seeing the opportunity to re-establish KNA due to this new channel of funding the management committee submitted a tender to undertake the road maintenance contract for the Kullarri Region as they had undertaken this work some years before under the old ATSIC/Main Roads agreement. Under this old arrangement there was no requirement to tender for the funding. The KNA tender submitted to CAT included a team of between 7 to 9 persons including the manager, a supervisor and 5 to 7 Aboriginal road plant operators. This business structure and personnel was what had been envisaged under the original recommendation to set up such a project back in 1992. As part of this vision the project was planned to deliver skills training to local Aboriginal people (and thus jobs), provide for local Aboriginal decision making on the prioritising of upgrade requirements and be more cost effective and a cost saving to the State (Brown 1992).

Unfortunately for KNA when pitched up against a private commercial operation that did not carry the worthy government initiatives of Aboriginal training plus the social and employment
objectives and thus the additional expenses, their cost base would obviously have been much higher.

The KNA tender was deemed unsuccessful by CAT and DHW because as quoted “it was far higher that the ultimate successful bidder” (Kimberley Economic Development Services 2005) and the contract was interestingly enough awarded to a private Aboriginal earth moving operator based out of Derby. This Derby business was a much leaner and tighter commercially run owner operator business and thus had about half the staff with the owner operator performing all the functions of manager, supervisor and grader operator with one or two extra operators, and thus was able to put in a very competitive bid and win the tender.

In hindsight the KNA model and project was essentially an Aboriginal training operation project with socio economic incentives attached as well as the fundamental objective of providing the service of maintaining access roads to remote towns. In addition and of very important significance is that Main Roads saw it as a lesser cost option then presumably hiring a commercial operator to do the job or paying the Local Shire council to perform the role as indicated in the Upgrading Program Strategy (Brown 1992).

What also worked against the operation was that DHW, the ultimate authority to any contractual decisions by CAT, viewed KNA as being a fledgling business with an Aboriginal trainee component. DHW thus chose a proven commercial business in favour of KNA in order to avoid the risk of being seen as not utilising government taxpayer funds in an appropriate fee for service basis by hiring a fledgling Aboriginal managed project and thus presumably not delivering an appropriate level or quality of service.

Feasibility study
With the unsuccessful tender bid in early 2005 and being officially in abeyance since June 2003 and the prospect of no other opportunities for tendering for work in the Dampier Peninsula area MRWA resolved to commission a feasibility study in late 2005 to determine the future viability of the KNA project and to seek appropriate options for the use of the equipment should the project be wound up.

Thus in a bid to reinvent KNA, Main Roads WA commissioned the Kullarri Network Association Feasibility Study which was completed in December 2005 by Kimberley Economic
Development Services and presented to MRWA. After extensive research, cash flow forecasts and financial projections two recommendations were offered based on whether the requirement to formally waive the tender requirements could be achieved through DHW of via MRWA (Kimberley Economic Development Services 2005).

Option 1: Preferred Option of consultant considering the state government tender requirements being waived. This option involved leasing the existing equipment owned by KNA to another experienced Aboriginal earthmoving operator thus giving a straight income stream (to upgrade and maintain its plant and equipment) with the added provision of the commercial lessee operator being encouraged to employ the Aboriginal operators that had been trained and employed by them whilst contracting to do the required work on offer by CAT for the Kullarri region.

Option 2: If tender requirements could not be waived the consultant strongly recommended disposing of all the plant and equipment and ceasing undertaking a road access maintenance role as the current successful tender parties are performing the work at extremely marginal/sub-economical rates.

Winding Up of KNA
After repeated requests from MRD to waive the requirement for KNA to tender for contracts that were offered by DHW, DHW firmly resolved to disagree. Subsequently MRD held discussions throughout 2006 regarding the future of KNA with the KNA management committee. It was decided to accept option 2 and wind up the project and sell off all the equipment.

The reasoning behind not taking the first option in addition to DHW not waiving the tender requirements was because this option required an additional capital injection of around $500,000 to purchase an additional four adequate and suitable pieces of equipment needed by a lessee to fulfil the requirements for local contracts including a Caterpillar 12H Grader, a Caterpillar 950G Loader, a Tipper/Prime Mover and a Dolly. This was beyond the scope of KNA and Main Roads WA even after the sell off of unproductive equipment.

In late 2006 it was decided to wind the project up and Main Roads offered to dispose of the gear but the offer was not accepted by the KNA management committee which sought to dispose of the gear themselves. Thus KNA finally came to an end in 2006.
It was discussed in the Kullarri Network Feasibility Study (Kimberley Economic Development Services 2005) that had the agreement to administer the funds allocated for remote road maintenance been placed under the control and management of MRWA then the rules associated with letting of contracts under the state government’s procurement policy may have been waived. Thus MRWA would have been in a position to offer the contract to KNA which would have enabled it to continue to operate and fulfil all its associated objectives of providing local Aboriginal training and employment coupled with local Aboriginal decision making and prioritising of road projects.

Had this option been available there also might well have been a saving of funds for MRWA which then could have been redeployed in other areas of remote Aboriginal road maintenance. It is worth considering why the funding for remote Aboriginal town access road upgrade and maintenance was not originally allocated to the obvious state road building body Main Roads WA instead of being placed under the management of the state. Whatever the formal cause of the collapse, a promising project had failed.

9.1.4 Lesson Learnt From the Kimberley Network Association (KNA) Story

Box 11 Interview with Dallas Purdie Past Chairperson: Town of Warmun Kimberley Regions WA

| JS - That's one of the things they don't know and they want to find out ... that is whether they (Main Roads) should come out and talk with people more. They want me to find out if it's important for CAT to come out and discuss future roads plans or should Main Roads come out and discuss it or should they just go ahead and pay contractors to fix it (the roads). That's sort of one area I'm looking at ....   
| Dallas Purdie - See a lot of people ... It's all right sitting down and talking about things .... cause lot of people like you know .... a lot of these communities just stay as they are yea ... you just come out to talk ...bit nothing gets done!   
| JS - So true! That's probably why some people are saying just do it. There might be more important things to worry about on a council?   
| Dallas Purdie Yea. |

Outcomes
Had the KNA project been a success it would have added leverage and justifiability to future funding applications by State Government departments to the Commonwealth for the maintenance of remote access roads to Aboriginal towns. In turn this would have improved the
possibility of securing a long term funding arrangement with the Commonwealth government to address Aboriginal access roads across the whole of Western Australia. Unfortunately for people in these remote towns this desired outcome of improved funding and improved road quality (and the scope to be a part of the planning and contractual arrangements) still seems to be a very remote prospect. This was also unfortunately such a waste of time and energy considering the years of research and effort put into the project by Main Roads WA and their staff and particularly David Brown.

Focus and Long Term Funding
But it should not be seen as a fault or a short coming on the part of the Aboriginal people or the non-Aboriginal people employed by them, nor the government proponents of the project that it did not achieve the success that was envisaged. There are many valuable important stories and outcomes that can be drawn from this project. It should also be understood and should not be overlooked that it is better to have tried something and not succeeded than not to have tried at all. The Main Roads initiative and thus the project have delivered valuable insights into how future similar projects in Aboriginal towns might be tackled. What has emerged are improved opportunities for how to create better governance models and more practically and culturally tuned ways of engaging with the people of remote towns. In addition there has emerged a greater focusing on the issue of equitable service delivery to remote towns and in these cases quality road connections to the wider world. In particular it has highlighted the lack of attention given to this issue by all levels of government – local government was nowhere to be seen, state government gave the wrong department responsibility for a road service and Federal government found itself contributing to a completely confused governance situation.

The KNA story can also be seen as a catalyst and a focus on the still outstanding issue of governments of all levels including local government addressing the responsibility of providing equitable services to all Australians within their legal jurisdiction. The issue can be seen as a rights based issue – equitable services should be available to all Australians regardless of the colour of their skin or where they choose to live.

9.1.5 The demise of KNA
The demise of KNA as an organisation (separate from the issue of lack of funding) can generally be described as being attributable to factors and issues that fall into three broad areas, governance models (commercial verses government), cultural factors and geographical realities.
9.1.6 Governance models
The KNA story has highlighted the standard practice of government agencies following the status quo and utilising the established structures and practices that have been devised by preceding governments and bureaucrats without first examining whether these practices are appropriate for these people. In the KNA case it was the use of the Department of Housing and Works as the funding agency and at the local level use of the established Aboriginal corporation structure under the Federal Office of the Registrar of Aboriginal and Torres Strait Islander Corporations. This model has been built on the philosophical notion that all Aboriginal people and thus their towns hold a communal view of the world and that everything belongs to everyone. The model requests that the appointed members establish a set of objectives which are then written into the Rules of the Corporation. They can opt for a standard set of objectives which is offered by the Registrar and most often this is what happens. But because the members are not conversant with the objectives’ underlying philosophy or they do not possess an awareness (or the ability to read English) or an understanding of what else could be built into the objectives (for example objectives that reflect a commercial or self-sustaining goal or even a long term sustainable philosophy of being one day profitable and thus free of government funding) these options were often never explored or taken up. Thus when a government agency decides to establish an Aboriginal based project that has a commercial outcome they follow the current practice of utilising the standard Aboriginal corporation model with all its underlying values and use all the standard contacting values as well.

How much more success could the project have achieved had communication and engagement been conducted over a period of time with all the local Aboriginal people. Perhaps they would have found out what model or structure the Aboriginal town thought might have worked better or have been more culturally appropriate from their perspective once all cultural paradigms were examined.

Thus the standard government sanctioned model then drives the practice and procedures to deliver the outcomes and in this case an Aboriginal town based corporation set up to manage an earth moving company. A better approach may have been a series of workshops in each participating Aboriginal town where the outcome of what Main Roads was seeking could have been explained and then location specific strategies developed to deliver the outcome with facilitators and translators offering a range of models, suggestions, processes and structures that may have been used by those particular local people.
It is only natural for government staff to utilise what is standard practice in the area of Aboriginal development because there are so many unknowns and there is always that lingering issue of whether it will be culturally appropriate for this group of Aboriginal people. These legitimate and understandable fears from city based practitioners mean that people will opt for what has been done in the past without taking a lateral view or taking the more difficult and time consuming path to engage, explain, offer alternative options and then listen.

Commercial Model verses Training Project
The business model that was adopted has also highlighted the gulf that exists between government initiated projects that accommodate worthy social and employment development goals whilst at the same time trying to make such projects operate as viable and commercially sustainable businesses in a main stream sense. The difference in a government sponsored training based venture verses a private commercial business became strikingly obvious in KNA’s case. What emerged when competitive tenders for contracts from DHW became the process was the difference in the operational costs of a large type of earth moving plant (which incorporated as a core reason for its establishment a major training component of local Aboriginal people) compared with the operational costs and thus the lower final tender bid of a small compact commercial contractor. One had long term value the other short term value. Government was not set up to consider otherwise and so the short term won.

The commercial contractor did not have to carry the cost of the government training component which increased the management and organisational costs of KNA’s tender. Neither did it have to take on the responsibility for the many health and social impacts of this decision. KNA had to include costs of a range of recruitment issues according to the requirements of the government training body’s (DEWR) funding allocation. These would have involved extra time, effort and money in the establishment of a qualified training supervisor as a staff member and subsequently the recruitment of all the trainees. It also increases time and costs in the accounting and stringent government auditing requirements in the acquittal of grant monies necessary in areas such as payment of wages, superannuation, next year’s allocation and taxation requirements not only for the supervisor but for all of the trainees employed. This type of training component even within a commercial focused business increases the cost base of a business and requires additional time and effort to implement, manage and sustain. In addition there are the ever present consistency, reliability and work attitude realities evident in people who are not work ready because of years of unemployment, are still in a training mind set or who have had little experience of working on
full pay or on a full time basis. This large cultural divide meant that there was little hope of the project ever succeeding.

A venture that is established to carry a training component as a major part of its rationale for existence and thus employs trainees cannot therefore by definition compete on the same level with another business that is employing experienced operators and trained staff. This in part was the main justification why Main Roads was seeking to have DHW waive their strict tender requirements (Joyce 2004). It has to be understood that operating a business with trainees, whether they be Aboriginal or non-Aboriginal, will not produce the same level of output and quality work and the required contractual timeframes as a business with trained experienced staff. Had DHW been more flexible and offered contracts these issues of becoming more self-sustaining could well have been resolved over time. But due to the lack of ongoing government based contracts (which were subsequently let to commercial operators) the prospect did not eventuate and thus the lack of ongoing contracts accelerated its demise.

Aboriginal Corporation – a corporate governance model
The initial corporate governance vehicle set up for the project was an Aboriginal corporation under the Commonwealth Aboriginal Councils and Association Act 1976 (since replaced by the Corporations (Aboriginal and Torres Strait Islander) Act 2006 ) (ORATSIC 2007). This business model involved each Aboriginal town in the project area selecting a representative to advocate for their road needs on the management committee of KNA. This model whilst in principal seemed appropriate actually worked against the organisation operating as a commercial business which was a perceived objective of the project. There was also the culturally established view of the Aboriginal people on the committee that projects of this nature in Aboriginal towns are generally government funded and as such Australian governments were paying for these towns to have their roads fixed. Self-sufficiency was not spelt out in the objects of the Corporation (Brown 1998). The standard business concept of income minus cost equals profit is something that the majority of Aboriginal people have not been exposed to. These were the objectives that were set out for the KNA project:

The Objective of the model

6.3 assist in the provision of services to disadvantaged Aboriginal persons to a level commensurate with the general Aboriginal town, including coordinating the activities of its members in furtherance of:

a) Providing road works and earthmoving services to its member communities
b) Providing training programs for Aboriginal people in areas related to the Association’s activities

c) Helping to bring about the economic development of member communities by the development of related projects, businesses and industries

d) Helping and encouraging members to develop their enterprise management abilities

e) Participating with other Aboriginal associations in projects for their mutual benefit

f) Receiving and spending grants of money from the government of the Commonwealth or the state or from other sources (Brown 1998).

From the perspective of the Aboriginal people involved there was not the awareness of the need and more importantly an incentive to become a self-sufficient business. Neither was this spelt out in the objectives nor any other procurement indication given of the need for a commercial business along the lines of main stream business. By a lack of understanding and neglect it almost seems that it was another Aboriginal organisation set up to fail or was it another case of cultural conflict and the need for a process like the CED strategy. There appears to be an ever present notion that bureaucrats and city based policy makers have, that Aboriginal people need to start businesses and then they need to work to being self-sufficient as soon as possible; but the application of this notion never seems to take into account the Aboriginal peoples’ perspective or the array of local and cultural issues that impact on Aboriginal people when engaged in such a business. Under this assumption it would seem inevitable that representatives from the Aboriginal town would most likely focus on lobbying for an equitable share of the available grant to be spent within their immediate Aboriginal town and local area as opposed to working on devising how the organisation might run more efficiently for the whole Peninsula region. The question being asked by the bureaucrats was: what potential profit might the organisation generate and thus what scope was there for future sustainability and growth of the business? These are two ends of the management spectrum – maximising the use of a government allocation as opposed to running a self-sustaining business. These two ends of the spectrum need not be in conflict but it will take a process similar to the capacity development process of third world development. When, at the outset of such projects, specific objectives and strategies are not researched, planned for or implemented to make the venture self-sustaining from a specific date, and the funding is not guaranteed, the government money eventually runs out and the venture is left to slowly fold with everyone pointing fingers. The KNA case study is a clear example of a presumed core objective of a project not being thoroughly researched and assessed to see whether a commercial business could be a practical reality and then be included in the
agreed objectives (Brown 1998). The agencies involved, in retrospect, were completely naïve about the possibility of this project having any chance of being a successful business.

9.1.7 Governance Issues, Cultural Factors and Assumptions

It should not be overlooked that setting up such a venture (and council structure) and expecting representatives to be chosen by their Aboriginal town peers and relatives does not automatically mean:

Their representatives will be chosen for their skill set.

They are confident with speaking English.

They can read and write to a required level.

They have had experience in figures or have had experience in running an organisation.

And even more importantly running a commercial business.

In addition it does not follow that a representative chosen by a family group or peers within a particular Aboriginal town will have the best interests of all the other towns or the region at heart or have a statesmanlike attitude when making decision at the Board level. They may and they may not. The assumption that members chosen on this basis would all have had the above mentioned level of skills and experience to run a large earth moving business is quite staggering given the context of it being located within the remote Dampier Peninsula in the far north of Western Australia and being instigated from Perth about 2,000 km away. More importantly the idea that remote Aboriginal towns are likely to have the kind of educated and skilled workforce assumed in the city is a complete denial of the history of Western Australia.

Town based councils and committees are notoriously difficult management vehicles right across the spectrum of Australian society for decisive decision making especially when the decision making is first and foremost being considered on a sustainable commercial business level. In addition the management of committees and thus the running of meetings and the responsibility of the roles associated with the various office bearing positions on a committee are difficult at the best of times, particularly if you have never been exposed nor had experience in the standard established “white man” committee meeting procedures. This is not to say that a commercial governing structure such as a propriety limited company might have been a better vehicle for the project. Such a vehicle though would have generated a profit driven focus whereby the directors would have had a vested personal monetary interest in the ongoing viability of the venture had
there been scope and flexibility for this type of corporate structure to have been established. But again this structure still relies on and assumes that members or directors have knowledge and experience of this form of governance vehicle and of “corporate” governance procedures, and also more importantly the experience and ability to read and decipher annual reports, accounts and budgets. There may well be Aboriginal people with these skills in remote towns but such an assumption is staggering in its naivety.

A structured model
The initiation, implementation and facilitation of the KNA model was driven by desire for Main Roads WA to deliver its vital road maintenance service thus creating the objectives of the corporation as laid out in the Rules of the Corporation (Brown 1998). The eventual expected outcomes were the improvement in the ongoing maintenance and condition of access roads across a spread of remote towns coupled with the worthy value adding outcomes of Aboriginal employment and local Aboriginal decision making. In addition there was a perceived reduction in the cost to deliver the service on an annual basis if it was performed by a locally managed Aboriginal earth moving plant. The implementation of the project required an appropriate model of management and governance commensurate with the level of state and federal money being invested in the plant and equipment and the costs associated with the setup and management of the project and the cost to deliver the service. Naturally with this amount of tax payers’ money at stake an appropriate governance vehicle was necessary and thus an Aboriginal corporation under the Federal Act (ORATSIC 2007) was created to acquit the funds and drive the venture which included the above mentioned objectives (Brown 1998). This standard established Commonwealth government Aboriginal governance model to drive such project was adopted for an area where there was limited past experience. The structure was subsequently transferred to a state incorporation model which accommodated the requirements to service a wide range of towns with diverse needs and facilitated representation from each Aboriginal town on the governing board.

So it can be seen that desired outcomes for Main Roads WA, and the criteria which drove those outcomes, dictated the management model. As has been the case before the objectives which drove the establishment of the management model did not service the people nor the project well and due to this and other factors the project folded. Had the outcomes been prioritised differently where people were the focus of the project, a different model might have emerged which may have been more sustainable and could still have achieved the outcome of improved road access albeit at a later date.
Interview with Ian Trust Wunan Foundation Kununurra continued.

Ian. "What they should be trying for is how they can value add with their engagement depending on what Aboriginal people think, considering the high levels of unemployment and so on what would be the best way of value adding to that to make a contribution to dealing with poverty issues not so much giving people money but good job opportunities. That would be the way to go."

Individual growth model (IGM)
An approach that could have delivered the Main Roads WA objectives whilst still engaging with the Aboriginal town (and thus have been more sustainable) might have been an individual growth model whereby the focus of the project was on the development of an individual or individuals within each discrete Aboriginal town growing over a period of time in interest, desire and skills to become a competent road maintenance plant operator.

This approach requires the focus to initially be on a person or persons (if there was someone willing and able within each Aboriginal town) who over a period of time develops the interest and skills in road building and then in turn delivers the secondary goal of providing improved maintenance on access roads in and around the Aboriginal town. This approach requires an initial phase where Main Roads (or some other agency) owns the equipment, facilitates the training program and manages the works schedule in consultation with the existing Aboriginal town council. The individual then could be offered after a period of time and consistency (should they have indicated their interest) the option to branch out into a self-owned business and thus take on contract work from the relevant department supplying the funds for the service.

This model would also require in the initial stages a roving supervisor/trainer role whereby a person initially employed by Main Roads (or another agency) based in the region who would travel from one Aboriginal town to another gradually establishing and employing an operator in each selected town. This supervisor could, also on invitation, attend Aboriginal town council meetings and take direction from the local council regarding their requirements and priorities for road maintenance in and around that particular Aboriginal town. Upon attending the council meetings in all the participating towns of the project an annual schedule of work could be devised.
and then a budget allocated according to the annual budget offered to the project. The supervisor would then return to each Aboriginal town and advise on:

- What monies were available
- What project could then be undertaken within each Aboriginal town considering the available budget
- The Aboriginal town’s perceived needs
- The availability of functioning equipment
- Competent operators

The Aboriginal town then would only be required to endorse the annual works plan for that town. It would then be the supervisor’s duty to instruct and guide the local operator (in partnership with the local CDEP coordinator if employed) on his or her tasks as the year progressed. It could also be envisaged that the Aboriginal town be encouraged to contribute to the project thus improving engagement and responsibility for their access roads and Aboriginal town roads in the way of support vehicles and maintenance services. Using this localised organic growth model the department, in this case Main Roads WA, would be responsible for the funding of the grader, the maintenance of the machine, the fuel and the wages of the operator.

This approach would have resolved the need to set up a new additional governing/management body within a region or group of towns to manage the road works as was the case with the project. It is well known that Aboriginal people within their Aboriginal town are often overburdened with meetings and managing other Aboriginal town business and thus do not desire another committee and another round of consultation and budgeting sessions.

Under this individual growth model the operator would begin from day one to take control of their own issues and problems and progressively work through them finding local solutions in partnership with the town council, the CDEP program and the supervisor (MRWA) at the Aboriginal town level. If there was scope over time for the operator to take private ownership of the machine and the contract, then appropriate decisions and arrangements could be made between all parties, coupled with professional guidance offered via business development skills for the operator from appropriate business development agencies and business mentors.
This approach obviously requires greater time to deliver a certain level of output and scale of maintenance than say a trained fully equipped plant being established to deliver the service. The fundamental aspect of this approach is the organic nature of this type of growth and development approach where the operators develop at their own speed within the Aboriginal town context with all its cultural complexity and local governance issues. As the months and years progress the individual learns the fundamentals of the trade and business principles in a staged process whilst the venture is still on a very small scale. As each obstacle and issue arises it is learnt on the job on a gradual basis by the operator.

To follow is an interview with Dallas Purdie, Violet Valley Aboriginal town, April 2008, who has since been employed by Team Savannah as a subcontractor supplying the services of a water truck to the road construction project near Warmun.

**Interview with Dallas Purdie (DP), Violet Valley**

JS - And their (that is MRWA) thinking is …can we value add like … can we do more with the contract than just giving it to some major company … who does the road and then moves on … What do you think about that … can they get more Aboriginal towns people involved – could they find a contractor who might employ some local people?

Dallas Purdie - Yeah well this um … Team Savannah (who have the contract to widen the bridges on the highway near Warmun Community) they are talking about employing some local people, like as machine operators.

JS - And that's where you might get a contract with them using that water truck?

Dallas - Yea, but they are also talking about employing individual people to operate their own machines you know.

**Box 13 Interview with Dallas Purdie, Violet Valley**

**9.1.8 Engagement with the Local Shire**

A further adaptation of the approach could be that the allocated road maintenance funds for this service could be offered to the local shires as a discrete quarantined budget for remote Aboriginal town roads only and all of the above procedures could then be handled locally by the local shire. This would be an ideal tool and strategy for an improved partnership between the centralised local shire offices in the towns and the Aboriginal councils. Scope for a better liaison and partnership between the Aboriginal Outstation Movement and the Shire offices and hence the establishment and growth of remote towns within a shire’s jurisdiction has long been an aspect
that has been lacking in the history of this relationship in the Kimberley. However the history of mistrust and enmity between the Aboriginal towns and the local government in the Kimberley runs very deep (see Chapter 4).

9.1.9 Geographical realities

| JS - The other thing they (Main Roads) are looking at is long term. They have asked me to do some research about long term maintenance. Do you think it would be good to make a really well formed road or in your opinion how much would the wet season rip it up again or should they continue to do a top grade … just a skim type of grade each year? |
| Dallas - Yea well that Osmond Valley road that’s um pretty bad that one ….Half of the way you are driving in a creek anyway …Yeah like … |
| JS - So what do you reckon they should do? Do a really good job first up or just keep doing little fix up jobs each year after each wet season? |
| Dallas - Depends. |
| JS – Well, how many people living out there at Osmond? |

Box 14 Interview Dallas Purdie, past Chairperson of Warmun

One of the perceived advantages of setting up a large plant and investing in a large range of machinery (as was the KNA case) is that the plant could undertake a range of projects and thus have back up equipment, a range of personnel and operators and be in a position to undertake larger scaled projects other than cutting fire breaks and grading local roads. Obviously with a large operation come large overheads and the necessity to have equipment working regularly and as consistently as possible in order to generate the required cash flow to cover new equipment purchase costs and loan repayments. This needs to have machines working as often as possible. This was another area that greatly hindered the viability of KNA.

Due to the wet season there is only a window of 6 to 8 months each year in which the machinery can be operational. During the other months of the year it is often impossible to move machinery due to the water soaked roads and there are often times of flooding. It is therefore a fact of life that machinery can only be fully utilised for some 6 to 8 months per year and either have to be stored away over the Christmas wet season period or transported south at great cost in order seek potential contracts to keep them working and generating income. Obviously this was logistically a difficult option for the Aboriginal Kimberley based trainees, the operators and their families. So
the business was essentially a Peninsula based seasonal business, limited to a 6 to 8 months operational time frame. There is scope for moving machinery to the main Kimberley towns and hiring them out but this is fraught with additional transport costs and issues of security, insurance and the lack of care shown to hired equipment.

Therefore having a large machinery base sitting idle for 4 to 6 months of a year is not a very viable business strategy. It does not bode well for a sustainable profitable business. If it had been possible to generate additional income apart from the existing state government funded road contracts and make better use of this limited window of operation it may have been considered a long term sustainable viable business proposition on the basis of its size and investment. But the potential to find additional contracts in the region is very limited considering there is currently no large scale mining or industrial development within the peninsula. Thus the lack of potential for generating income for a full 12 months would have been a very limiting factor on the ability of KNA to become a self-supporting ongoing business.

Knowing this it would have been prudent to factor these issues into the potential scope of the outcomes of the project and be more realistic about achieving a profitable and self-sustaining earth moving operation based on its trialled size. Setting up a business with no prospect other than failure is not good for Aboriginal prospects in general.

On the contrary one grader invested in one Aboriginal town under a strict management and service regime with a secure annual government contract could prove to be of value particularly if it was privately owned and the owner operator could relocate to one of the major towns over the Christmas period where there might be potential to pick up additional contract work.

9.2 Review of Case Study A Utilising the CED Strategy as an Assessment Tool

On reflection the KNA project had many issues and pitfalls that could have been avoided had there been a more structured approach to the planning, the setup and operation of KNA. If the principles contained in the proposed strategy Connect, Engage and Deliver (CED) had been utilised a more sustainable outcome may have been achieved. Thus the CED strategy will be used to assess the KNA project.
9.2.1 Government Preparedness to Engage

The four areas of the CED Strategy that need to be assessed in a department’s preparedness to engage:

1. Connectedness and empathy
2. Responsibility for ownership and outcome
3. Resource allocation
4. Administrative structures

1. Connectedness and Empathy

A fundamental of the CED strategy is empathy and awareness of the situation Aboriginal people are living with in remote towns which impacts on the social, cultural and economic aspects of these people’s lives. Essential to improving this awareness and empathy it should be mandatory that all government staff from the top down are required to go to these towns by road transport (not fly in fly out) and stay overnight, preferably for two or more nights, and view firsthand the day to day experiences and issues that make up life in remote Aboriginal towns. This overnight experience should be conducted twice a year, once in the dry season (when most people make the trek) and once in the midst of the wet season. This firsthand experience would bring home to bureaucrats and practitioners the extent of the conditions and level of current service provision experienced by people in remote towns year in and out. Included is a small sample of issues that suddenly hit home because they are experienced in a personal way:

- High food costs at the local Aboriginal town store
- Damage to vehicle driving to and from the towns on substandard- gravel road
- High fuel costs at local Aboriginal town store due to high transport costs
- Limited internet access and services both in the administration offices and the homes of all people living in the Aboriginal town
- Limited overnight accommodation for visitors
- Problematic maintenance essential services (power, water, sewerage etc.)

At the same time the department’s personnel would experience the majestic countryside and how deeply the local Aboriginal town connect to it. If governments and their practitioners seriously wish to engage they need to experience personally the reality of the daily life of Aboriginal (and non-Aboriginal) people in remote towns. Only then will they begin to develop empathy and a
true understanding of the living conditions and issues involved in bridging the cultural barriers to communication.

Had there been more time allocated utilising the Yarning Model the Aboriginal people themselves may have raised the pitfalls inherent in the corporate structure that was implemented to facilitate the project and thus its collapse may have been avoided. It would have become apparent that the kinship issues and obligations carried by the appointed representatives to the Board of any commercial entity would have compromised the decision making and procedural operation of the plant from a Main Roads’ perspective. Even the simplest of conversations would have revealed this issue.

2 Responsibility for ownership and outcomes
It became apparent throughout the project that the biggest driving force from the government partners involved in the success of the project was coming from Main Roads which was a small funder/investor compared to ATSIC the major funder/investor who did not offer the project the same long term commitment that Main Roads WA (and David Brown) were willing to contribute. Eventually after three years ATSIC pulled their funding which left the project floundering. Had there been an agreed ownership of the outcome of the project and a long term commitment and agreement from both funding sources (state and Federal) as to the level, duration and extent of the commitment, KNA may still have been a functional and successful project today.

In addition there was not a long term ownership of the training outcomes from the government training departments who were engaged to provide salaries for trainers and subsidies for apprentices and trainees. The training department engaged to supply this service proved problematic for Main Roads by initially suggesting that the numbers involved did not fall within their guidelines. They often fell back on the set rules and requirements of their programs as a way of finding reasons not to fund the project and eventually they withdrew from the project.

Main Roads seems to be the only government partner in the project who offered a “can do” approach and who under David Brown took on and accepted ownership of the project. The other government departments both state and Federal did not offer the same commitment as Main Roads and thus limited the outcomes, leading to the eventual closure of the project. In other words the staff and managers of these other departments didn’t match the ownership and
responsibility accepted by those within Main Roads WA. It is interesting to note in the next case study on the Myuma Story that there was a totally opposite response from the training departments in Queensland. Their willingness to form a combined training body to facilitate and implement a thoroughly integrated training regime for the whole duration of the Myuma project guaranteed a different outcome.

3 Resource Allocation
Needless to say the resource allocation was inadequate. Had each department self-assessed their long term commitment to the project and allocated the appropriate funds and resources (both human and monetary) for the long term under an agreed time duration by all concerned, then the decision by ATSIC to pull its funding and the training departments’ reluctance to commit training resources may have led to a different outcome. Secure funds are not everything but they do make a huge difference.

Road building is a very expensive area of infrastructure to fund and implement and an equally expensive area to maintain, especially in remote regions like the Kimberley where there is a massive impact on this sort of infrastructure during the wet season. Departments and governments in general who genuinely wish to service remote Aboriginal towns in the area of road building have to take seriously the extent of the budgets to adequately prepare themselves if they wish to embark on the engagement process. The very high cost of funding this state wide infrastructure is precisely why all levels of government have been reluctant to commit and take responsibility for the issue. Ironically the longer they take to resolve this issue and commit to funding it the greater will be the cost to the tax payer.

4 Administrative Structures
Government structures require a sense of responsibility to imbue their daily operations. It became evident to me when visiting the regional Main Road’s offices that the staff based in these regional centres had job descriptions and duties applicable to their current position and current work load and that taking on extra responsibility to manage or maintain the vast network of Aboriginal access roads to remote towns was totally out of the question. It could not be their responsibility. Whether this was a self-preservation issue or a choice did not become evident. But what was evident was the area of “roads to remote towns” was seen as a responsibility of the Perth office and not a regional responsibility. What is even more alarming when considering
remote Aboriginal roads and the extent of the complexity of funding sources, with the vast amount of roads spread across the largest state in the nation, was that only one person within the massive department of Main Roads had been allocated the responsibility to manage and address this issue and that was David Brown. In addition Brown was responsible for other remote road issues, including roads on Cocos and Christmas Islands.

Had MRWA (and all other government departments who were partners) internally addressed these four areas of preparedness from its department’s perspective things may have turned out differently for the local Aboriginal people.

If a department wishes to connect, engage and deliver in this area it has to assess its commitment to put in appropriate administrative structures that take into account adequate funding to employ the appropriate staff with specified duties and job descriptions that are totally committed to Aboriginal roads. In addition the department needs to include this area in their annual time allocation and provide adequate professional support for these staff members, including accommodation and living costs (relocation costs, flights, vehicles and camping equipment etc.) and adequate computer equipment and office requirements. They need to take responsibility.

Only when there is complete ownership of the outcomes (by governments and Aboriginal town directors) of a program or service, which equates to heads of departments taking full and direct responsibility for its success or failure, will this type of service to remote Aboriginal towns be improved and better, sustainable, long lasting partnerships with Aboriginal people be established in the delivery of the service.

In contrast to the KNA story the Myuma story from north west Queensland shows a different approach to the issue of engagement and the delivery of a road service.
9.3 Case Study B: The Myuma Story Case Study

9.3.1 Background
The story of Myuma's growth and development has its origins in the establishment and development of the Dungalunji Aboriginal Corporation (DAC) in 1998. The members of the DAC are people drawn from the Indjilandji and Dhidhanu traditional owner groups whose country is situated in the upper Georgina River basin and around the Camooweal area near the border with Northern Territory in far north western Queensland. In the intervening years Colin Saltmere, one of the members of these traditional groups, has emerged as a dynamic leader and become the Managing Director of Myuma Pty Ltd. Myuma Pty Ltd has evolved as the commercial arm of Dungalunji Aboriginal Corporation and has developed into a successful business in its own right now specialising in civil construction, plant hire, labour hire and Aboriginal training programs. The business is now operated and managed out of the Dungalunji Camp situated about 10 minutes drive east of Camooweal.

The Myuma group was established in 2004 to further the wellbeing, cultural maintenance and quality of life of the Aboriginal people of their region (Giddy, Lopez et al. 2009). Myuma Pty Ltd
was one of the three partners in the Split Rock Inca Alliance agreement (SRIA) with Main Roads Queensland to deliver the final upgrade to the Barkly Highway improvement projects. These projects were major upgrades to the highway in this area with funding from the AusLink – National Transport Plan.

To fully understand the history and the success of Myuma today it is important to track its engagement with Main Roads Queensland and to illustrate the critical significance of government service agencies establishing genuine long term relationships with traditional owners and local Aboriginal people in the delivery of these types of services. The engagement between Main Roads Queensland and the local people occurred back in 1999 prior to the construction of the Georgina River Bridge in 2002 on the west side of Camooweal. Camooweal is the last town heading west before the border with the Northern Territory. Passing through Camooweal is the Barkly Highway which is the main northern arterial road that connects Queensland and Western Australia via the Northern Territory. To facilitate this project Main Roads Queensland had “undertaken substantial ground work in respect to cultural heritage management” in the initial planning stage of the upgrade project back in 1999 (Trim 2008).

Since the passing of the Native Title laws in Queensland, for Main Roads Qld to deliver a road service that traverses land owned by the traditional owners (and is thus subject to Native Title claims) it is required to establish a Road Cultural Heritage Agreement. Such an agreement outlines the process for dealing with cultural and heritage issues.

The successful delivery of the Split Rock Inca Alliance (SRIA) was dependent on sensitive management and appropriate respect for cultural heritage matters. Aboriginal workforce participation and training was of high importance to the project (Trim 2008). Main Roads Qld initiated this engagement and negotiations with the support of Indjilandji and Dhidhanu traditional owner groups and was able to establish an agreement. Thus began a long standing professional relationship between the staff based at Main Roads Qld Cloncurry (Peter Trim), Colin Saltmere and the staff of Myuma Pty Ltd.

The new Road Cultural Heritage Agreement between Main Roads Qld and the Indjilandji-Dhidhanu people was the second of its kind to be implemented by the department of Main Roads Qld. The Barkly Highway projects operated in an area of substantial cultural significance as the Barkly Highway crosses land that was subject to Native Title claims. This crucial element
was taken into consideration by Main Roads Qld at the very early stages and was one of the main
drivers for selecting delivery by an alliance model.

These sections of the Barkly Highway that pass through this country were in great need of repair
and reconstruction. Main Roads Qld was provided with funding by a $130 million package under
the AusLink – National Transport Plan to deliver the program.

9.3.2 The program
The program below consisted of the following projects and sections of the Barkly Highway and
shows the various Alliance partners over the course of the reconstruction alliance contracts.

a. Wooroona / Nowranie Creek Alliance, 2004, $21.3m (DMR, Myuma (representing
Indjilandji-Dhidhanu people), Leighton Contractors Pty Ltd.);
b. Johnson Creek Alliance 2004, $21.4m (DMR, SWC, Albem Pty Ltd);
c. Buckley Creek Alliance 2005, $15.5m (DMR, SWC); and
d. Split Rock Inca Creek Alliance 2006, $33.8m (DMR, Myuma, SWC).

Sections b and c were sub-alliance partners with the Kalkadoon Traditional Owners whilst
section a. was a full alliance with the Indjilandji-Dhidhanu people as was section d.

9.3.3 The Contract and the Alliance Model
The use of the alliance model in the above cases for procurement of services by government as
opposed to the standard fixed price contract has been the outstanding feature of the roll out of
these projects. It has been a commercial success from the perspective of the private contractor
Seymour Wyatt and Main Roads Qld have been able to deliver a quality road construction
program in a remote area. Most of all Myuma Pty Ltd has gained valuable experience and
continues to grow as a viable business. In addition and of great significance is that local
Aboriginal people have been trained and employed throughout the course of these alliances.

Traditionally a project alliance is usually between two or more partners and is characterised by the
risk being shared by all parties, with all parties working together to deliver the agreed outcomes in
a team environment, and with a reasonably open book approach towards costs as long as they are
mutually agreed upon. This is a far more organic approach to such a complex exercise in a
remote area than the rigid procurement process of the previous case study of KNA.
A successful element and outcome of the Barkley Alliance agreements was the desire by Main Roads to enhance the employment options for local Aboriginal people throughout the life of the projects and into the future. This is a requirement of all government agencies in Queensland under the Indigenous Employment Policy for Queensland Government – Building and Construction Projects (IEP 20% Policy).

The guidelines of this policy state that:

Compliance requirements for the IEP 20% Policy are underpinned by a minimum benchmark whereby 20% of the deemed labour hours are to be allocated to employment and training for members of the local Indigenous Aboriginal town.

However, where practicable, compliance requirements are to be determined prior to tender. In this event, these requirements will be set out in employment and training participation plans that have been developed and agreed in consultation with communities at the pre-tender stage.

These plans, where incorporated into the tender documentation, will replace the 20% minimum benchmark. All tender submissions should outline how the contractor will comply with the tender specification details (Queensland Government 2008).

As can be seen it was vital for Main Roads Qld to have achieved the above requirements in the allocation and management of the Split Rock Inca Alliance contracts.

9.3.4 Assessment and Outcomes of Alliance Model for Main Roads Contracts

The decision and support by all the parties to undertake these projects using an alliance model has greatly enhanced the opportunity for Myuma Pty Ltd as an evolving business to grow and develop as an enterprise throughout the course of the project. The experience gained and the networks established throughout the mining and civil construction industries in the area have enabled Myuma to expand and develop new business partners and to develop into new business areas since these Main Roads contracts. The open book approach (as opposed to the standard “fixed price contract”) has lent itself to the Aboriginal way of doing things where there is an emphasis on inclusivity of all concerned and openness in dialogue and decision making. The adversarial nature of a fixed price contract implies a win-lose approach to issues around costs, money and budget blowouts and when cast in an “us and them” or a “black white” type environment this could lead to very negative outcomes and unsavoury confrontation. For many Aboriginal people this would not be desirable for a continuous working relationship and would not bode well for future contracts and business relationships.
In contrast the alliance model implies equality and a team approach which is highly desirable when the agreed outcome of the alliance/project is the ongoing development and sustainability of an Aboriginal enterprise and Aboriginal employment. This outcome is implicit in Queensland Government Chief Procurement Office – Procurement Guidance Series Alliance Contracts Version 0.95, 1 July 08 (page 4) which states:

Procurement objectives and value for money

The objectives of the State Procurement Policy are to:

advance government priorities –

These priorities define the Government’s commitment to advance through procurement certain social, economic, and environmental objectives.

Advancement of Aboriginal employment via training and direct employment would certainly fit and enhance all three of the objectives, social, economic and environmental. It is obvious that with increased employment and regular income the social conditions of Aboriginal families and people would be greatly improved. John Davies in his thesis Case Study – Split Rock Inca Alliance made the point that in the Barkly Alliance projects … “40% of the Alliance workforce comprised Aboriginal employees” (Davies 2006) The opportunity to employ local people reduces costs associated with bringing in labour and would have enhanced the economic potential of the project. The employment of local Aboriginal people who have an inherent interest in maintaining and sustaining their environment would be a bonus to the objectives of the government procurement priorities. The use of embedded Aboriginal staff not only fosters regional development goals but also provides improved management of construction activities in an area of cultural significance thus reducing the potential to damage sacred sites and objects of importance (Davies 2006)
Mount Isa Institute of TAFE and Myuma Pty Ltd
The Jobs for our Mob project (a spin off from the partnership with Main Roads Qld and Myuma Pty Ltd) established an e-training centre which provides prevocational skills for Aboriginal people wanting to enter the mining, construction or engineering fields. The project aimed to assist Aboriginal people from regional and very remote locations in Western Queensland, where there is high unemployment and a significant skills shortage in mining and associated trades. The project was a joint partnership between Mount Isa Institute of TAFE, Myuma Pty Ltd, Construction Skills Training Centre, Construction Training Queensland, the Queensland Main Roads Department and Seymour Whyte Constructions.

A central part of the project was the development of high quality e-learning resources specifically designed for Aboriginal learners. The model has since been adopted by Construction Training Queensland to be implemented in all major civil and infrastructure projects involving Aboriginal employment throughout the state.
E learning

E-learning is proving to be a successful and cost effective model for engaging learners who are disadvantaged by their location, cost of travel, family responsibilities or time constraints. Four hundred and forty-seven people based in towns, of which one third were Aboriginal, participated in e-learning projects in 2007. Of particular note is the observation in Aboriginal towns that e-learning participants are progressing from a role of e-learning coordinators to that of Aboriginal town leadership, able to influence and determine the application of e-learning. Construction Training Queensland has adopted an e-learning model to be implemented in all major civil and infrastructure projects involving Aboriginal employment. This is based on the Jobs for our Mob CD-ROM, which was developed by Mt Isa Institute of TAFE on behalf of The Split Rock Inc. Alliance.

The community engagement project focused on equity, targeting those who have missed out previously on education and embedding e-learning in existing Aboriginal town-based and regional development initiatives. Training providers have developed e-learning skills for improved service delivery, resulting in enhanced skills and capacity in small business operators, whilst learners in general have developed valuable employability skills.
Throughout 2007 the three projects, Industry Engagement, Indigenous Engagement and Community Engagement achieved a joint total of 42 media releases and 509 electronic “hits” which promoted the achievements and activities of the funded projects (Ahern 2008).

Myuma Award and Achievements
On 31 May 2007 The Honourable Peter Beattie, the Premier of Queensland, announced the Premier’s Reconciliation Awards. The winner of the Partnership Award was Split Rock Inca Alliance – Myuma, Seymour Whyte Constructions and Department of Main Roads. From the five award recipients, the Split Rock Inca Alliance involving Myuma, Seymour Whyte Constructions and the Department of Main Roads was also awarded the overall Premier’s Reconciliation Award for Business. This award is bestowed by the judging panel on the business considered to have made the most outstanding contribution to reconciliation (Pitt and Beattie 2007).

9.3.5 Fundamental Requirements of the Success of Myuma
Rather than draw conclusions myself I have used the notes provided by the Regional Manager Main Roads Qld Cloncurry, Peter Trim, who was responding to my suggestion that Main Roads WA or the Department of Housing WA could consider implementing similar structures and procedures in their future contracts. What follows is his response.

I assume that there is a mandatory training component on these contracts, similar to our 20%, which the contractor must meet. If so then an Indigenous training program can fulfil that requirement and also, as you point out, deliver a skilled local workforce. This program would also fulfil any mandated Aboriginal employment requirement.

The key to implementing a successful training program is the early engagement of the:

Various training providers (like TAFE) - To ensure there is ready access to the relevant training modules and that they can be delivered in the communities.

The communities - To nominate the representative who would be a part of the leadership of any possible alliance and also select/nominate the trainees who would participate in the various programs.

The training funders (like DETA & DEEWR etc.) - To identify what subsidies each trainee can access and get them registered for assistance early enough so that any subsidy or support is in place before they start work. This obviously takes the pressure off the contractor and can be used to demonstrate the benefit of an Aboriginal training program to all parties involved in the contracts.
Chapter 9 Case Studies

The contractor - To convince him of the benefits of creating an Aboriginal training program and to assist him with his final costing for the works.

Your general notes about the Split Rock Inca Alliance and the training committee are good. I agree with your suggestion the relevant authorities in WA could start now to put in place the arrangements to support a possible training program for your housing contracts. I know these are only some brief comments but I have tried to just focus on some key points as I see them. I hope this helps you with your discussions.

Peter Trim

Furthermore it is also valuable to see what the Federal government DEST had to say in their evaluation of the project. Their conclusions were:

The project team feels the Split Rock Inca Alliance Employment and Training Committee needs special mention in the context of the project and how it has evolved. We have met twice with this group now, and are immensely impressed with the cooperation, respect and commitment shown by all the Alliance members, and representatives from the various government agencies and support agencies towards the improvement of opportunities for Aboriginal people.

The Jobs for our Mob project has been very well received and many personnel have been very interested in the issues of work readiness training, as there is firm recognition that to throw Aboriginal people into the workforce without these skills as well as a strong sense of self and cultural belonging is setting people up to fail.

At the October 2006 meeting, two companies were represented by visitors; traditional owners and an environment manager for Osborne Mines, an Aboriginal training manager from CDE Capital, and an Aboriginal owner company operating out of the Northern Territory. They were very interested in the project and in accessing the material, once it is completed (DEST 2006)

The conclusion that can be drawn from the above is that the alliance model was the best for such a project and more importantly was a catalyst in the establishment and ongoing viability of an Aboriginal business in a remote region where there is often little scope for employment. As Davies explained: “The consensus of the alliance participants is that a traditional contract is unsuitable for projects with the high risks experienced on the Barkly Highway upgrade” (Davies 2006).

It is interesting to note that the precursor to the successful establishment of Myuma, and the successful delivery of a road service by a government department and successful combination of all three players in the alliance model, was the recognition by all concerned of the Native Tile rights of the Indjilandji-Dhidhanu people at the very outset and thus a professional engagement
ensured. All this has flowed from the struggle of the fellow Aboriginal Queenslander Eddie Mabo who fought (and won) for the same rights some 20 years ago. There is a lesson to be learnt by all governments here, that proper, culturally appropriate engagement and working in partnership with Aboriginal people in an alliance model has enabled Aboriginal partners to have an equal seat at the negotiating table. Having an equal part in the delivery of the service can produce quality results for all partners, and of equal importance is the cost effective use of tax payers’ money, firstly for the state of Queensland and then the whole nation.

9.3.6 Alliances

The conventional method by which government procures goods and services is with a fixed price contract. This method is typically adversarial in nature, comprising a “win-lose” approach between parties. By way of contrast, an alliance is a collaborative approach where parties jointly work together to deliver the outcomes of a project. The alliance is characterised by risk sharing and a no-disputes regime.

Here are two useful definitions by John Davies of Griffith University who offers the following description and definition of the alliance model:

A project alliance may be defined as an agreement between two or more entities, which undertake to work cooperatively, on the basis of a sharing of project risk and reward, for achieving agreed outcomes based on principles of good faith and trust and an open-book approach towards costs.

A project alliance is where an owner (or owners) and one or more service providers (designer, constructor, supplier etc.) work as an integrated team to deliver a specific project under a contractual framework where their commercial interests are aligned with actual project outcomes (Davies 2007).

Notwithstanding any fixed definitions of an alliance contract, the general characteristics of these contracts are:

a. Risk is shared equally between customer and supplier,

b. The alliance contract typically contains a “no-disputes clause” with no liability between participants,

c. The customer and supplier share common goals for project success, and

d. All transactions are of an “open book format” coupled with the sharing of all cost escalations or savings between the parties.
The underlying theme of an alliance is of ‘teaming’ with common goals between the parties. The following clauses from an alliance contract illustrate this point.

“The Alliance participants will commit to work together to achieve the successful delivery of the Project.” “The Alliance Participants will, for the duration of the project, collectively develop and deliver the Project.”

It is important to compare an alliance contract with other non-traditional forms of contracts such as strategic alliances, joint ventures, and partnering. Whilst all these mechanisms involve greater risk sharing than traditional contracts, the pure alliance embarks on an explicit ‘no-disputes’, ‘no-liability’ framework, and a far greater emphasis on teaming than these other relationships (Davies 2007). The question should be asked after reviewing the KNA Story is – what is the risk of not using and alliance model?

9.4 Review of Case Study B Utilising the CED Strategy as an Assessment Tool

9.4.1 Government Preparedness to Engage

The four areas of the CED Strategy that need to be assessed in a department’s preparedness to engage.

1 Connectedness and empathy
2 Responsibility for ownership and outcome
3 Resource allocation
4 Administrative structures

1 Connectedness and Empathy

At the very outset of this process Peter Trim the regional manager for Main Roads Queensland based in Cloncurry showed a willingness to engage on a cultural level with the traditional owners’ right from the very early stages of the engagement and prior to the dealings about actual road building. He is based in the region in close proximity to where the Indjilandji and Dhidhanu traditional owner groups live near Camooweal. He states in his report:
To facilitate this project Main Road Queensland had … undertaken substantial ground work in respect to cultural heritage management (Trim 2008).

It would seem there is connectedness and empathy with the traditional owners on the part of Trim and Main Roads Qld and his starting point for engagement is based on their cultural interests thus facilitating a natural desire on their part to engage.

Aiding this process is the Queensland law (flowing from the Mabo ruling) which requires a Road Cultural Heritage Agreement to be established between traditional owners and Main Roads Qld if a road service is to be established which traverses land owned by the Traditional owners.

2 Responsibility for Ownership and Outcome
After attending the Roads Forum in Mt Isa and witnessing firsthand the dealings and relationship between Main Roads Qld staff, the Myuma staff and the traditional owners it was obvious that there was strong sense of responsibility of ownership for the outcome of the project by Peter Trim and two senior staff members (Colin B Neville and Les S Dunn) from the head office in Brisbane. In addition there were numerous staff members from associated training departments and stakeholder groups from across Queensland present at the Forum. Many of these attendees had previously been engaged in the setup and management of the Aboriginal training courses for Myuma and showed a genuine responsibility for and ownership of the outcomes of Myuma and its goals of training and employing Aboriginal people.

As Peter Trim said:

The successful delivery of the SRIA was dependent on sensitive management and appropriate respect for cultural heritage matters. Aboriginal workforce participation and training was of high importance to the project (Trim 2008).

3 Resource Allocation
The upgrade to the sections of the highway associated with the projects that involved Myuma had been adequately resourced through appropriate and substantial funding from AusLink – National Transport Plan. With appropriate and adequate funding for the task at hand Main Roads Qld was able to deliver a professional highway upgrade outcome in partnership with traditional owners, Myuma Pty Ltd and established mainstream third party contractors such as Leighton Contractors and Seymour Wyatt.
4 Administrative Structures
In my dealing with the Main Roads regional office in Cloncurry there seemed a positive attitude to engagement with Aboriginal people, and the commitment and history of Peter Trim’s work over many years with the local Aboriginal people is evidence of the establishment of appropriate administrative structures that facilitate engagement and connectedness with Aboriginal people. In particular the adoption of the alliance contracting model seems to have fitted the cultural and economic needs of the Aboriginal people.

Peter Trim emphasised to me on many occasions that what had been established at the Myuma base in the way of contracts, infrastructure and skills had taken many years to evolve and grow. The first engagement had begun in 1999. The Myuma group had been incorporated in 1998. The first contract that involved Myuma began in 2004 and the last contract of the Barkly Highway project that saw Myuma grow to be a full alliance partner was in 2006. The progress that I and the delegates to the Road Forum witnessed in Myuma’s growth to being an established contractor, a large employer and a training provider, was in late 2009. All told this was a continuous period of about 10 years of Connection, Engagement and Delivery on the part of Main Roads Qld.

9.5 Conclusions
This chapter has contrasted the KNA story with the Myuma story. If remote Aboriginal roads are to be provided there are real lessons to learn about the needs of Aboriginal people for:

- Connectedness and empathy
- Responsibility for ownership and outcome
- Resource allocation
- Administrative structures

One of the most significant conclusions for this assessment of the differences between the two case studies is that the Myuma project was based on an alliance contract. This is a far more culturally sensitive approach to the delivery of the road infrastructure service and offers some hope for a more generalised contract model. Having said this it is important to note that the Myuma process did not happen overnight. Peter Trim made the point very clear to me.
Chapter 10 Conclusions

Photograph 18 Myroodah Crossing. Local Road on the Fitzroy River
10.1 Response to the Initial Thesis Question

10.1.1 Initial Questions
This thesis proposed three questions:

1. Is the ownership and responsibility of Roads Associated with Remote Aboriginal Towns in Western Australia (WA) the *terra nullius* of Aboriginal infrastructure?

2. If so what decisions and strategies will need to be implemented to resolve the avoidance of this issue?

3. What is the best way forward for a government road agency to engage in a sustainable partnership with remote Aboriginal people of Australia in the process of planning, construction, and ongoing maintenance of access and internal roads that service remote Aboriginal towns?

10.1.2 Answers:

1. This thesis suggests that the neglect of and irresponsibility for Aboriginal roads can really only be understood by reference to this deep and long lasting historical myth of *terra nullius*.

2. Decisions and strategies need to be made at Federal, state and local government level which permanently end the myth of *terra nullius* in the provision of infrastructure, especially remote roads.

3. The best way forward for any level of government agency engaging with remote Aboriginal towns for the roll out of a road service would be to adopt the CED strategy. This process would facilitate a sustainable partnership which is built on “equitable conversations” and which utilises the principles outlined in the Yarning Model to facilitate the dialogue, the engagement process and the partnership. This can be understood in terms of two features that will be elaborated further below.
a. Funding of Equitable Service Deliver
The purpose of this thesis was to examine the Outstation Movement in Western Australia and to explore the issue of recognising the rights of Aboriginal Australians to choose where to live, and the subsequent lack of the same standard of government service delivery to these people compared to other Australians. That issue is equitable service delivery.

A clear solution that has emerged throughout this study is that if governments appropriately fund the service and accept new ways of engaging and delivering the service in partnership with remote Aboriginal people, the service can grow to being more equitable and sustainable.

b. Long Term Perspective.
Ongoing productive engagement between governments and Aboriginal towns requires long term adequate funding and resources that take into account the need for flexibility at the time of engagement and in arrangements during the engagement. This requires appropriate funding for the staff and they must be resourced adequately. Secondly what has been lacking since the inception of the Outstation Movement across Australia is recognition that access roads (and internal roads) to remote Aboriginal towns need to be viewed and formally established as an essential service and therefore appropriately funded on a long term basis and delivered using an organic alliance contracting approach that is culturally sensitive.

It has become starkly obvious to me over the course of this project that conditions in remote Aboriginal towns in the area of roads will only improve when there is a commitment by governments to genuinely address this issue with appropriate long term funding and delivery structures. This is something that has been non-existent in WA since the beginning of the Homeland Movement in the early 70s. With these two perspectives in place there are several practicalities that could be pursued.

10.2 Practicalities for Solving the Problem

10.2.1. The Future Direction - A Delivery Model for Main Roads
In 2007 Main Roads presented to the State Government Task Force a proposal that the level of funding to fulfil this “essential service” requirement is approximately $10 million each year for the next 10 years, a total commitment of $101 million (The Task Force submission Section 5 Road Servicing Aboriginal Towns).
Chapter 10 Conclusions

Should the full 10 year funding request by Main Roads WA to the Federal Government be successful I propose that the best way forward is for Main Roads to create and fund three new positions, one within each of the three old ATSIC regions of the Kimberley. These positions will be required to work within (and build on) the framework of the already established and current Civil Works Committees that have been created by Main Roads. The role of these people will be to engage with the respective Aboriginal towns (using the above strategy) within their area in order to facilitate long term engagement by Main Roads WA and thus the delivery of the road construction and maintenance programs with these towns. It is critical that these positions be established and adequately funded in the following towns: Broome for the Kullarri Regions, Fitzroy Crossing for the Malarabah Region and Halls Creek for the Wunan Region. The funding to establish these positions will be extensive and the budget will need to cover the purchase and construction or leasing of permanent housing and office space, plus budgets for vehicle purchase, usage cost, travel costs and annual costs. This will be a major challenge and a change of focus for Main Roads WA and will require considerable courage and commitment, attributes that are paramount if this long term engagement to deliver real outcomes is to become a reality and be sustainable. This commitment and courage will be even more poignant if the strategy is successful in the Kimberley because it may create the incentive for the strategy to be rolled out across the whole state. Is Main Roads serious about addressing this road issue and thus the equitable service delivery to other fellow Aboriginal Australians who live in remote towns across this vast state? Time will tell.

10.2.2 Aboriginal Training Programs
Should WA be successful in its bid for funding for remote roads then stakeholders agencies in Western Australia could begin to take the following initiatives:

a. Initiate a survey throughout the regions of WA to find out what Aboriginal companies or training organisations are currently functioning out there and whether they could incorporate or instigate a similar venture/business like Myuma to deliver civil works training programs for Aboriginal people in the regional centres and the remote towns throughout the state. This would create a job ready pool of potential employees in the towns.

b. Research and investigate whether there are similar (allied) civil and construction training support organisations and staff within WA to those that are involved in
Queensland on the Inca Rock Training Committee with a view to setting up similar committees in regional areas of WA.

If there is not the equivalent expertise or organisations in WA then Main Roads WA needs to facilitate a forum or a series of forums to highlight the Queensland achievements throughout the state of WA, with speakers and presenters from such organisations as Construction Skills Queensland, Myuma, QDMR Cloncurry and TAFE Mt Isa.

The Federal Government’s attempts to create a fund through Infrastructure Australia will require that states have in place the ability to conduct such a training program as part of any submission for projects. Whilst the state waits for the Federal government’s decision on such a fund, it is important that the State Government and stakeholders begin to set up similar Training Support committees in Perth and throughout our regional areas in order to have plans and programs available and up and running to fund the roll out of civil works traineeships and training programs in tandem with the roll out of the contracts by MRWA from the new funding allocation should it be forthcoming.

10.3 Local Government Reform
Any delivery of road infrastructure whether in the city or the bush requires a partnership between all three levels of government. Is local government in WA ready to be a partner?

The early history of shire councils was one of councils being established and managed to support the interests and desires of the pastoral industry. At the outset of the Homeland Movement shires were not seen as supportive or willing to be engaged in the movement. Local governments have finally got to come to terms with this history and they need to acknowledge their inequitable treatment of Aboriginal people within their jurisdiction.

Until the reform of the local government sector of WA is resolved and completed the issue of the allocation of responsibility for management and funding for RAWRAT will remain unresolved and not appropriately funded. Successive state governments and the people elected and employed to drive local government reform (and its partners in WALGA) have done an injustice (and continue to do) to both Aboriginal and non-Aboriginal people who live in remote towns by not having addressed and finalised this issue for the past 30 years. This issue of RAWRAT will remain and continues to be the great hushed up and hidden story of Western Australia’s abysmal history of the treatment of Aboriginal people in remote towns throughout the
I can only hope that this thesis and past research documents (like so many before it) may be a catalyst and prompt for change for the better. Successive state and local governments of Western Australia throughout their history have not used their power to resolve this issue. They have hidden behind the myth of *terra nullius* and have made limited attempts like KNA to solve this problem. They have abrogated their responsibility to genuinely deliver equitable services to remote Aboriginal people, especially roads.

### 10.4 The Big Question the Third World Story?

The sorry living conditions of Aboriginal people who live in remote Aboriginal towns of Australia are well known. The term Third World (or developing world) is often used to sensationalise the stories about these conditions. Yet the conditions are Third World: dysfunctional sewerage systems; condemned housing; unsealed and dangerous roads; distant towns of people living in degraded conditions far from the centres of political decision making and budget allocations. But due to these groups of people being small in numbers and far from the state capitals they are not vote changers so their rights don’t seem to be on the same scale as Australians in the larger urban centres across the nation. Could it be that Australia just doesn’t want to admit that within its shores there are people living in conditions seen in “overseas countries”, and thus keeps applying developed world strategies and approaches in these underfunded and underdeveloped towns that are just not progressing. Could it be that governments have not developed the intellectual and emotional capacity to connect, engage and deliver to these people on their level? Perhaps it is not an issue of capacity development of the local people and more a capacity development issue for governments and service providers to see the issues for what they are and allocate appropriate funding. Could it be that government service providers need to examine their own governance structures and internal capacity and plan for more productive methods and procedures for communicating, engaging and delivering their services to remote Aboriginal towns?

### 10.5 The Road Out of Here

A story I wish to leave you with is an incident that occurred to me in Billiluna, a remote Aboriginal town situated at the start of the Canning Stock Route in the Kimberley region of Western Australia. I had driven up to the diesel bowser in front of the town store to fill up (at about $2.50 per litre) and was promptly met by the store manager. It’s rare in these parts to be attended to so readily at the browser. As I jumped out of the 4 wheel drive, he was right beside me and he asked, “What brings you to this area?” But before I could answer he answered for me.
and his answer has stuck with me ever since. He said something to the effect, “Let me guess you are doing some sort of thesis for some uni somewhere and you have come here to study the Aboriginal people”. I couldn’t help it, I burst out laughing and said, “You have got it in one.” He said, “See … I knew … why else would someone like you come here”.

I suddenly felt very sad and useless.

May the ideas expressed in this thesis and the research undertaken contribute to a solution for the long suffering and patient people of remote Aboriginal towns of Australia.

What is extraordinary is that the constraint most recognised as a prerequisite for development in a country where the ‘tyranny of distance’ dominates economic and social development, the provision of transport infrastructure, has not yet been addressed (Nicholas and Nicholas 1994)
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Appendices

Appendix 1 Diary of My 5 Days in Kalumburu Western Australia

I arrived by the mail plane on Tuesday afternoon doing what is commonly called the “mail run”. It was a long flight which took in all the stations and tourist spots enroute about 5 stops in total.

When we finally arrived at Kalumburu airport I was greeted by Bev who attends to all mail and passenger issues that are associated with the Kalumburu Mission. All other mail related business at the airport is attended to by each and every other organisation within the Aboriginal town separately. It is thus not uncommon for up to 10 vehicles to be present at the air strip on arrival of the mail plane, the life line to the outside world.

I sensed from the moment of being introduced to the Deputy CEO that my presence was being viewed as being suspicious. I wondered why he should feel this way as I had emailed him a month before and had explained my position, the reason for my visit and the nature of the research project. On arrival at the airport I again briefly explained the project and my business with the Aboriginal town and re-joined Bev for my lift back to the Aboriginal town and ultimately my accommodation which I had previously booked with the Mission staff.

There appeared to be no other available accommodation on the Aboriginal town side from my earlier enquiries. It’s strange and a missed opportunity not to access this external income or to develop such business opportunity providing accommodation facilities within the Aboriginal town for visiting government or research people considering there is always a steady stream of visiting service providers. During my 5 day stay I noted there were planes arriving every day and it’s not uncommon in Kalumburu on any given day to see at least 5 chartered planes on the apron at Kalumburu ferrying government personal in from Kununurra. The towns of Balgo and Billiluna provide accommodation services and thus an income for the Aboriginal town, which seems to me to be a very lucrative source of side income for the Aboriginal town.

I was aware from my previous phone conversations from Perth with the CEO of the Aboriginal town that she did not have any interest in someone like me coming to the Aboriginal town and discussing future plans or ideas for the improved engagement between the Aboriginal town and Main Roads. I had sensed from these conversations and the document that she had emailed to me that she and the Aboriginal town where fed up with promised of service delivery from the
State Government and therefore “the Aboriginal town” did not wish to engage with me on matters or ideas regarding maintenance or construction of access roads. The document she had produced outlined her thoughts on the sources of funding and a restructuring of positions within the Aboriginal town that were associated with provision of essential services and maintenance of Aboriginal town housing. This was as she put it, “The proposal I have before government”. See attachment.

I reasoned that my task under such unhelpful or unsupportive conditions was to just hang around and tactfully meet people as the opportunities presented themselves. These people included anyone one who was interested from Mission staff to school staff to any local Aboriginal person within the Aboriginal town. It became obvious that there was to be no support, communication or engagement with me from the CEO, Deputy CEO or the office staff either in introducing me to council members or organising a council committee meeting in order for me to put to the Aboriginal town my project and thus gain the Aboriginal town councils’ perspective on access road matters. Yet funnily enough, the abysmal and deteriorating state of the access road in Kalumburu was what everyone came back at with me during my stay whenever I mentioned that I was there to talk about access roads.

Sadly though researchers like me and any other service providers who have a limited time in the Aboriginal town to do their business are at the mercy and whim of the people at the central nervous system of an Aboriginal town and that is the office staff when it comes to getting access to Aboriginal people within the Aboriginal town. I resolved that I would make myself available to the office staff each day of my stay in the Aboriginal town (should they wish to speak to me) by hanging out under the veranda at the front of the offices on the fixed benches as did all the local Aboriginal people.

So began my engagement with the Aboriginal town of Kalumburu to try and find out how they “the Community” wished to engage with Main Roads in the future.

Day 1 Tuesday 13 May 3.30 pm

Having dropped off my bags at my room provided by the Mission I made my way on foot to the Aboriginal town management offices. The Aboriginal town and the mission are now two separate entities with the entrance road on the way into Kalumburu dividing the Aboriginal town side
from the mission side. The current CEO has been employed in the role for the past three years. I felt that it was polite and appropriate that I introduce myself to the CEO and if possible try and win her over and to request her support and the council’s whilst I was in their Aboriginal town.

Upon entering the steel clad and fabricated outer room I gained the attention of the Aboriginal staff through the steel bars of the window that separates those in the room outside the office from those inside and requested that I would like to meet the CEO and I gave my name. I stood about waiting for 10 minutes or so and then again enquired at the steel bars whether it was possible to meet with the CEO. I was told that the message had been transferred and that I was to wait outside. I wandered out to the area outside the offices under the steel veranda and sat down with the local people. I introduced myself to Ian Gore and he indicated that he knew who I was and that he knew of my family back in the old mission days at Fitzroy Crossing. It was great to have such a valuable and amicable contact and someone with whom I could relate. He told me of his family and lot about the local people and his sadness due to his son being far away locked up in prison cell.

Finally the CEO appeared outside introduced herself and sat down beside me. She spoke about her frustration with some local people not making a flight back that she had organised for them out of Broome to Kalumburu. A quick conversation transpired of about 4 or 5 minutes and then she indicated she had other business and quickly left to go back into the office and did not reappear. No explanation, no I’ll be back soon, no indication of a further conversation or how long I might be in the Aboriginal town or even interest in the purpose of my visit. Definitely the signs of someone who did not wish to engage? That was the only conversation I had with her for the entire 4 days that I spent in the Aboriginal town besides her directing me to a computer in the front office a day later after I requested to check my emails and flights. As I suspected from previous conversations before arriving in the Aboriginal town with her that she did not wish to invite me into her office, engage with me or enquire about the project and least of all introduce me to local Aboriginal leaders or support the project by facilitating an Aboriginal town council meeting. She had indicated to me over the phone earlier in the month from Perth that the Aboriginal town would not be having any involvement with the delivery of essential services within the Aboriginal town (such as rubbish collection) from the July 2008 and that it was about time the State Government began to deliver these services thus freeing up the Aboriginal town and the council to engage in Aboriginal town development projects and projects associated with addressing social issues. Commendable goals but possibly a little misguided considering the
vagaries of government decision making far away in Canberra or Perth. It was as if “she” spoke for “the Aboriginal town” and that “the Aboriginal town” did not wish to speak to me about roads.

I stayed on and continued to yarn with Ian and any other local people who passed by and finally made my way back to the mission to prepare some food and to camp for the night.

Day 2 Wednesday 14 May

After breakfast I arrived at the front of the offices at 8.00 am and sat down hoping for a chance meeting with the CEO or anyone for that matter, as they entered the offices. Ian Gore was sitting there again and throughout my stay he became a great resource and supporter. He introduced me to his wife Rosie and Bundamarra the vice chair of the Aboriginal town council who was passing by the offices. At about 8.45 am the CEO came out from inside and appeared at the front of the office. She began to look about the area for someone but she did not acknowledge me, looking right past me as if through me, no eye contact and not even a hello.

As Helen Davey entered the front office to start work she said hello and introduced herself and her daughter. Helen is the step daughter of the Chairperson of Kalumburu Mr Les French and is employed as the Centrelink representative. I had met her mother Ruth Davey some months earlier in Fremantle when she was down at Fremantle Hospital for a check-up with Les French her husband and she had told me to catch up with Helen when I arrived at the Aboriginal town. I introduced myself to Helen and she indicated that she would be going out to her mother’s home at Honeymoon Bay and that she would be coming back after she sorted out few things in the office and could pick me up and take me to Honeymoon to check it out if I was interested. I was extremely interested because I had heard so much about Honeymoon Bay and the little tourism venture that Les French operates from the settlement that he also calls home. It is some 15 km north of the town of Kalumburu. I was also more interested from the perspective how Les maintains the access road to his place when he doesn’t own a grader but is the most experienced grader operator in the Aboriginal town as well as the Aboriginal town chairperson. I had heard that he had done a deal with the CEO in that if he graded the road to the towns barge landing which is part way to his Aboriginal town he could trade the hours he spent doing this in lieu for the same amount of hours to hire the grader to then continue on and grade his own access road. A very practical solution.
As I sat waiting for Helen to return I was then introduced by Ian to his mother Barbara Gore and together we worked through her family tree and I recorded what I could of her extended family for my own interest. I had gone to school with her younger brother Alan Gore in Halls Creek many years ago. Alan and I had remained friends in Kununurra whilst I worked there some 10 years ago.

A bit later I noticed Bundamarra pull up in his car in front of the Aboriginal town store and went across to chat with him.

I explained my project to him and indicated that I wanted to get a feel for how the Aboriginal town would like to engage with Main Roads WA in the future regarding the internal roads and the access roads out from the Aboriginal town. Denis inferred that the Aboriginal town wanted to fix the road from Kalumburu to the Theeda turn off and that he felt the Aboriginal town would like to work with Main Roads to do the repairs. He indicated that there might be a council meeting next week when the chairperson Les French got back to the Aboriginal town from his travels south to Perth and Sydney and that they could discuss the issue further then. He also inferred that Henry Waina another councillor was back in the Aboriginal town from his travels to Home Valley.

I had thus become aware of three people that made up the Aboriginal town council.

I decided it was time for a stroll around in order to get a feel for the Aboriginal town and went to visit Ruth Davey and found her at the home of her daughter Anna Frank. I sat out the front of Anna’s house for quite a while around the open fire and yarnded with Helen and her other daughter Cherrie and the grandchildren that were playing nearby. Johnny Birch the local Aboriginal Police Officer drove past in the Police vehicle and gave us a knowing wave as we sat and yarnded about old times and her memories of my parents and the days spent at the mission base in Derby where she resided whilst she went to school in Derby. I had met Johnny Birch years ago in Kununurra and I later caught up with him at the newly built Police Station that is housed within the newly built Multifunction Centre just to the right of the southern entrance road on the outskirts of the town.
Most of the non-Aboriginal people in the Aboriginal town seem to use their cars to move about Kalumburu. Rarely did I see them on foot unlike most of the locals although many Aboriginal people in the Aboriginal town seemed to have their own cars albeit in very run down states. If ever there was a potential business in a remote Aboriginal town repairing cars would have to be one of them except for the fact that most of the population is on CDEP and thus does not earn or receive over $250 a week to live. This is most likely the reason why a no such business has evolved here.

I strolled back to my room over at the mission and had morning tea in the converted donga that has been made into a kitchen for the guests.

I headed back to the office at about 11.00 to enquire whether I could access an office computer in order to check my email and check on my return flights. (This was also a ploy to actually get inside the offices just to see how things functioned in there – the inner sanctum!!) I made enquiry at the front cage and pretty soon the side security door was opened by none other than the CEO and I was directed to an Aboriginal lady who worked in the office and she directed me to a computer. There was no introduction of me or names given or any shaking of hands, it felt so strange. The CEO retreated to her office and later emerged to talk with deputy CEO and they continued to talk in hushed tones stealing glances at me from time to time. Nothing more was said! I downloaded my email, thanked the staff and quietly left the office.

I sat outside again hoping to meet someone. I had noticed that there was a pay phone mounted on the wall in the front waiting room and had noticed that people were receiving incoming calls from this phone. As I was checking out the phone to see what its number might be (for further contact with local people) the Deputy CEO appeared from inside with some posters to mount on the outside notice board. I enquired of him what the number of the payphone was and he reluctantly spoke with me inferring that he could not recall the exact number. Upon his return from putting up the posters he followed up with the ladies inside and passed on to me the number and went back inside. Even getting the number to the payphone out of the non-Aboriginal office staff seemed a struggle for me. It seemed to me that the Deputy CEO did not want me to be there and did not want to engage with me. One could presume he and the CEO were working together in dissuading outsiders (or certain state government people that they had not sanctioned) from entering or engaging with the Aboriginal town. The obvious response (which I tried to discourage) was what they trying to hide. Was it the fact that I had been to
Aboriginal town many times before, the fact that I had met and worked with the current Chairperson some 5 years prior, the fact that he had given me permission to come to the Aboriginal town directly without the CEO’s involvement (or veto), the fact that my parents had been the house parents of the chairperson’s wife (Ruth Davey) many years ago, the fact that in a previous life I had in Fitzroy Crossing been responsible for the establishment and setup of many remote Aboriginal towns in the Fitzroy Valley area? All of the above I am sure the CEO and her deputy were aware of and thus did not know how to deal with me accept stonewall me. Had the local people genuinely made a decision some time back that their town did not wish to engage with government people whose departments were responsible for delivering essential services to remote towns as she had indicated to me over the phone some weeks earlier?

I bought lunch from the store and proceeded to eat it as it was about that time and waited for Helen to take me to Honeymoon Bay – the name seem to give me sort of reprieve from relationship I seemed to have not garnered with the office staff.

At about 12.30 pm Helen and her child emerged from the office and indicted that she would return with her car and mother and take me to Honeymoon.

Quite soon a dusty red Toyota appeared around the corner with Ruth, Helen, Cherie and two small children inside and I promptly jumped in. I had heard so much about Honeymoon Bay but I had never visited there. I had driven to the barge landing just south of Honeymoon on previous visits but I had never been to Honeymoon and neither had I seen McGowan’s Island the other local Aboriginal based Aboriginal town outstation come holiday/fishing/tourist venture other than Honeymoon Bay. I was also very curious to see that state of the roads to these places. Les had inferred to me that he had made a deal with the management at the town’s office that he could use the town’s grader to continue on maintaining his road north from the barge landing as long as he graded the road to the barge landing as this was a vital supply route for goods entering the town from the barge.

As we rounded a corner enroute to Honeymoon Bay just north of McGowan’s turnoff, we were confronted by the Aboriginal town grader pounding towards us. Matt a non-Aboriginal friend of Les’s who was caretaking the Aboriginal town whilst Les was away was returning the grader to the Aboriginal town under Les’s instruction and was dropping his blade on the way back to give the road a final skim. He nearly drove over the top of us he was going so fast.
That’s Matt, Les’s mate, I was told by Helen.

On arrival at the Aboriginal town Helen dropped off the gang and proceeded to show me around Honeymoon Bay and the surrounding area and beaches. Les (her father) had received through the old ATSIC processes some years ago an impressive two story top end style house on stilts which is situated at the top of the outstation about half a kilometre back from the beach. There are also some sheds and another older house some distance away. Down closer to the beach is a beach shack which is “Josey’s” home. Josey is another male non-Aboriginal friend of Les’s who helps around the settlement. Further around right on the beach is another beach shack where Matt lives. On the day I was there, there were about 3 or 4 other campers along the beach at Honeymoon and about 5 boats moored in the bay. Also a little further out in the picturesque bay was the Paspalli Pearls transfer vessel which is used to take the staff and workers out to the cultured pearl farm operated by Paspalli Pearls further around the bay.

Helen proceeded to drive me to all the special spots and fishing points around the bay, it was most impressive. I could not help but wonder how long could this usage by all concerned of such a pretty place go on without some long term management, some sustainable practices or legal tenure. It’s always a numbers game. Small numbers and everything seems to tick over ok but as this place becomes more popular and the word spreads, what might happen with regards to with increasing needs for proper sewerage management, rubbish disposal, drinking water needs and the quality (and thus the safety) of the access road. Such questions as to who actually owned the land, was there a lease in place and who was personally responsible for the quality of the drinking water remain unanswered. I didn’t want to go there and it seemed too touchy and difficult. Helen had explained to me that the water from the bore that had been put in to service the Aboriginal town had a high cyanide level and that they had requested that support from the Kalumburu office to rectify the situation but they had not had any joy with that project. This was the reason Ruth was living in Kalumburu with her daughter whilst Les was away – the outstation did not have a reliable source of drinking water supply. Les was using rain water when available and trucking in water when it wasn’t available.

Helen decided to leave mum, Cherrie and Cherrie’s son out there for the afternoon. So we headed back to the Kalumburu with only myself, Helen and her precocious adopted daughter. My blue shirt was covered in chocolate marks by the time we reached Kalumburu. My arms had
become her car chair for the drive back along the newly graded road. It seemed like such a treat after bouncing along the corrugations that were there an hour earlier before Matt had got to them with the grader blade on his way back.

The army grader that had moved in with all the other impressive equipment for the major road rebuilding program being undertaken by AACAP program (Army Aboriginal Community Assistance Program) had just repaired the last creek crossing before Kalumburu whilst we had been out at Honeymoon.

Helen had inferred on our trip back that Les would not be back next week as he is doing a coxswains ticket in Darwin.

She dropped me off at the office and I again waited out the front for a chance meeting with anyone from management within the office – ever hopeful. The CEO appeared again, still avoided eye contact with me as she bustled past – very strange.

At about 2 pm the deputy CEO passed by and asked me how I was filling in my time and I casually answered just hanging around and yarning with people at which he looked very perplexed. I continued to hang about the office veranda from about 2.30 to 3.00 pm – the screwed down benches are such a great place to watch the Aboriginal town unfold and it is on a direct path to the store. I then wandered off to the store to buy some food for my night meal and took it back to my room. I returned to the front of the office for a late afternoon session in front of the office – 4.00 to 4.30 and then went in search of the TAFE Training Officer. I had been given directions to his house but upon finding no one home I thought it was a good opportunity to visit the Police Station to inform the local officers of my visit and my project. Also to catch up with my old acquaintance Johnny Birch the APLO. I met up with Mr Birch and told him about my project and we talked about past times and incidents associated with our mutual love of live music and our performance past in Kununurra and Fitzroy Crossing. Johnny got a call on the two way radio and had to leave so I made my way back to my room for the night.

Day 3 Thursday 15 May

After breakfast I spoke at length with Bevan Stott who is the Project Consultant of the Wunambal Gaambera Native Title claim group. I had met Bevan many times in Kununurra
between 2000 and 2004 when he was the Manager of the East Kimberley Office of the Kimberley Land Council.

He indicated that he had just returned from negotiations in Darwin with the local TOs (the Traditional Owners) and the representatives of the IPEX project and had discussed clearance by native title holders, potential sites and the use of the Truscott base camp as site and the need for a town and an access road for the project.

I then walked off to locate the TAFE representative. This time Robert Warren was home and we spoke at length about my road project and his desire to pull out of TAFE and issues he had with the TAFE management in Kununurra not supplying adequate support materials and the lack of facilities to run courses in the Aboriginal town. I explained to him how I had visited Honeymoon Bay the day previous and I indicated my interest in viewing the other outstation at McGowan’s and in particular the state of the access road. Robert then offered to take me. I had been offered a ride there whilst on the plane to Kalumburu by Paul Lindfield the coordinator of the tourism project operating out of McGowan’s but his ute was fully packed up with 2 fishing clients. He was taking them out to McGowan’s and I was therefore to ride on the top of the gear in the back of the ute. Robert’s offer in his 4WD air-conditioned vehicle seemed much more appropriate. Robert inferred that he had a few things to do and could leave in couple of hours which suited me fine. It gave me time to sort a few things out and make formal contact with the mission side of things.

McGowan’s is an outstation that is the owned by the Maraltadj family and Paul has been given charge of running the tourism project which involves letting out campsites and running fishing tours out from the amazing beach in front of the settlement.

The access road is maintained to a limited degree by Paul towing two large front end loader tyres behind his Toyota up and down the road. Other than that it seemed that the road not been graded in the past year or so.

I felt it was appropriate that I meet a representative of the mission and explain my project and to gain their point of view on road maintenance issue so I sought out Father Anscar McPhee. Father granted me an interview and we talked openly for about half an hour. He was a busy man that day as the Very Reverend Bishop Christopher Saunders from Broome was arriving that morning so I was glad for the time he could spare. We talked at length about my research, the...
road project and the delivery of municipal services within the Aboriginal town. It was interesting
to observe that the rubbish collection both in the Aboriginal town and the mission was overseen
by Brother John (he drove the ute) in a twin cab ute supplied by the mission with support from
local Aboriginal town men whom I suspect were being employed on CDEP to perform this job.

As the morning progressed I took a walk down to the river on the west side of the Aboriginal
town. I traversed the northern end then around the top of the Aboriginal town and up through
the centre. I made a mental note of the machinery in the Aboriginal town depot 1 x grader, 1 x
back hoe and 1 x light truck. I drifted back to the front office and again sat outside and watched
the pulse of the Aboriginal town then bought some morning tea from the Aboriginal town shop.

As planned I then moved off to in search of the Wunambal Gaambera nerve centre and found it
situated in a separate building at the back of the main Aboriginal town offices. I again met up
with Bevan Stott in the office he has set up for the Wunambal Gaambera people. He offered me
the use of a computer and access to the internet for $5 per hour. I spoke at length with Bevan
about my project and explained the proposed funding flow sheet should funds for roads become
available via the Federal Government in the future. He explained to me the current tourism
project he is developing for the Wunambal Gaambera (W/G) mob at Truscott Base and the need
of the people of W/G now based at Kalumburu to set up a new Aboriginal town of their own
out west in their desire to get out of Kalumburu.

Day 4 Friday Morning 16 May

I took the opportunity to make contact with the school and the principal whom I had met via a
teleconference meeting from Kununurra during the Kalumburu Interagency meeting a month
earlier. The principal Rod Baker was very accommodating and took me into his office and I
explained my project and he told me of his history as a teacher and his time at One Arm Point
some 20 years ago. He also told me of the undercurrent within the Aboriginal town to try and get
the mission to take back the school and the responsibility of delivering education from the state
government. It seemed there were various factions and people within the Aboriginal town both
for and against this movement. He quite rightly explained that this wasn’t a good thing for the
morale at the school and felt that it was not the schools’ job to solve the social issues within the
Aboriginal town. He indicated that there seemed an undercurrent of feeling within the Aboriginal
town that if we got back to how things we done in the “good old days” then as the mission had
done it then things would be better. Rod indicated that he had written to the Minister of Education and that he did not feel that this was the view of everyone in the Aboriginal town.

On the afternoon yesterday (Thursday) a touring group of flying enthusiasts under the Fly Away to Heaven cause of about 7 old planes and 15 people had landed in Kalumburu with a county singer Cory Livy and his scaled down backing band on board. They were promoting the Catholic World Youth Day which was planned for August in Sydney. The singer was performing at the school so I took the opportunity to catch the show. I also wanted to thank Kate, Roberts Warren’s partner (the TAFE rep) for the nice meal we all had shared the night before.

The singer performed admirably for the kids and the staff and sang along with the kids to some of the nursery rhymes of years gone by.

I then walked down the lower west side of the Aboriginal town adjacent to the river to the area of the “Big Mango Trees” and then up the side of the Aboriginal town and back down the central road. The Big Mango Trees is the common meeting place for outdoor events and large Aboriginal town consultation events so I thought it important for future reference to be aware of the location. At the front of the offices I bumped into Trevor Knox whom I had seen driving around the Aboriginal town in a tray back 4WD. Trevor is an Aboriginal man from Northern Territory who is related to famous outback singer from Alice Springs Roger Knox.

I ventured back to W/G office and in order to talk some more with Bevan and again to the computer but he wasn’t there. I was informed he was out and about in the Aboriginal town trying to track down native title holders in order for them to sign documents. As I sat there waiting (it seems there is a lot of waiting done in remote towns especially by the local people) I struck up a conversation with Lillian Karadada about my project and how I was interested in feedback from the Aboriginal town and tentatively explained to her how the CEO did not want to talk to me about roads. Lillian was providing office support work for Bevan and the Wunambal Gaambera projects.

After catching up on emails, I left the office and walked back to my room at the mission for lunch. On returning I met up with Denis Bundamarra again in front of the store. I again spoke with him about the roads issue and my desire to discuss the subject with the council. He said the council was waiting for Les to get back and he went on to explain to me, “that we have to fight
for our rights” in relation to getting the road fixed into Kalumburu and that he thought it was a
great idea that the Aboriginal town got involved with projects that would improve the roads in
and around the Aboriginal town. Just the opposite view that I had received from the CEO. He
said that Les was a good grader operator and explained the range of machinery that the
Aboriginal town had, a grader, a backhoe which was broken down and a small truck. I said
goodbye and went back to the W/G office. Sylvester (a TO from the W/G group) was there on
the phone and was having difficulty conveying numbers and getting quotes from the mechanic at
the Toyota dealer in Kununurra about the repairs to his Toyota so I helped him with his problem
and found the numbers for him. We struck up a conversation and I explained to him my need to
meet with the Aboriginal town council and the difficulties I was having with the CEO and her
deputy at the main office.

Lillian who had overheard my conversation with Sylvester entered the conversation and
explained her desire for a proper road across the river (there used to be an old road through that
way many years ago) adjacent to the Aboriginal town on the west side for her family (a member
group of the W/G claim) in order to access her family’s homeland near the old Truscott base.
Sylvester then also added his desire for a road to his family’s homeland. He also went on to tell
me that he would like someone to try and sort out the road into his wife’s place at Carson River
station from the main road. He seemed to get fired up and began explaining to me about the
deals being made and contracts signed between certain people about the future management of
Carson River Station without the local people (and TOs) knowing what was going on. I
gracefully backed out of that issue, it was out of my area and as I was beginning to find out there
are many things bubbling along under the surface at Kalumburu some which I did not want to
get involved in.

I changed the subject to the planned 30 year celebration out at Pago to the original mission site
later in the year and enquired about the state of the road. Father Anscar had raised it with me
saying that the track was in a poor state and that the mission had big plans for the celebration
which would require great use of the access road both in the run up and on the day. He suggested
could something be done about it. Sylvester inferred that Les only graded the road as far as
Honeymoon. Pago is further north of Honeymoon Bay.

As Bevan had not returned I decided to go back to the mission to pack my belongings as I was
due to fly out that morning on the mail plane back to Kununurra. As I left the W/G offices I
again bumped into Steven Knox and struck up conversation about his project at the Aboriginal town. He explained that he was a social worker and had Aboriginal town support to work on the young men’s program but because there was no funding he was employed as the works foreman for CDEP and 90% of his time was spent in that role which allowed him about 10% of his time counselling young men and taking them on bush camps. He was hoping to start up a concert and workshop program on improving the musical skills of the young men in the Aboriginal town and later in August he was hoping to gather support for music, dance and cultural activities.

I told him that there may be programs managed by the Kimberley Development Commission in Kununurra that might be able to source some funding for him and that there had been two new trusts set up in Kununurra through negotiations for the Argyle Agreement and the Mirriwung Gadgerooong Ord Stage 11 Agreement that might have programs to fund cultural activities. He seemed most interested and I promised to forward him further information.

After sorting out my luggage and packing my bags I left everything in place ready to be picked up later and headed back to the W/G office for one last chat with Bevan to take up the offer to take me out to the airport as he was returning on the same plane. After waiting a while and time was ticking down to the arrival of the mail plane I was beginning to wonder if Bevan would return. Presently I heard the sound of a plane over head and Sylvester and Lillia confirmed for that it was indeed the mail plane they knew instinctively that it was from the tone of its engine. I made my way out onto the main road to try and find another lift and was able to flag down Bev and Father Anscar. Father was on his way to Kununurra on the same plane for the Kimberley Moon Experience concert to watch Jimmy Barnes. He had told me earlier that someone had bought him a ticket and had offered to pay his flight so he had graciously accepted the offer to see the old Cold Chisel rocker. Bev reluctantly turned the 4WD around and took me back to the mission to collect my gear and dutifully delivered Father and I to the waiting plane.

As I made my way onto the apron along with all the five other people who were catching the plane I again bumped into the Deputy CEO who was picking up the mail and freight for the Aboriginal town. He seemed a bit more interested in what I had achieved over the four days and enquired more about the research. It seemed a little odd that I was present in the Aboriginal town for four days and only now did he want to enquire about the project, just I was getting on the plane. I tactfully and hurriedly laid out that Main Roads had put a proposition to the Federal Government to source adequate funding in the future for the ongoing repairs and maintenance
of access roads and internal roads and it was my job to find out how the Aboriginal town would like to engage with Main Roads in the delivery of this service in the future. I tactfully tried to say that it seemed that Kalumburu was not interested in being a part of the project and I thus suggested that when the planning and budgeting finally came around that Kalumburu might not be included because it seemed the Aboriginal town did not want to be involved. He looked at me strangely and I said goodbye and boarded the plane.

It was all very strange indeed; in fact the whole four day experience was weird. It seemed that the majority of the non-Aboriginal people I met were strange or involved in something that wasn’t working or which seemed to be in crisis or involved in something dodgy. The Aboriginal town office staff seemed to be in locked down mode, the school seemed like it was being run out, the TAFE program seemed in jeopardy with Robert telling me he was going to resign as of Thursday afternoon (and had told the head people in Kununurra so but they had requested he sleep on it overnight) and the people at the Mission made disparaging comments about the staff at the town office.

What I didn’t find strange was my interactions the Aboriginal people. Considering all the issues they are dealing with, I had meaningful conversations with all of them who in their own way were happy to talk with me about their desires and they made sense. I still could not get my head around the arrangements and commercial dealings at McGowan Island neither did I wish to enquire at the time but as the plane left the red dirt strip and we flew out over those beautiful beaches so many simple questions still dogged me. Would the road to Pago be graded in time for the Mission celebrations and who would pay for it, would the current CEO do another year, had a formal agreement been reached with the tourist operator at McGowan’s and the TOs, do the TOs have formal title to that area of the coast and were they in a legal position to lease it to the tourist operator? If so, who then is responsible for the maintenance of the access road to McGowan’s, who might finally be held responsible if there is a rollover or a death? Would the courts go after the TOs for failing to maintain the road whilst operating a business?

Whilst it was great and commendable to have the army come in and build better roads, seal the airstrip and improve the barge landing, which department or funding source would continue to maintain the great investment and the good work of the army. Another glaring example of a one off solution with no real long term commitment, planning or funding for ongoing maintenances or infrastructure in a remote Aboriginal town. An example of terra nullius infrastructure at its best. Does anyone in government really believe the roads in this Aboriginal town actually exist?
But the more important questions I could not resolve. What about the future. Have successive state and local governments really got their heads around what is needed in the long term for Kalumburu and the people who choose to live there.

If Kalumburu continued to grow as it has been, what might the population be in 10 or 25 years time. Could it be about 500 Aboriginal people in 10 years? That would mean an additional population of about 50 qualified and trained people would need to be employed to meet the demand in all the service industries to maintain the Aboriginal town. Would that mean that a new “white Aboriginal town” would evolve and would it be situated within the existing Aboriginal town as is the case now or would a new town be built to house the additional support staff needed? The existing problem for Kalumburu is that there seems to be no more available land that is out of flood reach in the near vicinity of the existing Aboriginal town unless the mission offers up some more of their land. And the logical addition is more houses will mean more roads!

Appendices

Appendix 2 Communiqué Northern Alliance

Communiqué Northern Alliance - Report from the Kununurra Forum on Roads Associated with Remote Indigenous Communities

The Delegates at this Forum have agreed that there is a genuine need to address the issue of funding for roads associated with remote Indigenous communities across Australia as a national project and a national priority.

This is an historic opportunity to overcome an area of significant neglect.

The Delegates have agreed that in order to address this issue they request that Infrastructure Australia consider the remote roads component in the various applications from WA, Qld and the Northern Territory as a single national collaborative initiative.

The Delegates agree there is a need for a specific on-going road program of funding for roads associated with the remote Indigenous communities as a basic entitlement. The need has been recognised by the COAG Bilateral Agreement on Indigenous Affairs in July 2006.

The Agreement seeks to normalise essential services in Indigenous communities to “close the gap” in health and wellbeing.

In turn the relevant agencies and delegates present at the Kununurra Forum agree to work collaboratively to provide improved road connectivity to Indigenous communities. This will be known as the “Northern Alliance for Roads Associated with Remote Indigenous Communities.”

In particular this Alliance is committed to regional delivery to engage with the Indigenous people in remote communities through processes, training and management models that will deliver long term on-going and sustainable employment and business development options. This will contribute to enhancing the lifestyles and wellbeing of all people living in the remote communities.
The Delegates have agreed to meet as an Alliance on an annual basis to continue to work collaboratively and to consistently readdress the issues and strategies that have been discussed at this Forum in order to maximise the return to the Aboriginal people in remote communities.

Over the next year representatives of the state and territory road authorities and local government associations will meet on a quarterly basis to further this agenda.

25 November 2008

Participant List
Greg Martin, Executive Director, Planning and Transport Research Centre, Curtin University, Bentley, WA
David Brown, Senior Project Manager, Operational Services, Main Roads, WA
John Smoker, PhD Candidate, CUSP, Curtin University, Fremantle, WA
Peter Newman, Professor of Sustainability, CUSP, Curtin University, Fremantle, WA
Kim Ingle, Project/Contract Manager, Kimberley Region, Main Roads, WA
Craig Dunster, Regional Operations Manager Kimberley, Centre for Appropriate Technology, Derby, WA
Dan Turner, Executive Manager, Technical Services, Shire of Halls Creek, WA
Bob Smillie, Senior Consultant, ACIL Tasman, Perth, WA
Peter Stubbs, CEO Shire of Wyndham East Kimberley, Kununurra, WA
Alex Douglas, Executive Manager, Engineering and Development Services, Shire of Wyndham East Kimberley, Kununurra, WA
Neville Lavey, Director, Engineering Services, Shire of Broome, WA
Graeme Campbell, President, Shire of Broome, WA
Kevin Pettingill, Executive Manager, Technical and Development Services, Shire of Derby West Kimberley, Derby, WA
Graeme Eley, Manager of Strategic Programs, Horizon Power, WA (presenter only)
Michelle McKenzie, Executive Manager Infrastructure, WA Local Government Association, Perth, WA
Leigh Hardingham, Team Savannah, ARID Group, WA
Neville Binning, General Manager, Licensing Business Unit, Department of Planning and Infrastructure, Perth, WA
Linton Pike, Estill and Associates, Perth, WA
Annie Thomas, Department of Indigenous Affairs, Kununurra, WA
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Marc Seidel, Regional Operations Manager, Centre for Appropriate Technology, Alice Springs, NT
Peter McLinden, Manager, Transport and Infrastructure Services, Local Government Association of Northern Territory, Darwin, NT
Ernie Wanka, Senior Director Road Network, Department of Planning and Infrastructure, Darwin, NT
Glen Hall, Indigenous Employment & Training Manager, Construction Division, Department of Planning and Infrastructure, Darwin, NT

Les S Dunn, Executive Director, Road System and Planning and Performance Division, Department of Main Roads, Brisbane, Qld
Colin Neville, Principal Advisor (Strategic Directions), State-Wide Planning, Department of Main Roads, Brisbane, Qld
Peter Trim, Regional Manager Cloncurry, Department of Main Roads, Cloncurry, QLD
Appendices

Appendix 3 Road Type Classification Simple Description

To further clarify (or confuse) roads in Western Australia Main Roads WA has divided roads into 4 different maintainable classifications types listed below. A simple description is detailed below with the full Main Roads description to follow.

Type 1 Natural Surface Graded Only
This is a cleared flat bladed track that just utilised the natural surface of the ground for its construction.

Type 2 Grader Formed Road
This is a road that is formed and shaped by a grader. It does not have an additional pavement placed on top but utilises the natural surface of the existing ground.

Type 3 Sealed Surface
This is a road that is formed and shaped by a grader and with additional compacting machinery. This road may or may not have additional gravel pavement placed on top which is then rolled, compacted and graded.

Type 4 Sealed Surface
This is a road that is formed and shaped by a grader and additional machinery. It does have a formed base that is rolled, compacted and graded and an additional bituminous and stone pavement is finally placed on top and is thus often called a bitumen road.
Appendices

Appendix 4 Interview Survey Questions for Indigenous leaders and community members
Interview questions for remote Indigenous leaders and community members in the East Kimberley survey area. Curtin University Thesis Research Survey

1 What do you think about the standard of the access road to your community?
2 Who do you think should fix your roads?
3 Who currently fixes your roads?
4 Who pays these people to fix your roads?
5 Where does the money come from to pay these people to fix the roads?
6 How might you go about getting more money to improve your roads?
7 Have you noticed whether the local shire does any work on your roads and firebreaks?
8 How does the community make decisions as to what services you would like the government to fund?
9 How could you and your community members go about improving your understanding of how to manage the essential services in your community?
10 How do you go about forming a new community council?
11 What type of things could the council members and the community leaders do to improve the way the community is run?
12 Have you had any courses or programs where people come here to teach you about running council meetings and understanding government business?
13 Were these courses and programs useful and did you get a better understanding on how to run a community and how to work with governments.
14 Do any of these programs involve earth moving machinery and road maintenance skills?
15 Are there any other things you would like to talk about regarding the funding and development of your community?

Please indicate your view to the following statements using one these categories.
1 Strongly Disagree
2 Disagree
3 Neither disagree nor agree
4 Agree
5 Strongly agree
Appendices

16 People in the community should pay someone to fix their roads out of their own money for example through a chuck in system.

17 The council and the community should pay to fix the access roads out of the “On cost “ money associated with CEDP funds.

18 The community leaders and council members require a better understanding of how government works and where the money comes from to fund essential services in our community.
Appendix 5 Interview Survey Questions for Government personnel and staff associated with Aboriginal Development in WA

Curtin University Thesis Research Survey.

1 What is your understanding of the current funding arrangement and sources for funds/grants related to the construction and maintenance of access roads and internal roads of remote Aboriginal towns in the Kimberley?

2 What is your understanding of the planned (post ATSIC) future funding arrangement and sources for funds/grants related to the construction and maintenance of access roads and internal roads of remote Aboriginal towns in the Kimberley?

3 How would you rate the relevance and importance of access road construction and maintenance compared to all the other services and amenities provided to remote Aboriginal towns in the Kimberley?

4 What is your understanding of the current decision making process for remote town leaders and councils with regards to applying for and sourcing funds for their road construction and maintenance?

5 How are their views priorities, ideas and desires heard or filter through to the relevant departments?

6 What is your understanding of the planned decision making processes (post ATSIC) for remote Aboriginal town leaders and with regards to applying for and sourcing funds for their road construction and maintenance?

7 In your opinion how practical and effective are these processes?

8 What role should local government and shires play in the provision of road construction and maintenance requirements for remote Aboriginal towns?
9 In your opinion what is the general understanding of local Aboriginal people in remote towns with regards to who funds, pays for, instigates and manages the access roads to their remote towns?

10 Do you think it would be of value to the long term sustainability of remote Aboriginal towns to have the local people and council members more informed and aware of issues and funding options related to their Aboriginal town roads?

11 How might this growth in understanding and awareness be improved. Suggest any types of programs workshops and initiatives that might improve this awareness and thus enhance the local decision making and the prioritising of available funds?

12 In your experience what has been a past initiative or program that has been successful in raising the understanding awareness and capacity of remote Aboriginal people to make their own decision and priorities their desires for the development of their Aboriginal town?

13 In your experience what has been the pitfalls, impediments and issues related to past programs and what has been some of the successes and highlights of past programs and processes related to the construction and maintenance remote Aboriginal town access roads?

14 What funding arrangement and what sources could you suggest would be a workable and politically acceptable model in providing funding for construction and maintenance of access roads for remote towns. For example which department might handle the funds, what might be the application process and the approval criteria?

15 Are there any other suggestions or ideas you might have that could improve the provision and sustainability of access roads to remote Aboriginal towns?