Making Use of Payments: A Community Development Model

Danielle Campbell and Janet Hunt

Introduction

Research on a range of agreements between Indigenous people and extractive industries suggests that equitable benefits from such activity on Indigenous land are rare, but some recent research is indicating the conditions under which some bring greater benefits than others. In Central Australia, the Central Land Council has piloted a new approach to generating benefits from land use agreements by establishing a Community Development Unit and encouraging Aboriginal traditional owners to apply some of the income from land use agreements with mining companies and similar parties to community development activities. Monitoring reports from these community development projects over the past four years demonstrate that payments from land-related agreements can support empowering processes that enable Aboriginal people to set and achieve development objectives that they value, despite the many challenges this approach faces. This chapter outlines this community development approach, and discusses the successes to date and the continuing challenges.

Indigenous People and Mining

The extent to which Indigenous people have benefitted from mining on Indigenous land has been much debated. Langton for example has highlighted the marginalisation of Indigenous people from the mining wealth now being generated in the Pilbara region of Western Australia. Typically, the wealth generated from Indigenous land stands in stark contrast to the poverty and exclusion many of those people experience in their daily lives. Indeed, as O’Faolain has recognised, the benefits of mining are often experienced at the national or sub-national level while the costs are borne locally. Certainly, equitable benefit between Indigenous landowners and others is rare. As Allman says, there is considerable empirical evidence that Indigenous people rarely benefit equitably when major extractive industries occur on their customary


2 Claire O’Faolain, ‘Community Development Agreements in the Mining Industry: An Emerging Global Phenomenon’ (2013) 44 Community Development 222 (Community Development Agreements in the Mining Industry).
NATIVE TITLE FROM MABO TO AKUWA

land? Yet Langton also believes that Aboriginal relations with the mining industry have improved significantly in recent decades, providing opportunities for economic and community development. She attributes this largely to the High Court's decision in Mabo v Queensland (No 2), which overturned the doctrine of terra nullius, and instigated the subsequent Native Title Act 1993 (Cth) (NTA). The NTA provides for agreements to be negotiated between Indigenous people and other parties such as mining companies. Those agreements frequently make provision for compensatory benefits to native title holders. However, native title and land rights may not be achieving their potential, despite positive achievements by some mining companies in boosting Indigenous employment. O'Faircheallaigh has shown that Aboriginal groups who have strong bargaining power are able to achieve more favourable agreements on a range of provisions, such as cultural heritage protection, participation in environmental management, employment, training, business development, and financial returns. The most successful agreements in his study were those negotiated under the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) (ALRA) - which confers on Aboriginal landowners a veto over mining agreements which were negotiated with support from major land councils in the Northern Territory. Conversely, the weakest agreements in his study were those negotiated under the NTA, which provides no Aboriginal veto over development. His study indicates that the legal framework and the level of expert support available to landowning groups can affect the level of empowerment that they achieve through agreements. O'Faircheallaigh has also described the growth of what he terms 'Community Development Agreements' (CDAs) in the context of mining and oil and gas extraction on Indigenous lands, both globally and in Australia. He notes that there is a growing tendency to mandate or prioritise specific uses of revenues considered positive for community development, or to prohibit uses that are regarded as likely to create social tension, such as cash payments to individuals. He also recognises various challenges facing Indigenous groups negotiating and implementing such CDAs. These include unequal bargaining power during the agreement-making process, issues of representation and who is an 'affected community', current and intergenerational equity and distribution of benefits, and implementation issues, notably enforceability of agreements. In another paper, O'Faircheallaigh highlights the importance of institutional forms and Indigenous governance to the outcomes from mining revenues.  

6 Maria Langton, 'Changing the Paradigm: Mining Companies, Native Title and Aboriginal Australians' (Speech delivered as part of the 2012 Boyer Lectures - The Quiet Revolution: Indigenous People and the Resource Boom, Brisbane, 18 November 2012).  
9 O'Faircheallaigh, 'Community Development Agreements in the Mining Industry', above n 2.  

MAKING USE OF PAYMENTS: A COMMUNITY DEVELOPMENT MODEL

Land use agreements may well underpin increased local involvement in decision-making. However, more sustained analyses emphasise the variability of benefits generated. O'Faircheallaigh proposes that ‘outcomes’ from agreements might be judged, either through the processes (of agreement making) or the actual provisions, including their implementation and eventual impact. He emphasises that financial payments are the simplest provision to benchmark but the more critical issue is how payments are spent. In 2010, the Commonwealth government released a discussion paper on native title agreements indicating its concerns about the outcomes of such agreements (Indigenous Land Use Agreements) and the intergenerational distribution of benefits. As then Indigenous Affairs Minister Jenny Macklin said in her 2008 Mabo lecture, '[a]rrangements for payments to Indigenous landholders are largely left to the companies involved and the landholders themselves who may not have the assistance they need to navigate through the legal and operational landscape of major development.' The discussion paper indicated that the Commonwealth government wanted to see the growing number and significance of native title agreements contribute more to 'closing the gap' between Indigenous and non-Indigenous Australians. However, agreements arising from land rights or native title rights are intended as compensatory payments to those whose lands are being utilised or whose native title rights are being foregone as a result of particular developments. That is, they are payments arising from property rights, and are made to the particular holders of those rights. There is no legal basis for such payments having any conditions attached, nor is there any reason for such payments to necessarily benefit other community residents living in the same location as the landowners or native title holders. There is a risk that the use of such funds for community purposes will in fact see landowners 'filling the gaps' in service delivery left by governments.  

This chapter explores the complexities inherent in achieving sustainable community development outcomes for Indigenous people from the payments they receive from land use agreements. Noting some of the history and characteristics of community development in Australian Indigenous communities, we outline the recent experience of the Central Land Council in systematically establishing a community development approach to land use agreement incomes. We outline the outcomes being achieved

10 See, for example, Ciaran O'Faircheallaigh, 'Evaluating Agreements between Indigenous People and Resource Developers' in Maria Langton et al (eds), Honour among Nations: Treaties and Agreements with Indigenous People (University of Melbourne Press, 2004) 305 (Evaluating Agreements between Indigenous People and Resource Developers); O'Faircheallaigh, 'Negotiating Cultural Heritage', above n 6; O'Faircheallaigh, 'Community Development Agreements in the Mining Industry', above n 2; John Altman and David Martin (eds), Power, Culture, Environment: Indigenous Australians and Mining (ANU E-Press, 2009).  
12 Jenny Macklin and Robert McClure, 'Leading Practice Agreements: Maximising Outcomes from Native Title Benefits' (Discussion Paper, Attorney-General's Department (Cth) and Department of Families, Housing, Community Services and Indigenous Affairs, July 2010).  
13 Jenny Macklin, 'Beyond Mabo: Native Title and Closing the Gap' (Speech delivered at the 2008 Mabo Lecture, James Cook University, 21 May 2008), 6.
and the challenges faced by both landowners and the Central Land Council in using Aboriginal income for community benefits in a variety of settings. We highlight issues for closer consideration by governments, other land councils and native title bodies wishing to assist Indigenous people to gain greater, more sustainable benefits from land use agreements.

The Central Land Council and Land Use Agreement Payments

The Central Land Council (CLC) is a Commonwealth statutory authority operating under the ALRA and the NTJA. It represents some 24,000 Aboriginal people speaking 15 different languages and living in over 100 small communities across the top end of the Northern Territory. Its Council comprises 90 elected Aboriginal members. To date, the CLC has assisted landowners to reclaim traditional lands under the ALRA, and more recently, native title rights. The CLC is now broadening its role, by working to help Aboriginal groups use their resources to achieve the kind of lives that they want to lead, or in their terms, 'to choose the lives they have reason to value'.

Among its many statutory responsibilities, the CLC assists Aboriginal land title holders to negotiate agreements with mining companies or other bodies and to distribute rent or royalty payments to or for the benefit of the title holders. Historically in Central Australia, it has been common for 90 per cent of royalty payments to be invested for future generations with the remainder being distributed to individuals and families through royalty associations. In 2005, responding to earlier requests from members of one of the largest royalty associations who wanted to see more lasting benefits from royalties, the CLC formally adjusted its distribution approach to give greater emphasis to community development projects through the establishment of a community development unit. Since the CLC adopted a community development approach, landowning groups have increasingly allocated at least some part of the distributed portion of financial payments for community rather than individual benefit. The CLC was well aware of the risk of landowners filling the gap in government service delivery when it initiated its community development program in 2005, and instead sought to use landowners' resources to leverage additional government contributions where necessary.

While the payments we are discussing here arise from agreements made under the ALRA, the same issues would apply to agreements made under the NTJA. The CLC currently facilitates community development planning processes with some 35 communities and outstations throughout the CLC region and into both South Australia and Western Australia. The community development program currently involves more than 80 million in rent, royalty and affected areas money, the last-mentioned being a statutory category of payment to people who live in an area affected by mining activity. Annually, the processes described here often generate in excess of 100 sub-projects.

---

overwhelmingly depicted as dysfunctional Aboriginal desert communities, there is an increased interest in the application of community development approaches. There has also been a greater focus on the benefits flowing from land use agreements. It is therefore timely to report on the CLC’s Community Development Program, which in its ninth year is beginning to generate valuable insights, as well as social, cultural, political and economic development outcomes.

Recognising that community development is a term that is described and understood in many different ways, the CLC understands community development as being irrevocably connected with empowerment. As described by Kenny, community development incorporates the ‘processes, tasks, practices and visions for empowering communities to take collective responsibility for their own development’, where empowerment refers to ‘the ways that power relationships are changed in the interests of disadvantaged, oppressed or exploited groups’. It draws attention to how power is exercised and the identities and rights of subordinate groups when such power is exerted. Increasing empowerment means increasing such groups’ access to and control over information and resources or assets. Kenny describes several preconditions for empowerment, including a level of confidence in a group’s capacity to manage, and importantly, a belief that they can collectively control their lives.

These definitions point to some challenges for community development in Australian Indigenous communities, with their history of dispossession and their ongoing experience of being dominated by the settler society. Such pervasive marginalisation is likely to diminish motivation, confidence and a sense of control—short, to weaken the conditions that promote empowerment. There is a limited literature on community development in Australian Indigenous communities, and the severe impact of post-colonial development on Indigenous peoples in Western countries tends to lie outside the development literature. What literature there is relates largely to the health sector. Nonetheless, themes and insights pertinent to our discussion, which we have elaborated in more detail elsewhere, include:

- mismatches between Aboriginal notions of autonomy and control and those held by external parties that engage with them;
- the heterogeneity and social complexity of communities, their internal conflict and distrust of outsiders, the need to involve the right local people, and to use the right facilitators.

21 Toomey, above n 15.
22 Susan Kenny, Developing Communities for the Future (Thomson, 2006), 10.
23 Ibid, 163.
24 Ibid, 163.

26 See Danielle Campbell and Janet Eileen Hunt, Achieving Broader Benefits from Indigenous Land Use Agreements: Community Development in Central Australia (2013) 46 Community Development Journal 197 (‘Achieving Broader Benefits from Indigenous Land Use Agreements’).
governance structures for decision-making, and to oversee project implementation. It also draws as far as possible on local resources, infrastructure, facilities and networks of support.

Goal and Intended Outcomes

The long-term goal of the CLC’s CD Program is that Aboriginal people will be strong and resilient and able to live well in both the Aboriginal world and mainstream Australian society.

The CLC’s three key CD Program objectives are:

1. to maximise opportunities for Aboriginal engagement, ownership and control, particularly in relation to the management of resources that belong to them;
2. that rents/royalties are managed to generate community (as well as individual) benefits including economic (such as jobs and small business), social (such as education, training and health), cultural (maintenance of Aboriginal identity, languages, and connection to country) and political (such as improved governance) benefits and/or infrastructure development; and
3. to build an evidence base for the CLC’s community development approach and share lessons learned with other government and non-government agencies.

Current CLC Community Development Projects

Six major regional projects are currently being implemented under the CD Program:

1. the Warlpiri Education and Training Trust Project;
2. the Uluru–Kata Tjuta Rent Money Community Development Project;
3. the Grattiri Mine Affected Area Aboriginal Corporation Project;
4. the Tanami Dialysis Support Service Project;
5. the Northern Territory Parks Rent Money Community Development Project; and
6. the Community Lease Money Project.

Project One: Warlpiri Education and Training Trust (WETT)

The establishment of an education and training trust was specified in the 2003 renegotiated mining agreement between Warlpiri landowners and Newmont Asia Pacific. The CLC assisted traditional owners to secure this outcome, which was the genesis of the CLC’s CD Program. The governance arrangements are multi-faceted, but essentially comprise a series of nested committees within the overarching royalty association (Kurra Aboriginal Corporation). Landowner payments (for the life of the mine) are split three ways: individual land rights holders (40 per cent) investment (40 per cent) and WETT (20 per cent). Warlpiri women from a WETT subcommittee, most of whom bring significant capacity to WETT as trained Warlpiri teachers, together with a select set of landowners, are the primary decision-makers.

WETT aims to provide training and education opportunities consistent with Warlpiri aspirations. These supplement, but do not replace, core government education programs. WETT has established a number of sub-projects, which support lifelong learning in both Warlpiri and English. Among these are opportunities for learning on country and support for students attending secondary boarding schools away from their communities. These sub-projects were developed through a collaborative community consultation process facilitated by the CD Unit with input from an education expert. Participation in committee decision-making associated with funds management also provides significant capacity-building opportunities.

Project Two: Uluru-Kata Tjuta Rent Money Community Development Project (URM)

The Uluru-Kata Tjuta National Park, part of extensive lands owned by Anangu (the word for Aboriginal people in Western Desert languages) people, is arguably the major tourist attraction of Central Australia. Anangu landowners receive rent payments drawn from the National Park entry fees. Since 2003 when this Project began, slightly less than 50 per cent of these payments have gone to community development projects; the remainder is allocated to individual families.

The Anangu traditional owners allocate the community development funds to a range of local and regional initiatives. Each year they select a small number of specific communities or family-based ‘outstations’ and CD Unit staff support those communities to develop proposals. Once their proposals and budgets are approved by the Anangu traditional owners the CLC releases rent money to the implementing project partner under a project agreement. Many such local projects have involved infrastructure, including water supplies, upgrading power supplies, renovating and
Project Four: Tanami Dialysis Service

Kidney disease is widespread among Aboriginal people in remote Australia, and treatment often requires individuals to move permanently from their home in remote communities to larger towns such as Alice Springs. The Kuuva Aboriginal Corporation (see Project One) has allocated significant funds to provide renal dialysis units in the communities of Yuendumu and Lajamanu. The Yuendumu unit, opened in August 2010, enables renal patients in the region to visit their homes and families more often and to stay longer. An Aboriginal health organisation with relevant expertise, the Western Desert Ngapaajima Walya Palyunjalka Tjukurpa Aboriginal Corporation (WDNWPT), is managing the service. Kuuva royalty funds have also been used to leverage significant additional government funding to support and extend this service in the region, including a new dialysis unit which opened in Lajamanu in September 2013.

Project Five: Northern Territory Parks Rent Money Community Development Project

This project was initiated by the CLC Council in late 2010. A large regional project, it involves the CD Unit working with 16 traditional owner groups to apply the rent paid by the Northern Territory government for the lease of 16 national parks to community development projects. Thus far initiatives have focused on maintaining culture and connection to country through support for outstations and remote infrastructure. Employment and training of community members on these construction projects has also been a priority.

Project Six: Community Lease Money Project

With this major new project the CD Unit is now working with all communities in the CLC region that are receiving community lease money from the compulsory five-year leases taken by the Commonwealth government under the Northern Territory Emergency Response. Under a 2012 CLC resolution, between 50 and 100 per cent of this money will be applied to community benefit projects in 31 communities. Staff recently began participatory planning processes, and to date a number of sub-projects have been completed in the areas of education, sport and recreation and community infrastructure.

New Projects

In addition to the above, three new projects were initiated in 2013. Two of these involve the use of exploration compensation money from two prospective mines for community benefit. The third involves an Aboriginal corporation using a portion of investment income for community benefit projects.

Program Monitoring and Evaluation

In addition to routine institutional reporting, the CLC has developed a CD Program monitoring and evaluation strategy. Facilitated by an external consultant with expertise...
in evaluating international development programs, monitoring began in 2009. There have now been four monitoring reports, each completed annually by Praxis Consulting, whose findings we summarise below. Despite some limitations on data collection, which is constrained by limited resources for monitoring and evaluation, the monitoring reports paint an increasingly positive picture of the CD Unit's work around the three overall objectives, that is:

- Aboriginal engagement, ownership and control;
- community benefits; and
- building an evidence base and sharing lessons learned.28

Aboriginal Engagement, Ownership and Control.

The 2012 Monitoring Report found that the evidence from all of the projects suggests increasing ownership and engagement by Aboriginal people in both the decision-making and control of projects in the community.29 It also found that 'Aboriginal people's capacities and capabilities were being increased through the community development approach.'30 In the two longest running projects, WETT and URM, the governing bodies have been operating under agreed rules and principles for more than seven years. The quality of their decision-making and deliberations, including a capacity to obtain and consider all relevant information prior to making a decision, reflects this experience. Their experience of positive community outcomes supports the ongoing process. WETT committee members have extended their role to include advocacy, for example joining other agencies lobbying government to fund an Early Childhood and Learning Centre. Community leaders also feel growing ownership of these projects. There is increasing evidence of such learning in the GMAAAC committees as their involvement in community development approaches extends over time. Further, the 2012 Report noted that even for emerging projects, such as the Community Lease Money Project, there is evidence that communities are engaged in decision-making which is appropriate to the location and seeking to manage resources in ways which provide both immediate benefit and contribute to harmony and development in the community.31 Feedback from community members in the annual monitoring reports illustrate the sense of ownership Aboriginal people (Yapa) feel:

WETT money is community doing things for itself.32
Money comes through Yarpa really, GMAAAC and WETT. Yapa doing it for yapa, using yapa money. It's alright, good.32

Community Benefit

Aboriginal people recognise and value the benefits of the projects. For example, Kelly concluded in the 2010 Monitoring Report that:

Aboriginal people were able to identify the benefits of projects and increasingly were focused on benefiting the whole community, not just for individual gain.

In many of the projects external stakeholders were also able to point to tangible and intangible benefits.33

Subsequent reports indicate this has continued. Interestingly, GMAAAC has significant evidence of beneficial material outcomes through its many small, tangible projects, but also the clearest examples of less positive outcomes, typically for projects involving vehicles. The Uluru-Kata Tjuta project demonstrated more intangible benefits such as effective group leadership and uptake of flow-on development opportunities to increase benefits. The Taanami Division Project has supported Warlpiri patients through recognising them with family, country and community; it is also providing advocacy and housing support services in Alice Springs (where the patients receive regular dialysis). The 2010 Monitoring Report found that ‘people are able to identify benefits in each of the WETT projects and the value that these benefits bring for their lives.’34 As community members commented on the WETT, URM and GMAAAC Projects respectively:

WETT services are really benefiting the community, kids and elders and with jobs.

It does really help everyone. They are using WETT money in a really good way, like Mr Theo [a program for helping young people] is doing a really good job of what's been asked of them.35

The rec hall and basketball court are games are really good. The reason why it's good now is because those kids are keeping busy at the Rec Hall.35

Sorry and funeral money – it's very important. Footy and sports – that's good what they are doing with that – it really helps. Every night and every afternoon kids are playing sport in the basketball area – that's good. ... I think the Arts Centre is

30 Ibid.
31 Ibid., 70.
32 Kelly, 2010 Report, above n 28, 36.
33 Ibid., 15.
really good – yapa money from GMAAAC is helping to run the Centre. People are really happy with that. Ranger project is very good. They enjoy what they are doing and the vehicle really helps. Rangers have partnership with community and school – that works really well. Dialysis is very important. Outstation roads are happening now. People want to go and stay there – having access on holidays and weekends is really good. These projects are helping the community. If there weren’t these projects the community would be different. It is a really positive feeling here at Lajamanu now. People feelproud about it all, looking at what Yapa are doing with their own money for their community.41

In addition, the evaluator reported that “it significantly, Warlpiri have compared the services provided with WETT funding to services provided through other organisations. People identified that other services did not operate in the same way and were of less value to them.”42

A community member talked about the value of dialysis patients being able to come home to visit family: “He had a good visit here. He went everyday shaking hands for family members. They said ‘Wiyarra’ which is like, poor thing – long time no see, dear thing that you came back, good to see you again.’ It makes him feel better. He was really happy.”43

Ownership is a factor in perceptions of benefit. Where people feel some level of ownership and control of the benefit, they are more likely to sustain engagement and build further development opportunities on it. This has occurred in the UPM Project at Upyangali, an outstation near the Kings Canyon Resort. With support from CLC staff, relationships have been built with a Rotary group, the Resort and, more recently, a small NGO which supports Aboriginal enterprise development. These relationships have brought additional resources for an art workshop, through which the group hopes to generate income and employment. This underscores the importance of people owning the decision-making processes that translate rent or royalty incomes into activities with community benefit and developing the confidence to take their ideas further. Later in this chapter, we take up the question of inputs – the work and resources required to firstly generate these benefits and, secondly, to sustain them.

Building an Evidence Base and Sharing Lessons Learned

Information is being collected about projects, which is contributing to building an evidence base, but dissemination and communication of the information has proved more challenging. Although the most recent monitoring report suggests that communities are largely aware of projects funded with rent and royalty payments, at times there remains some confusion or insufficient information about them in some locations. The CD Unit continues to work with communities to produce videos and short reports about projects, and a communication strategy is underway to engage external groups. The monitoring and evaluation undertaken to date suggests it is difficult for many external stakeholders, particularly those working for large bureaucracies, to understand the CD Unit’s bottom-up, participatory approach.

Contextual Factors and Lessons Learned

Contextual or situational factors significantly influence, for better or worse, community development potentials. We discuss those that have most significantly impacted the CLC’s work, as well as drawing out the lessons learned about what works from nine years’ experience.

Existing Aboriginal Capacity and Assets

The CD Program builds on Aboriginal strengths and uses Aboriginal assets, particularly local knowledge and people’s own financial resources. Participants have a comprehensive understanding of their local context and what is likely to work. Respecting local knowledge requires accepting that Aboriginal people will value some things in their cultural and social life which are different from Western values. This acceptance is essential in effective inter-cultural collaboration. People feel a greater sense of control because they are using their own funds to develop the projects. This strengths-based approach is extremely important in the Indigenous Australian context, where a deficit model informs most policy and program design. Aboriginal participants report developing confidence in their own decision-making ability in inter-cultural contexts.

At the same time, giving the funds are their own, community members often just want to see ‘action’, so striking an acceptable balance between participatory planning and getting initiatives happening is a constant challenge. Getting early ‘runs on the board’ by doing small tangible projects in the first instance builds landowner understanding of the CD Unit approach. They also reduce understandable scepticism and help to establish the trust that is critical to success. Tangible, timely results encourage further engagement.44

Facilitating Locally Appropriate Governance Structures

The CD Unit’s role in facilitating local governance that is both culturally appropriate and robust in terms of corporate governance requirements has been an important factor in the outcomes to date. CD Unit staff work with strong, capable, local Aboriginal leaders who are committed to improving their communities. Helping to develop the capacity of local governance structures is a key role of the CD Unit. These partnerships are among the key factors that are working. This requires a significant investment of time, and involves helping people develop the necessary skills to run their organisations and committees. Critically, it also means supporting groups to make informed decisions but being highly aware of power imbalances, particularly where staff are non-Indigenous. Staying in a facilitative role is essential at all times. For example, the GMAAAC project involves working with nine community committees in an annual process of setting priorities, developing projects, allocating funding and implementing and reporting on outcomes. As one community member commented, ‘CLC has a very good relationship. They – Government – don’t have workshops and ask our ideas.’

41 Kelly, 2012 Report, above p 28, 44.
43 Ibid, 25.
With CLC they are very strong and make people feel strong. They respect Aboriginal culture. We really feel comfortable working with them.\textsuperscript{45}

The majority of the CLC constituency speak English as a second language; most have had minimal formal education and literacy and numeracy levels are low. Therefore, the CD Unit uses a range of communications strategies to promote understanding of the community development work within communities and committees. For example, DVDs in local languages, posters, newsletters and meeting summaries that assist participants give feedback to other community members have been prepared for the projects.

**Government Policy: Shifting Sands**

Although Aboriginal landowners in the CLC region are using their own funds to carry out these various activities, governments at all levels remain inextricably involved, most fundamentally, perhaps, because the CLC itself, although traditional owner-controlled, is a Commonwealth government-funded statutory authority. Many projects need government collaboration in planning or in achieving other legislative and policy requirements (for example, establishing early childhood services and providing training). There can be blurred boundaries between augmenting government services and relieving government of responsibilities. Furthermore, given the inherent unpredictability of mining-related funds, project sustainability is an important consideration.

Ever-shifting government policies are creating significant challenges for the CD Program. For example, since 2008 the Commonwealth and Northern Territory governments have prioritised investing in 20 Aboriginal towns in the Northern Territory, only those of which are in the CLC region. This drastic policy shift has made it increasingly difficult to leverage complementary government funding for projects in many communities and outstations in the CLC region. For example, the CLC and WETT were ultimately successful in securing $3 million from the Aboriginals Benefit Account (a statutory fund established under the ALRA) towards the construction of an Early Childhood and Adult Learning Centre in Willows, and significant operational funds from the federal department for Indigenous affairs to operate the Centre for two years.\textsuperscript{46}

However, this required substantial, time-consuming lobbying and negotiation by the CLC and Warlpiri leaders to ensure Willows was not denied funds due to its new status as a non-growth town. The policy of investing in priority growth towns is also at odds with the strong trend for landowner royalty associations to direct significant portions of their land use agreement funds to small communities and family-based outstations. In part, landowners are endorsing culturally important links to country. But, cognisant of the decreasing government funding available to such groups, they choose to invest their own money instead.

In another example, the Northern Territory government withdrew support for bilingual education in primary schools in 2008 and, instead prioritised English language teaching.\textsuperscript{47} WETT had funded a range of Warlpiri language-based initiatives and resources which were no longer consistent with Departmental policy. Although this policy has shifted again, it remains very difficult to get schools to factor these initiatives into the curriculum in the way Warlpiri people want.

By far the most dramatic, far-reaching policy shifts, however, have been associated with the Commonwealth government's Northern Territory Emergency Response in 2007. The policy, backed by legislation, saw the Commonwealth government abruptly take control over many aspects of Aboriginal people's lives and communities. The myriad changes created an environment of confusion and mistrust, further empowering and marginalising Aboriginal people.\textsuperscript{48} This has created significant challenges for community development approaches that ran counter to the prevailing environment in recent years of increasing external control. The Commonwealth government's 2012 Stronger Futures Policy suggests a potentially more enabling environment with an increased focus on Aboriginal community engagement, however only time will tell whether this potential will be realised, particularly as it is unclear how the Coalition government elected in September 2013 will approach implementation of this policy.

**Different Conceptions of 'Benefit'**

Aboriginal priorities and government policies appear to be at odds. The experience of the CD Unit is that landowners often prioritise expenditure to support remote living, as well as cultural and social activities. Government policies, on the other hand, emphasise economic priorities including enterprise development and employment, the teaching of English, numeracy and literacy. The impasse frustrates attempts to generate any sort of development - whether it reflects Aboriginal or other priorities. It is not that priorities (as opposed to policies) are necessarily so different - Aboriginal people seek education for their children, and opportunities for adult education; they seek better health; they are generating income from arts and crafts and building economic activities - but on their own, often more holistic, terms. Government policies very often appear to frustrate rather than support development. The challenge is to effectively promote the value of the community development work and its benefits even in the face of the bureaucrats' standard response: "Yes, but how many people have been employed?"

**Partnerships**

Activities such as upgrading outstations, building stores and learning centres, running youth programs and so on are outside the CDU's statutory functions. Thus, when project proposals are finalised, the CDU seeks partnerships with appropriate agencies to manage the project development. Partnering agencies need to be well governed, operate

\textsuperscript{45} Kelly, 2010 Report, above n 28, 35.

\textsuperscript{46} Other examples of complementary government funding flowing after CLC constituents have applied their own funds to establish an initiative include for the Jalu Pirriji project run by WYDME and for the dialysis units in Yasuambu and Lajamanu run by WDNWPT.

\textsuperscript{47} Jane Singson, Jo Caffrey and Patrick McConnell, 'Vignettes in Australia's Indigenous Language Policy: Dismantling Bilingual Education in the Northern Territory' (Discussion Paper No 24, Australian Institute of Aboriginal and Torres Strait Islander Studies, 2005).

with a community development approach, and have good organisational capacity. Partnerships with such agencies have achieved sustained project benefits. Examples include a partnership with the Warlipirri Youth Development Aboriginal Corporation (WYDAC) to manage funds from WEFT and GMAAAC for activities in the Tanami region for young people, including diversified, education, training and employment opportunities. This success is largely due to WYDAC's strong emphasis on Warlipirri involvement and decision-making in all aspects of the work. Another example is the Tanami Dailysis Service. The partner agency is an Aboriginal community-controlled organisation with an emphasis on participatory decision-making and specific expertise in establishing Aboriginal community dialysis. Conversely, where there is no agency that meets these criteria to take on project management, the choice for landowners is either sub-optimal project management and outcomes, or no project at all. While the most recent monitoring report indicates that where project partners are themselves part of Aboriginal organisations they are able to relate more effectively to Aboriginal communities, it also notes that their capacity is sometimes limited.

Community Complexity

In Central Australia, key community leaders and influential decision-makers are few in number and face a multitude of competing demands. Consultation by a raft of government and non-government agencies operating in the region is seemingly constant. In many places, and particularly in larger communities, there is also a limited sense of 'community' beyond one's close kin and thus little priority accorded 'community' projects within their planning meetings and related activities. At the same time, we are seeing participants increasingly call for money to go to projects with broader benefit, which suggests it may be contributing to a greater sense of cohesion in some places. In more extreme instances there is entrenched conflict and community-wide division. The challenge is to work in such conflict-ridden situations in ways which 'do no harm' and prevent projects exacerbating conflict. There is evidence that CLC staff and processes are working effectively with conflict situations. One community member made the following comment after the election of a new GMAAAC committee:

There was a big community meeting and people decided who they wanted. Before West camp were frightened about coming in for GMAAAC, so staff from CLC went across to them. They were happy to have someone from their family side on GMAAAC. We picked people from south, north, east and west. We picked 2 people from each camp and one of [.] family said 'maybe it's time to get someone from west camp'. West camp saw that they were being respected and it helped Committee going really good.

A scarcity of appropriately skilled local conflict mediators can delay progress, but in several cases we have witnessed an easing of conflict within a community following the success of a community development process.

49 Kelly, 2012 Report, above n 38, 70.
51 Kelly, 2012 Report, above n 38, 49.
governance and will require considerable support resources (staff, organisational capacity and so on). This is doubly so in Australian Aboriginal settings with their long histories of neglect and dependency.

It is also important that governments recognise the negative effects of constantly changing policies and institutional arrangements. These frustrate Aboriginal efforts to take responsibility and pursue development, and are a disincentive to Aboriginal landowners using land agreement monies to deliver community benefit, which is what governments want to encourage. For Aboriginal people to gain maximum benefit from community development arising out of land use agreements, the surrounding context needs to be considerably more supportive. Indigenous communities need, in Kenny’s words, to ‘identify and address their own issues, needs and problems within their own terms of reference’.44 They must also, as she says, ‘develop a belief that they actually can collectively control their lives’.45 Under present conditions, neither of these criteria is easily met in Central Australia. The power shift needed is hard to accomplish in the current policy and administrative environment. Governments will need to make far broader changes in the way they engage with and respond to Aboriginal communities.

As O’Faircheallaigh makes clear,46 the policy and institutional arrangements surrounding land use agreements can be pivotal to their success. They should not simply be islands of Aboriginal control in a wider regional approach to Aboriginal development which presents limited options for Aboriginal aspirations. As he says, ‘it is important for communities to avoid isolating agreement negotiations from wider community planning and decision-making’.47 At present in Central Australia, this problem is almost inevitable due to Aboriginal people’s limited influence on wider policy agendas. As the CLC’s CD Program expands, with multiple sources of funds being utilised in some communities to generate development outcomes, there is increased potential for Aboriginal people to collectively determine their development agenda. It remains to be seen whether the three levels of government are willing and able to get on board and support its realisation.

Acknowledgments

The authors would like to thank the Central Land Council and acknowledge the ongoing work of Council delegates, constituents and staff involved in the implementation of the Community Development Program. We are also very grateful to Dr Jeannie Devitt for her earlier work48 with us that has influenced the present chapter.

54  Kenny, above n 22, 10.
55  Ibid, 163.