

but I think the government should fund it, because it is exactly what they want to happen out on country.

**News update:** the Commonwealth Government's Working on Country program will fund the Karajarri Rangers over the next 5 years!!! So there will be no more Ranger Rodeos.

## Book Review: 'Contested Governance Culture, power and institutions in Indigenous Australia'

By Ingrid Hammer, Research Officer,  
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From the outset, *Contested Governance* undertakes to offer the reader a comprehensive ethnographic based account of the cultures of governance in Australia. The post colonial context is examined, with a view to exploring the future of Indigenous governance and its relationship with the dominant governance structures of the nation state. As contributors Smith and Hunt point out, 'It is simply impossible to understand the governance of Australian Indigenous communities as separate from the encapsulating governance environment of the Australian state'. (pg 3).

The research monograph, compiled by the Centre for Aboriginal Economic Policy and Research (CAEPR), is divided into five distinct parts: the governance environment; culture, power and the intercultural; institutions of Indigenous governance; contesting cultural geographies of governance, and, rebuilding governance. The research for the book is sourced from a diversity of sources, including Indigenous groups and leaders, government agencies and international institutions. Especially impressive is the variety of methodologies adopted by the researchers. The diverse approaches

enabled valuable access to information regarding Indigenous community governance, as well as portray the existing cultures of governance from both an Indigenous and a governmental perspective.

To begin, a discussion on the concept of governance provides readers with theoretical and contextual analysis and background to the subject matter. The tensions that exist between the governance intentions and procedures offered by the government, as distinct from those preferred by Indigenous communities, highlight the often fractious relationship between the entities. The chapters that follow stand independently of one another, and many of the authors work with a case study as the foundation for their analysis. Through this collection of papers observations of the current state of affairs are detailed, and projections for the future of Indigenous governance in each example are predicted. In many instances, the authors draw on organisational policy and contrast this with the practical, on the ground experience of a selected organisation.

The relationship between native title claims and Indigenous governance is discussed in the context of a case study of the Noongar native title claim, by Manuhua Barcham in Chapter 10. Although the claim is not discussed in great depth, the administrative process that the claim was subjected to is covered. This information is useful for those working in native title as it is an important procedural perspective on the claims process that is often not documented.

Particularly relevant for those involved with native title is the account by Manuhua Barcham of the diminution in significance of the Noongar Land Council (NLC) and the subsequent establishment of the South West Aboriginal Land and Sea Council (SWALSC). The turn of events, as Barcham describes, resulted from poor governance within the NLC. Originally consisting of 78 single land claims, and later being compounded into 6, the SWALSC proceeded to corroborate these 6 into a single Noongar land claim. A consensus to shift the claim area boundaries; consultation with communities; and, internal restructure within the SWALSC are all attributed by Barcham to the creation of the single Noongar claim, which was met with success in court.

Overall, *Contested Governance* will be appreciated for its comprehensive investigation into the organisation of Indigenous governance specifically, though is also a beneficial resource concerning the theory of governance more generally. Most importantly, *Contested Governance* provides a well rounded account of Indigenous governance across the nation through the use of widespread examples. The governance structures are effectively assessed from a community through to a national level. The coherent style adopted by the contributors ensures that the information is user friendly and will appeal to those in a professional capacity as well for general interest. The flowing, narrative style of the text promises accessibility to a range of audiences.

*Contested Governance Culture, power and institutions in Indigenous Australia* is published by ANU E Press and is available in print or free online at [ANU E Press](http://ANUEPress).

# Government Discussion Paper Released: Optimising Native Title Agreement Benefits

By Ingrid Hammer, Research Officer, AIATSIS

The Australian Government has handed down its discussion paper on Indigenous Economic Development Strategy, incorporating recommendations of the Native Title Payments Working Group, which was commissioned by the Department of Families, Housing Community Services and Indigenous Affairs, together with the Attorney-General's Department.

The primary concern identified in the report is the relationship between the activities of the resources industry, namely the mining sector, and the economic benefit that flows to Indigenous peoples. The negotiation stage of agreements between Indigenous peoples and

industry is recognised as vital to future economic and social well being of traditional owners. Although the *Native Title Act 1993* (Cth) provides for the right to negotiate on such matters as mining, and has been successfully engaged in giving rise to agreements such as Indigenous Land Use Agreements (ILUAs), the report notes that not all arrangements result in beneficial outcomes for Indigenous communities.

The Working Group has indicated that some of the major barriers to successful agreements include a lack of current agreements that may be utilised as model agreements, the overly restrictive confidentiality provisions that govern agreements and limit access to important data, and a lack of support for traditional owners during the native title process. The working group also reports that due to the recent growth in the mining industry and subsequent entrance by new players, there is an underlying lack of cultural sensitivity and understanding of Indigenous peoples' rights.

The flow of payments directly to traditional owners is a further concern in the report. The position of the government is consistent with that of the Working Group: that improvements in economic status are rarely maximised by direct payments to communities. The Working Group focussed its investigations on the barriers to effective implementation of agreements, the requirements of sustainable agreements, and the settings conducive to sustainable agreements.

The Working Group reported on international experiences in agreement making, drawing on examples such as the publicly available agreements of New Zealand, and special legislation in South Africa dealing with social responsibility of industry. One suggestion made in the report for increasing transparency is for the establishment of a public register that could disclose relevant information and model agreements.

Another concern the report identified is a shortfall in the effective implementation of negotiated agreements. For traditional owners to take advantage of the benefits of an agreement the terms of the agreement must be realistic and sustainable. In addition, the promotion of good practice, greater assistance for Indigenous people to enter the mining industry, an improvement in capacity of traditional owners to engage in negotiations with the