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Local government reform in the Northern Territory: reforming the governance of service delivery and the view from the Barkly

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Citation

The Desert Knowledge Cooperative Research Centre is an unincorporated joint venture with 28 partners whose mission is to develop and disseminate an understanding of sustainable living in remote desert environments, deliver enduring regional economies and livelihoods based on Desert Knowledge, and create the networks to market this knowledge in other desert lands.

Acknowledgements

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Abstract

The restructure of local government in the Northern Territory was carried out in less than two years, from announcement in October 2006 to implementation on 1 July 2008, with elections for the shire councils on 25 October 2008. The primary feature of the restructure was the amalgamation of nearly 60 Aboriginal community councils of small communities into eight shire councils. The restructure occurred at the same time as a study of service delivery to Aboriginal communities was being undertaken and, further, was overlaid from July 2007 by the Northern Territory Emergency Response (the 'Intervention'). This paper explores the transition process as it occurred in the Barkly region of the NT, and the governance issues that emerged that may have a long-term impact on service delivery to the communities of the Barkly.

List of shortened forms

ALRA	*Aboriginal Land Rights (Northern Territory) Act 1976* (NT)
BSTC	Barkly Shire Transition Committee
CDEP	Community Development Employment Program
CEO	chief executive officer
CGC	Community Government Council
CHIP	Community Housing and Infrastructure Programme
DKCRC	Desert Knowledge Cooperative Research Centre
DLGHS	Northern Territory Department of Local Government, Housing and Sport
LGAB	Local Government Advisory Board
MLA	Member of the Legislative Assembly
NTER	Northern Territory Emergency Response
RMP	Regional Management Plan
SRA	Shared Responsibility Agreement

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Introduction

Local government reform through council amalgamation in the Northern Territory (NT) has faced many of the same issues that face local government reform in any jurisdiction. There is concern about the overriding of local interests, the loss of local voice and the fear of being forgotten.[1] In the Territory the local perspective is largely an Aboriginal one as the great majority of councils that were being amalgamated were from areas with primarily Aboriginal populations. Thus, although it may seem unusual to focus on Aboriginal interests when analysing local government issues, Sanders (2006, p 1) points out that:

> [t]his focus reflects the fact that over one-quarter of the Territory's population of 200 000 is Aboriginal, compared to less than 4 per cent in any other Australian State or Territory. It also reflects the fact that, through the land rights processes of the last 30 years, an increasing proportion of land in the Northern Territory has been recognised as Aboriginal owned.

This paper describes some of the processes involved in the reform, and emerging issues facing the new shires in the Territory. The material was gathered in the context of the Desert Knowledge Cooperative Research Centre (DKCRC) research project 'Desert Services that Work: Demand Responsive Services to Desert Settlements'. In 2007, the Territory component of this project focused on the community of Ali Curung in the Barkly region, 150 km south of Tennant Creek and 350 km north of Alice Springs. With the advent of local government reforms, the research was extended to include the local government reform meetings, given the impact they would have on how services are delivered to Aboriginal communities. Permission from local government authorities to attend Barkly Shire Transition Committee (BSTC) meetings from June 2007 to June 2008 allowed access to the voices of the community representatives and local government representatives as they worked through the meaning of the changes, and provided an insight into the changes about to affect local service supply under the new structure.

The reform of local government structures in the Territory was announced in October 2006 (McAdam 2006). The DKCRC research project on service delivery in desert settlements, which underpins this paper, was also just getting underway and found itself, in the Territory at least, trying to map a services geography that was being rapidly transformed. Further, local Aboriginal community government councils and associations had been performing many more functions than standard local governments do – more than 'roads, rates and rubbish' – and thus received considerable revenue per capita, particularly through the Community Development Employment Program (CDEP), to provide the services. Whether and how the new structure will be as representative or effectively supply the same services remain major questions facing the affected communities.

The rate of change had been substantial; that is, in less than two years a dramatic restructure had been announced and implemented. As of 1 July 2008, existing Aboriginal community councils in the Territory ceased to exist and were replaced by the shire councils. Initially, 61 local government bodies (including six municipal and 51 community government councils, three incorporated associations and Jabiru) were to be incorporated into nine shires and four existing municipal councils; by mid February 2008, the proposed Top End Shire had, controversially, been pulled out of the proposed structure, with Litchfield maintaining its municipal status and the existing community government councils of Cox Peninsula (now Wagait), Coomalie, and Belyuen becoming shire councils. The new structure in July 2008 thus comprised eight large shires, three small ones and five municipal shires of Alice Springs, Darwin, Palmerston, Litchfield and Katherine.

There was a great deal of confusion about the nature of the reforms as expressed at meetings and in conversation with community members, particularly as the reforms took place at the same time as the

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[1] See, for example, responses to reform in Queensland in 2007; URL accessed 20 June 2009 <http://www.lgaq.asn.au/imported/LGAQ_LIBRARY/LGAQ_FACILITY/Policy/Governance%20Policy/Survey%20Proposed%20Amalgamation%2007%20(2).doc>.

Northern Territory Emergency Response (NTER, also sometimes referred to as 'the Intervention'), which was announced on 21 June 2007. Much of the time at local government transition meetings and community chief executive officer (CEO) meetings was taken up with questions about the impact of the NTER, particularly on housing, income and CDEP. It was only by March 2008 that residents of local communities were beginning to ask 'This local government: is it good? What is it?' (pers. comm. Ali Curung resident, 29 March 2008).

Research process

In January 2007, researchers from DKCRC and the Centre for Appropriate Technology approached the Regional Manager for Local Government in the Barkly Shire to introduce their project and request access to information. The project, titled 'Desert Services that Work: Demand Responsive Services to Desert Settlements', sought to improve services to communities through identifying community demand based on an informed approach to the choice available. The project includes sites in Western Australia, South Australlia, Queensland and the Northern Territory. In the Territory, the Ali Curung Community Council agreed to the research on the basis that the project would evaluate and help to inform the implementation of their comprehensive Shared Responsibility Agreement (SRA).[2]

Coincidentally, the local government reform timetable and new local government structure in the Territory was announced on the same day that the research team was seeking assistance from the Northern Territory Government's then Department of Local Government, Housing and Sport (DLGHS). This meant that DLGHS would be fully engaged in the reforms, to the exclusion of anything else, including assistance with the research. The service mapping planned for the project, with the aim of being able to suggest improvements to it, would be redundant by 1 July 2008. However, the service and asset mapping that DLGHS was doing for assessing the situation for the new Barkly Shire was to provide a useful basis for later evaluation of the impact of the reforms.[3]

The research team in the Territory continued to pursue the SRA evaluation component of the research project while seeking access to the local government reform proceedings that would inform the general picture of service provision in the Barkly, and to Ali Curung in particular. By mid April 2007, ongoing liaison with the DLGHS led to in-principle agreement for researchers to have access to the process and meetings of the BSTC, with the general understanding that some feedback would be given on the process, particularly as it was affecting Ali Curung.

The primary research method used in this context was as a participant observer at BSTC meetings, and at the meetings of all the CEOs from the Barkly region councils. Interviews with participants and new local government staff were also held, and feedback from participants in the general research project from Ali Curung has also been incorporated.

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[2] SRAs were voluntary agreements between federal and state/territory governments and Aboriginal and Torres Strait Islander communities or groups to provide a discretionary benefit (such as extra services, capital or infrastructure, in addition to essential services) in return for community obligations. Most SRAs were single issue, but the Ali Curung SRA was deemed 'comprehensive' given its scope across schooling, health, employment and enterprise development.

[3] The second phase of the research project, conducted 2008–09, involves assessment of the impact of the reforms on the management of tenancy and on waste management services in two communities, including Ali Curung.

The new Barkly Shire

Demographics

The Barkly Shire, which came into being on 1 July 2008, encompasses the major communities of Elliott, Tennant Creek, Ali Curung, Ampilatwatja, Urapuntja (Utopia) outstations, Alpurrurulam, Canteen Creek and Wutunugarra (Epenarra). There are also approximately eight minor communities, 70 family outstations and 49 pastoral properties, mining operations and commercial properties. Notably, the major settlements of Canteen Creek and Epenarra were not identified as part of the shire due to their history of different federal funding sources, which classified them as outstations rather than communities with administrative and representative structures recognised under the previous *Local Government Act 1978* (NT). As both settlements are now large, in local terms, with populations of 218 and 244 respectively, their identification as outstations is anomalous. This has also meant that even though their residents can participate in shire planning and vote, and indeed a resident of Epenarra was elected to the Barkly Shire Council, they are not automatically recipients of shire services. The status of these communities was much discussed in BSTC meetings[4], and along with the status of outstations generally in the Territory, is continuing to be negotiated in 2009.

In addition to the anomalies of Canteen Creek and Epenarra, the Barkly is also distinguished by the fact that it is the only shire in the Territory perceived to have combined 'town and bush'; namely, the primarily non-Aboriginal town of Tennant Creek and the Aboriginal communities of the Barkly. Although West Arnhem Shire, for example, incorporated the non-Aboriginal town of Jabiru, which undermined the process of regionalisation and representation that was beginning in West Arnhem (Smith 2008), it is the proportion involved that distinguishes the Barkly. That is, of the approximately 7500 people in the Barkly, over 3300 live in Tennant Creek, a majority of whom are currently non-Aboriginal, and a town council that was predominantly non-Aboriginal. All of the other new shires result primarily from the amalgamation of Aboriginal community councils, and it was expected that the new shire councils will have primarily Aboriginal representation, with perhaps the exception of Tennant Creek. Moreover, among the shires, the Barkly Shire will have the highest income in rates from the extensive pastoral properties within its boundaries, although how that will translate into services and representative power is unclear, particularly as the rates were capped for three years.

The shire encompasses what were the Barkly Tablelands and extensive pastoral properties, extending further south to include the Utopia outstations. The Barkly region was 283 606 sq km[5], but the shire will be 322 514 sq kms.[6] As is often pointed out, even in Parliament[7], the Barkly Shire is 20% larger than Victoria, with Alpurrurulam at its eastern edge being a six-hour drive from Tennant Creek.

The population of the Barkly Shire in December 2007 was 7530 people, with over 60% of the population Aboriginal.[8] According to analysis of the 2006 Census, there is a general Aboriginal population movement away from the Barkly and to urban areas in Darwin and Alice Springs (Biddle et al. 2008). Indeed, in response to an ongoing and significant drop of 11.9% in electoral enrolments, the NT Electoral Commission proposed in April 2008 that the electorate of Barkly be abolished, and its

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[4] See, for example,
<http://www.localgovernment.nt.gov.au/__data/assets/pdf_file/0006/36681/lgtc_minutes_021107_barkly.pdf> and
<http://www.barkly.nt.gov.au/docs/Agendas/Barkly_Agenda_COUNCIL_COMMITTEE_august08.pdf> (viewed 23 January 2009).

[5] See Northern Territory Government <http://www.nt.gov.au/business/servicesbe45.html?cat5id=20> (viewed 20 June 2009).

[6] See <http://www.localgovernment.nt.gov.au/__data/assets/pdf_file/0017/31922/Barkly_Shire_Business_Plan_-_Main_Report_1st_Draft.pdf> (viewed 20 June 2009).

[7] Daily Hansard 7 May 2008. Northern Territory Government, <http://www.nt.gov.au/lant/hansard/hansard.shtml>.

[8] ibid.

components be redistributed. However, after public consultation and strenuous objection from Tennant Creek residents, the Barkly was reinstated as a Tennant Creek-based electorate.[9]

The general picture thus emerging for the new Barkly Shire is one of a declining population and shifting identity, a concern strongly reflected in the debates in the BSTC discussions about ward and shire names. The population decline in turn will also have an impact on rates collection and the quality of services.

Representative structures: the Barkly Shire Council and Local Boards

The new Barkly Shire Council has 12 members, 11 of whom were elected through a ward system. Out of the options initially available, the BSTC determined that the twelfth member would be a popularly elected president from across the shire. However, this was threatened by the new *Local Government Act 2008* (NT) that dictated that the president was to be elected by the council, unless strong public support could be shown for the proposed alternative.[10] Sufficient support for the structure was proven in the Barkly through a public campaign, and it is now the only shire in the Territory with a popularly elected president.

Shire Transition Committees also advised on how many wards would be in their shire. The BSTC decided on a three-ward structure for the shire following meetings in the southern, northern and central sections. A meeting at Wycliffe Well on 8–9 June with over 60 representatives resulted in the decision to create one ward for the southern half of the shire in order to have a stronger representative voting bloc to offset the perceived strength of Tennant Creek ward. Less unity was evident in the northern part of the shire, due in part to the fact that it is primarily pastoral interests with the community of Elliott and its outstations at its western edge. It was also noted at BSTC meetings that the initial meetings held to discuss the shape of the northern ward were organised in Tennant Creek, and not in the district itself at either Elliott or Barkly Homestead in the district, thus limiting the likely participation of residents.

After much debate over ward names at successive BSTC meetings and some consultation with communities, by 14 February 2008 it was agreed that the wards would have the Aboriginal names of Yapakurlangu (northern ward), Patta (central ward, including Tennant Creek) and Alywarr (southern ward), (see Figure 1), with two, five and four representatives respectively, based on the number of electoral enrolments (see Table 1). The shire retained the name Barkly due to a lack of agreement about an acceptable alternative.

Ward	No of representatives
Yapakurlangu	2
Patta	5
Alyawarr	4
Popularly elected president	1
Total	**12**

Table 1: Barkly Shire Council ward representation

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[9] Report on the Redistribution of the Northern Territory into Divisions Volume 1. Augmented Redistribution Committee. p. 16. <http://notes.nt.gov.au/nteo/Electorl.nsf/>; URL accessed 20 June 2009.

[10] BSTC minutes, 9 May 2008 <http://www.localgovernment.nt.gov.au/__data/assets/pdf_file/0018/42570/minutes_090508_barkly.pdf>.
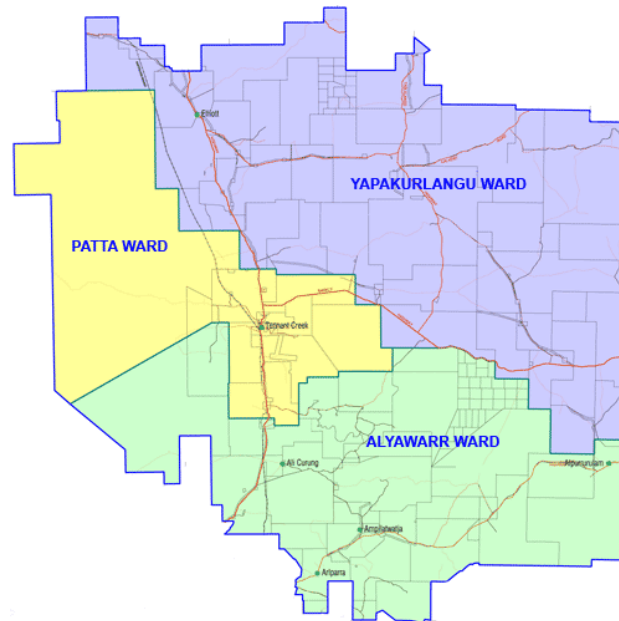
Figure 1: Ward structure, Barkly Shire Council (DLGHS)

Following the Territory-wide shire council elections on 25 October 2008, the first Barkly Shire Council comprised representatives from Elliott (one Aboriginal, one non-Aboriginal), Tennant Creek (three Aboriginal, two non-Aboriginal), Urapuntja (four Aboriginal) and Epenarra (one Aboriginal). The Urapuntja representatives included President Rosalie Kunoth-Monks. Only one pastoralist ran for office in the Barkly in Yapakurlangu Ward; he lost by one vote. The new council is thus predominantly Aboriginal, with an equal number of representatives for the Alyawarr and Patta Wards.

Local Boards

Each community has a Local Board that will advise the shire council. The boards consist of community members as well as the elected shire council members. Although there were attempts in early drafts of the amended Local Government Act at prescribing the numbers and make up of the boards, such as equal numbers of men and women, s51 of the Local Government Act prescribes that the board will be constituted at the recommendation of the community, with no limit on numbers. Many of the communities rolled over their previous community councils into the new boards.[11] In the transitional stages, the Local Boards have retained many of the representative functions of the previous councils, such as giving approval for research to be done in the community. Nonetheless, although the boards appeared to replace existing councils as representatives of the community, they are unpaid positions and have no financial delegation, thus diminishing their apparent authority and utility.

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[11] ibid.

Administrative structure: three tiers for the third tier?

In the 'third tier of government' that is local government in the Northern Territory, there are now three tiers of planning; namely, regional administration, shire council administration and shire service-centre administration. At the time of writing the role of the regional administrative tier was still forming, with the Barkly Shire Council being less connected to the regional administration in Alice Springs than had been anticipated in 2007.[12] Thus the Barkly Shire is currently less affected by layers of administration than anticipated earlier in 2008, and retained more jobs within the shire. The effectiveness of this approach will be assessed in the next stage of the research project, which will have a component of comparison with the Central Desert Shire and help demonstrate whether this triple layering of local administration will offset the advantages of centralisation in the new shire structure.

Regional and council administration

The Barkly Shire Council headquarters are in Tennant Creek, where most of the shire's administration is carried out, including human resources and asset management. Some administrative functions are also shared with the Central Desert and MacDonnell Shire councils, which are based in Alice Springs. This reflects the development of a Regional Management Plan (RMP) for the three southern shires. Participants in the BSTC meetings expressed disquiet over the loss of jobs to Alice Springs, reflecting the larger issue of population loss in the Barkly; reassurances were given by the shire officers that the only services to be organised out of Alice Springs would involve payroll, debtors, debt recovery, financial management and bank reconciliation, with a limited impact on local jobs, and that at least 90% of local government jobs related to the Barkly would stay in the Barkly.[13] As it is, the final RMP reflects this, with the Barkly Shire Council retaining most financial administration and being 'supported' from time to time through the services shared by MacDonnell and Central Desert.[14]

Service Delivery Centres

The shire administrative structure is supported by a number of Service Delivery Centres that are located in the major centres in the Barkly and replace the old community council administrative structures. The Barkly Service Centres are: Elliott; Tennant Creek; Ali Curung; Ampilatwatja; Urapuntja (Utopia) outstations; and Alpurrurulam.

The organisational structure of each service centre varies according to need and the existing structures[15], but all have at a minimum a Shire Services Manager (replacing what were Community Council Chief Executive Officers), Operations Staff (including essential Services Officers), and a Customer Service Officer.[16]

It is proposed that Epenarra/Canteen Creek will also have a Shire Service Centre and Service Manager when their status as outstations or communities is organised.

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[12] Local Government Regional Management Plan: Southern Region August 2008 <http://www.localgovernment.nt.gov.au/__data/assets/pdf_file/0004/57073/final_southern_region_rmp.pdf> (viewed 23 January 2009).
[13] BSTC Minutes 28 March 2008 <http://www.dlgh.nt.gov.au/__data/assets/pdf_file/0018/11448/barkly_shire_transition_committee_1minutes230307.pdf>; Daily Hansard 5 July 2008, Northern Territory Government <http://www.nt.gov.au/lant/hansard/hansard.shtml>.
[14] Local Government Regional Management Plan: Southern Region August 2008 <http://www.localgovernment.nt.gov.au/__data/assets/pdf_file/0004/57073/final_southern_region_rmp.pdf> (viewed 23 January 2009).
[15] There was some considerable refinement of the structure between that proposed in December 2007 to May 2008, particularly as the first had caused uncertainty and distress on the part of council workers who could not see themselves in the new structure (per. comm. 1 February 2008). The first proposed structures were skeletal, and reflected the core services supplied by the shire. As this appeared to leave out many of the services being supplied by existing staff, including aged care and housing, the staff were then increasingly uncertain about their futures (see discussion on communications issues below).
[16] Barkly Shire Council Business Plan, p 21 <http://www.localgovernment.nt.gov.au/__data/assets/pdf_file/0017/31922/barkly_shire_main.pdf> (viewed 23 January 2009).

The Barkly Shire Transition Committee

The Barkly Shire Transition Committee membership comprised elected members of an existing council or nominee approved by council. Its membership thus included representatives from:

- councils being amalgamated
- Urapuntja Council Aboriginal Corporation
- Alpurrurulam Community Government Council (CGC)
- Aherrenge Association Inc. (Ampilatwatja)
- Ali Curung Council Association
- Elliott CGC
- Tennant Creek Town Council
- representatives from significant community and regionally based service providers in the Barkly
- Julalikari Council Aboriginal Corporation
- Canteen Creek Owaitilla Association
- Thangkenharenge Resource Centre (Barrow Creek)
- Wetenngerr Aboriginal Corporation (Epenarra).

Other members of the committee included at various times as ex officio members:

- the chair of the Local Government Advisory Board (LGAB)
- DLGHS facilitator and other DLGHS representatives
- a representative from the Tennant Creek Indigenous Coordination Centre.

This was in line with BSTC terms of reference, which specified that the committee consist of elected representatives and other government community organisation stakeholders.

The role of the BSTC was to provide advice to DLGHS and the Northern Territory LGAB in relation to planning for the new shires and local issues as well as:

- informing communities and key stakeholders within a proposed shire council area about the new local government framework generally, and the specific application of this framework in the proposed shire council area
- seeking active engagement and participation from existing local government bodies, communities and stakeholders in the implementation of the new shire council
- providing local advice on issues being considered by the Northern Territory Local Government Advisory Board
- assisting the implementation of specific transition processes and projects (for example, transfer of existing data to new business systems; cooperation with human resource change management programs; dissemination of communications material; transfer of funding programs and assets)
- assisting with the establishment of Local Boards in communities
- assisting with the negotiation and development of Local Service Delivery Plans in communities
- identification of employment and training opportunities for local people
- providing detailed, local advice on any other matter relevant to the completion of actions in the Department's New Local Government implementation plan.[17]

Participants in early meetings remarked that community representatives might be reluctant to make decisions on behalf of communities.[18] It was suggested that future meetings could be held on

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[17] From 'Terms of reference'; URL accessed 20 June 2009
<http://www.localgovernment.nt.gov.au/__data/assets/pdf_file/0004/57073/Final_CENTRAL_AUSTRALIAN_REGION_R MP_09.pdf>.
[18] BSTC Minutes 11 May 2007
<http://www.dlgh.nt.gov.au/__data/assets/pdf_file/0019/22690/lgtc_minutes_110507_barkly.pdf>.

communities so that communities could see the forum in action. This did not eventuate, although other forums were organised, such as a meeting at Wycliffe Well meeting in June 2007 and visits by DLGHS staff to communities.

The BSTC met nine times between March 2007 and June 2008. Most of the activities it was required to undertake in the terms of reference listed above were not fulfilled.

Following 1 July 2008, the committee became the Barkly Shire Council Committee, and continued to provide advice to the shire until the shire elections on 25 October 2008. The mechanism involved the BSCC's discussions of issues presented by the Barkly Shire Council's CEO, and the recommendations of the BSCC were then conveyed to the 'council', which was embodied temporarily in the Shire Manager, for endorsement.

Transition issues

Aboriginal representation

On paper, a majority (90%) of the BSTC members were Aboriginal or represented Aboriginal organisations, with Tennant Creek the only primarily non-Aboriginal council. However, attendance records show that of the nine Aboriginal community councils represented, only three (Ali Curung (six), Elliott (eight), and Alpurrurulam (nine)) attended half or more of the meetings, and Elliott was represented by Bob Bagnall, the non-Aboriginal mayor of Elliott Community Government Council. The council furthest away, Alpurrurulam, had the most consistent representation.

The Tennant Creek Town Council committee member was present at eight out of nine meetings, and the Tennant Creek Town Council mayors (three in the period under review) were also always present in their roles as mayor and a member of the NT LGAB. (See Appendix 1 for the attendance records of the BSTC meetings.)

There was a large turnout of all committee members at the 14 February 2008 meeting, which followed the resignation of local MLA Elliot McAdam as Minister for Local Government over the decision to exempt the Litchfield Shire (the proposed Top End Shire) from the reforms. However, the meeting was adjourned after only two hours after many of the committee and observers 'walked out', requesting more reassurance from the new minister about the future of the reforms and needing time to discuss it with their communities.

By the 28 March 2008 meeting, only two Aboriginal committee members were present to vote, although all present participated in discussions. By contrast, at the 9 May 2008 meeting, a majority of the BSTC members attended, although the only thing voted on was the appearance of the new shire logo, in addition to discussions of decisions made in the previous year. At this point of the process, it would appear that the BSTC meetings became more informational and operational, rather than advisory or representative. Further, the majority of the ex officio members were non-Aboriginal. Although two of the representatives of the LGAB were Aboriginal, their attendance was only occasional.

Similarly, the majority of CEOs and 'observers', who from the first overwhelmed the number of committee members, were also non-Aboriginal, representing Commonwealth and Territory governments and research organisations.

It is worth noting that CEO attendance was overall more regular than the committee members in at least two instances. This may reflect any number of issues, including lack of committee member interest, languages problems and conflicting priorities.

This appeared to have implications for not only issues of perception of representation and the role of outsiders, but also reflects the commitment of many CEOs to the interests of their communities with which they have worked. The loss of some CEOs in the process represented the loss of corporate knowledge and commitment that is always difficult to replace, and would seem an unintended consequence of the reforms.

The varying cultures of the Barkly communities were a matter for consideration threaded throughout the deliberations of the BSTC about services, representation and communications, particularly in the determination of the shire logo. As Diane Smith found with the West Arnhem Shire, the adoption of a particular logo was a powerful signal about the intent of the participants to work together, despite anger and misgivings about the culturally inadequate imposition of the new local government structure (Smith 2008, p. 99). Attending members of the Barkly committee for the most part emphasised that the process was a journey together and culture was thus not divisive in the transition stages. The elected president, Rosalie Kunoth-Monks, continues to emphasise that outlook. It will be in the next

stage of the local government restructure that culture may assume a greater importance in the process of defining adequate service delivery and adapting to the new representative structures (Sanders & Holcombe 2008).

In terms of general attendance, a review of the minutes of transition committee meetings in other shires shows that attendance across the eight shires has varied, with the Barkly and West Arnhem (see West Arnhem minutes 8 August 2007) among the worst. Distance, disenchantment or disengagement with the process were informally suggested by participants as general reasons for this, although non-attendees were not interviewed. There are also other obstacles – a plague of locusts prevented attendance by the Ampilatwatja representative for one meeting, and flooded roads caused the cancellation of the June 2007 meeting.

'Town and bush' / Equality and difference

The Barkly is the only new shire in the Territory that is combining a major primarily non-Aboriginal municipal town council with the councils of remote Aboriginal communities. All those interviewed considered that this is the most substantial difference between the Barkly and other shires, and may have explained what appeared to be relative slowness in BSTC decision-making and attendance. It was the source of much argument at early BSTC meetings regarding the 'equality/difference' dichotomy that prevails in Aboriginal affairs (see Sanders 2008), but also in any debate about the level of services to be expected by remote communities; namely, should residents of Alpurrurulam have the same level of services as Tennant Creek? (When an Alpurrurulam resident was asked if kerbs were wanted in Alpurrurulam similar to those in Tennant Creek, the response was 'Why not? We don't have anything else' (pers. comm., BSTC meeting, 3 August 2007).) Throughout the transition process, communities including Tennant Creek were reassured that there would be no diminution in the quality and provision of existing services. However, the realities of the funding structures for the shires and the difference between how 'core' and 'non-core' services would be supplied was predicted to have an impact on service delivery. Exactly how this will play out in the differential between town and bush will be subject to the effectiveness and interest of the new council.

A further factor in this mix is the role of Julalikari Council Aboriginal Corporation and the town camps. Julalikari oversees services to the town camps and also provides services for outstations, including Epenarra. Julalikari has had an increasingly large role in Tennant Creek, with a successful native title determination in 2007, and an agreement in October 2008 with the Northern Territory Government to accept $30 million for housing upgrades in exchange for 60-year leases. Julalikari's CEO was also deputy mayor of Tennant Creek Town Council in 2007–08, and ran for office (albeit unsuccessfully) in the new shire. The outcome of the Northern Territory Government's policy determinations regarding outstations will have a substantial impact on the role Julalikari continues to play in the Barkly, in terms of whether it will continue to be a remote area service provider as well as overseer of the town camps in Tennant.

Loss of expertise

Fear of the loss of experienced CEOs before the transition to shires was a concern echoed across shires and by the LGAB, and it was one of the issues identified in the first 'issues paper':

> *Ensure appropriate input and feedback from existing staff members; Ensure most experienced staff not lost in transition; provide regular updates to staff on service delivery development and transition; provide opportunities for broader community involvement in development and planning.*[19]

The concern about retaining experienced staff seemed initially to be at odds with one of the justifications for developing the new shires, namely the impact of staff turnover and lack of good staff

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[19] Barkly Shire Council, draft issues summary, p. 9
<http://www.localgovernment.nt.gov.au/__data/assets/pdf_file/0018/31923/Appendix_1_-_Issues_Summary_Barkly_1st_Draft.pdf> (viewed 20 June 2009).

in the first place (McAdam 2006). Despite this, the loss of such good staff as existed was clearly recognised as an issue, and it was particularly so in the Barkly, where there had been relative stability of council CEOs.

In the Barkly, two of the six CEOs had resigned by April 2008, protesting the lack of information in the service profile released in January[20] and the reduced conditions of the new contract in comparison with the old (e.g. reduction in bereavement leave, housing subsidies and pay). A general sense of frustration was constantly expressed by the CEOs at the new conditions and the lack of certainty for themselves and their staff, despite perceived promises that their jobs would be safe and current conditions continue for a year. Rumour also played a part, with uncertainty over whether there were different contracts in other shires, and whether there was or should be differentiation in contracts according to the size of the community.

Despite their disquiet about the communication processes involved, a number of the existing CEOs had by May signed new contracts to take on the Shire Services Manager role and subsequently were in the position to start rebuilding their teams. Since that time, there has been further movement, with only one of the original CEOs remaining in place.

What appeared to be substantial turnover in staff other than CEOs identified at Ali Curung in particular by the end April 2008 was in part due to dissatisfaction with local government reform; illness, retirement, lack of certainty and poor communications also contributed to the staff losses and subsequent loss of expertise.

Communications

Communications were the major issue across the many layers of local government reform, whether it was communicating to the communities, within the DLGHS itself, or across departments and governments. It remained an issue throughout the transition and elections, despite the efforts of dedicated DLGHS staff who worked with every community to explain the structural changes. Indications of communication gaps were in the low voter turnout in the elections and complaints by community members and pastoralists about misinformation about who could stand for office, or lack of information about candidates.[21]

With communities

A communications company was engaged to promote the new shire arrangements at the beginning of the local government reform rollout in 2007, and the shire transition committees were to take information about the reforms back to their communities. However, there appeared to have been limited impact on Barkly community understanding of the reforms.

In August 2007, five months after the first BSTC meeting, one of the newer community representatives on the BSTC wanted to know 'What is this shire?' (anon., BSTC meeting, 3 August 2007). Researchers working in Ali Curung reported ongoing confusion about the shape of the new local government, echoed in the author's own conversations with Ali Curung residents. In May 2008, Canteen Creek community members were still asking DLGHS officers the same question: 'What is this shire?'[22]

Communications with council staff in communities as well as with the residents was also ineffective. For example, the business plan and organisation charts that were released in December 2007 did not contain all the jobs currently existing in communities due to the uncertainty at the time about exact arrangements. One of the consequences was instability among staff who could not 'see' themselves on

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[20] 'Elliott resignation "won't be the last" ', <http://www.abc.net.au/news/stories/2008/01/09/2134595.htm> (viewed 13/11/08); also, pers. comm. Linda Keane, Elliott CEO, 10 January 2008.
[21] 'Graziers take swipe at shires', *Centralian Advocate*, 24 October 2008
<http://www.centralianadvocate.com.au/article/2008/10/24/3264_news.html> (viewed 13 November 2008).
[22] Conversation with DLGHS staff 9 May 2008.

the charts, and were not given sufficient explanation. Again, this led to threats of resignation, and in one case the very public resignation of a CEO who felt that they could not work with such uncertainty.[23]

One of the reasons for the lack of understanding was simple overload in the communities, particularly during and because of the Northern Territory Emergency Response (NTER, also sometimes called 'the Intervention'). The NTER caused a great deal of confusion, and concerns about its impact overrode much else from June to December 2007. Communities were visited by a multitude of organisations and agencies, both Australian Government and local, and often on multiple occasions. One of the federal Department of Employment and Workplace Relations officers in the Barkly noted that they had visited communities three times more often than usual in that period to try to explain the changes. As another community member commented in a local government meeting at the time: 'The mob out there do not see any difference in the government people – they just want to know about their money' (anon., BSTC meeting, 3 August 2007).

Further, council staff became confused about who was supposed to be doing what, particularly in areas such as housing, where there were 'Intervention teams', as well as existing council workers plus proposed shire workers and more local housing reforms threatened.

The hope that the BSTC members might be conduits of information about the new shires appears to have been unsuccessful in the Barkly. The poor attendance rate of many committee members noted above would have had substantial impact on the information flow, as would the fact that the meetings were all conducted in English and required a substantial degree of English literacy skills to understand the bureaucratese of the changes The role of facility with English may be reflected in the fact that the first two communities to determine the shape of their Local Board have active BSTC members with strong English language skills (Elliott and Urapuntja), as well as active CEOs who attended many of the meetings.

DLGHS staff in interviews with the author also acknowledged that the incompleteness of the first business plan, and the inability to successfully communicate why it was incomplete, did cause unnecessary stress, but felt it necessary in order to get feedback to construct the next draft.

DLGHS undertook extensive visits to Barkly communities throughout May and June 2008 to talk about the creation of the Local Boards and explain the reforms again, as well as advertise the next, more complete, business plan. As the rate of confusion and change generated by the Intervention slowed, communities began to register that they would be 'losing' their councils on 1 July and became more specifically interested in the process. As already noted, despite attempts to rectify the communication gap, it still appeared to be a considerable obstacle.

Within the Local Government department

Formal and informal interviews with DLGHS staff, and participation in discussions with DLGHS about evaluating the reform process for the department, revealed a general acknowledgement of and frustration about the failure of communications to communities and within the DLGHS. Willingness to try to fix it was stymied by the sheer workload involved in the reforms and, in the Barkly, a lack of staff and isolation from the government networks.

Lack of communication occurred at macro- and micro-levels. For example, local staff spent much time compiling organisation charts that were being done generically in Darwin; senior officers were unaware of final amendments being made to the legislation until it was debated in the Legislative Assembly, despite consultation only days before; and in some cases meant that what had been explained to communities would have to be changed again. The Barkly in particular suffered a loss of staff over the period and was unable to recruit, thus lessening further the channels for information

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[23] 'Elliott resignation "won't be the last" ', <http://www.abc.net.au/news/stories/2008/01/09/2134595.htm> (viewed 13 November 2008).

flows, and there were varied reporting lines; that is, through the local office or directly to Darwin. In the latter case, regular teleconferences about progress fell off as pressure mounted, and staff were concerned about the lack of oversight from Darwin or the need to report back.

Across departments/governments

The presence of representatives from the Australian Government at the BSTC meetings, including the Indigenous Coordination Centre and the Government Business Managers, meant that there was some flow of information across the levels of government. However, the confusion caused by the Intervention (which was the impetus for creating the Government Business Manager roles) diminished the impact of concerns expressed about local government issues.

Ironically, the most notable *failure* of interdepartmental communication that will have an impact on the success of the reforms is in fact within DLGHS. That is, the housing section (Territory Housing) is overseeing the shift from community housing to public housing at the same time as local government reforms are being implemented. There has been a Territory Housing representative at most local government meetings, but the focus on local government reform and the Intervention has meant that the intersection of housing and local government reform has not until recently been given the attention it needs. Indeed, when a Territory Housing officer was asked at a meeting in Alice Springs what connection there was between the 1 July 2008 deadline for housing reform and local government reform, the response was that they 'weren't connected'. The impact of this perceived lack of connnection is the subject of further research in 2009.

Another consequence of the lack of communication about the connection between local government and housing reform is uncertainty in communities about who will be 'doing' housing: managing it, allocating it and fixing it. At least one housing manager started seeking other employment due to the uncertainty; informal reports from the communities by other researchers indicated that others reacted similarly.

Service delivery

At risk of understatement, the general issue of service delivery has been one of the major concerns of local government reform. The issues summary that was released along with the first drafts of the plans in December 2007 acknowledged that the current councils' delivery of a large range of services in response to community demand was a major strength, but the fact that many of those services would not be delivered by the shire council meant that there would have to be increased capacity building in the communities. Elsewhere it was acknowledged that:

> It is currently very difficult to determine with any degree of accuracy what exactly services cost in existing Community Councils. This makes future planning and efficiency programs difficult to develop and implement. The Shire will have much greater capacity for monitoring the costs associated with a particular service in any community, and allow for comparisons across all communities.[24]

The Barkly Shire service delivery plan is a substantial document[25], reflecting extraordinary effort in its compilation and the complexity of service delivery even in a community with such a small population. Following is a brief description of some of the issues canvassed over the transition period in the development of the plan with the BSTC.

In August 2007, community representatives and CEOs in the Barkly met to attempt to map out service priorities in their communities. The distributed chart of services supplied in communities and the identification of 'core' and 'non-core' (i.e. those that would or would not be supplied by the shire) led to much discussion of what should be 'core' or 'non-core'. The mapping exercise was incomplete due

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[24] Barkly Shire Business Plan, Issues Summary p. 22.

[25] See <http://www.localgovernment.nt.gov.au/new/draft_shire_business_plans/barkly>; URL accessed 20 June 2009.

to the sheer size of the task, the differences between communities, lack of information and discussion of the impact of the Intervention.

Nonetheless, a clear picture emerged of the complexity of service delivery at the time and the way communities cobbled together different resources to supply them. Aged care was of particular concern as it was not flagged as a core service and was heavily underwritten by CDEP.

Similarly, services such as waste management and airstrips had been dealt with differently in each community, as shown below (Table 2). Although there was general agreement among representatives and CEOs that the uniformity made possible under the shire would be a positive thing, issues of the hidden costs and maintenance of service standards continued to be of concern.

Waste management	
Community 1	**Community 2**
• Two people part-time CDEP domestic collection one/week; business two/week • Two tips. • One truck, owned by council. • Nearby community/waterhole waterhole – unfunded. • Northern Territory Department of Primary Industries contracted to clean nature strips. • Council assists with can removal (Sims). • Occasional large clean-ups. • Difference between 'rates' or 'service charge' to pick up. Rates: $1900/yr for business, $360.00/year domestic. • Try not to count on CDEP. • $12,000–$13,000 to dig new dump every two years.	• Two tractor trailers just grad via Australian government Department of Families, Community Services and Indigenous Affairs. • Backhoe/front-end loader to maintain rubbish dump. • Trucks from outstations filled up/driven to dump, or wheelie bins taken by resident on ute. • Council pays for fuel for car. • No regular services. • No municipal services except Arlparra considered, a 'town'. • Setting up work-for-the-dole scheme. • Too many small dumps and hazardous waste. • To do 1 waste pick up, is over 300 kms • Wheelie bins no good as knocked over/kids play with them/melt with burning in winter – need 44 gallon drums and truck with arm to pick up. • Not enough infrastructure support to help clean up places like Camel Camp. • Weather factor – road closures. • Fuel costs.

Table 2: 'Waste management' as an example of differing applications by different councils

However, despite the work done at the local level to map what was happening and what was needed in communities such as the above exercise, the business planning process became a standardised process in Darwin offices and across the shires looks much the same.

As it stands, the service delivery structure of the new shires is as follows[26]:

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[26] See <http://www.localgovernment.nt.gov.au/new/draft_shire_business_plans/barkly>; URL accessed 20 June 2009.

Shire Services

The development of service delivery plans has been based on the identification of individual services and the classification of those services as follows:

- Core Services
- Commercial Services
- Agency Services
- Other Council Services.

Core Services

Core Services are services that all shire councils are required to deliver to specified communities from 1 July 2008 under the amended Local Government Act. The following core services will be provided to communities in the shire:

- Administration of Local Boards, Advisory Boards and Management Committees
- Administration of Local Laws
- Advocacy and Representation on Local and Regional Issues
- Asset Management
- Cemetery Management
- Civic Cultural and Sporting Events
- Companion Animal Welfare and Control
- Community Management
- Council Planning and Reporting
- Customer Relationship Management
- Financial Management
- Fleet and Plant Management
- Governance
- Human Resource Management
- Information Technology and Communications
- Library and Cultural Heritage
- Lighting for Public Safety including Street Lighting
- Local Emergency Management
- Local Road Maintenance
- Local Road Upgrade and Construction
- Maintenance and Upgrade of Council Controlled Buildings, Facilities and Fixed Assets
- Maintenance and Upgrade of Council Controlled Parks, Reserves and Open Spaces
- Public and Corporate Relations
- Records Management
- Revenue Growth
- Risk Management
- Traffic Management on Local Roads
- Training and Employment in Council Operations
- Waste Management (including litter control)
- Weed Control and Fire Hazard Reduction

Commercial Services

Commercial Services are services that the shire is undertaking on a full commercial basis with the intention of using profits from commercial activities to improve services to the community. The following Commercial Services will be undertaken by the Barkly Shire:

- Housing Management
- Housing and Infrastructure Maintenance
- Non-Council Roads
- Post Office Agency
- Power, Water and Sewerage
- Visitor Accommodation and Tourist Information
- Agency Services
- Agency Services include services that the shire council has agreed to deliver on behalf of other government agencies on a fee-for-service basis. It is anticipated that these services would be fully funded by the relevant agency and that funding would include a contribution to administrative costs associated with delivering the service. The following Agency Services will be delivered by the shire:
- Airstrips
- Night Patrol
- Economic Development Support
- Employment and Training
- Family (Including Child Care)
- Outstation Municipal
- Sport and Recreation
- Youth
- Aged and Disabled Care
- Centrelink

The following **Agency Services** may be delivered by the shire subject to ongoing negotiations with relevant agencies and funding provision:

- Safe Houses
- Arts and Culture
- Community Media
- Family Finance Skills
- Natural and Cultural Resource Management
- Environmental Health

Other Council Services

These are services that each shire chooses to deliver from its own-source revenue. These are services that are not funded on an Agency or Commercial basis. The following additional services will be delivered by the shire:

- Swimming Pools.

Table 3: Service delivery structure in new shires[27]

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[27] Barkly Shire Business Plan, p. 15
<http://www.barkly.nt.gov.au/docs/Barkly_Shire_Business_Plan_May_2008_combined.pdf> (viewed 13 November 08).

The division of the services into 'core' and 'non-core' services, with the shire expected to make a profit out of commercial services such as housing management that will be used to fund other services, was one of the more contested aspects of the planning at the transition committee meetings. Given how blurred the lines were between the delivery of many of the services under the previous local government regime, the new division should make service delivery mechanisms more transparent, and the gaps that need filling much clearer

Land tenure issues and housing reform

Future research on the impact of local government reform in the Territory will need to consider what impact land tenure issues will have on the efficiency of service delivery, and on housing in particular. Although not much discussed at the BSTC meetings, the NTLGAB flagged it as an issue[28], particularly in the context of the Intervention, and it requested reports from the Central Land Council and DLGHS representatives on the various permutations of the impact of the NTER and local government reform on the *Aboriginal Land Rights (Northern Territory) Act 1976* (NT) (ALRA) (these are not publicly available).

Dillon and Westbury (2007) point out that with regard to management of land in townships on Aboriginal land, the traditional decision-making structures and the ALRA are increasingly under pressure from (p. 130):

> *issues such as planning, permission to utilise specific lots for a term (leases), access rights, and commercial development. These challenges are exacerbated by the context of high population growth, youthful populations, low educational attainment and high mobility.*

They note that local government reforms and new housing arrangements following the Community Housing and Infrastructure Programme (CHIP) Review will only further exacerbate the pressures, in addition to the internal politicking, the presence of non-traditional landowners, the need for third-party access to the land, and the absence of a coherent property rights regime for community housing (ibid., pp. 130–33). This last is of particular interest to communities and to the ongoing research program, given the shift of responsibility of housing to Territory Housing and the abolition of local councils which were the vehicles for the Indigenous Community Housing Organisations. How the new local government and housing model will work with traditional land ownership, the ALRA, leasing and the push to home ownership in a context of market failure or the absence of a market is the subject of the next stage of the research project in 2009.[29]

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[28] See <http://www.localgovernment.nt.gov.au/new/board/advisory_board_updates>, 17 July 2007, 30 October 2008 (viewed 6 May 2008).

[29] See, for example, 'Building body urges Aboriginal communities to sign land leases' <http://www.abc.net.au/news/stories/2009/02/02/2479628.htm>, (viewed 3 February 2009).

Conclusion

The restructure of local government in the Northern Territory will have a long-term impact on how services are delivered to the Territory's desert settlements. It is clear from even the basic description of changes outlined in this paper that the shape and governance of service delivery is changing substantively.

The Barkly communities have been the subject of three major service providers: the Commonwealth Government, the Northern Territory Government and local government councils. Cross-pollination between them has always been and continues to be complex; housing in particular has been supplied through several schemes from the Australian and Territory governments, and is about to change again with the shift of remote housing to Territory Housing, which, inter alia, follows the abolition of the CHIP in 2007. The funding for services also varies according to the type of community involved, such as the treatment of Canteen Creek as an 'outstation' in contrast to Alpurrurulam Community Government Council.

From the perspective of the Northern Territory Government and its ministers, the delivery of services to desert communities has been chaotic and increasingly dysfunctional, what Smith calls a 'hyperactive policy environment' (Smith 2008, p. 85):

Expectations of local government across Australia continue to grow, and it will become increasingly difficult for small, poorly resourced councils to live up to these administrative, governance and service delivery expectations. In the six months before October 2006, 22 councils (38% of all community government and association councils) advertised or re-advertised for a CEO. Eight chief executive positions were re-advertised within the last 12 months: in other words, we are still seeing high numbers of newly recruited CEOs resigning within a year. In the last six months [May–October 2007], the department was required to make 17 major interventions into the affairs of councils due to financial, administrative and/or governance irregularities (McAdam 2006).

Implicit in the impetus to local government reform in the Territory was the perception of a service delivery system that was fragmented, inefficient and uncoordinated. The example of waste management given earlier in this paper demonstrated how differently communities have attempted to resolve the delivery of the same services using funding from different sources, whether or not they are 'core' or 'non-core'. Thus centralising and rationalising the resources needed to operate the various services appears an obvious solution, provided some of the issues flagged in this paper are recognised, most particularly communications and the loss of corporate knowledge.

That is, the lack of successful communications meant that less than two months before the reforms took place, many community residents did not know what a shire was or the implications of losing their council and gaining a Local Board. The lack of communication to council staff about how positions were being restructured and the shape of their future caused some fallout in staff and CEOs. Similarly, lack of good information flow in the department itself appears to have affected staff retention. The loss of staff in both communities and in the government agencies represented the loss of knowledge and competence that caused disruption to the process in the short term, and may affect the long-term success of the reforms, until at least new staff are trained and remain in place.

The number and fragmentation of services and the number of service providers was recorded in the first 270-page draft of the Barkly Service Plan. The next stage of this research project will be able to report on whether the centralisation of many of those services has in fact improved service delivery, or simply created an alternative complex system that in the reform of housing and the loss of representative authority at the local level will cause an equivalent sort of confusion in the years ahead.

Acknowledgements

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