

East Kimberley Impact Assessment Project

ABORIGINES AND LOCAL GOVERNMENT
IN THE EAST KIMBERLEY

Hilary and Dennis Rumley*

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Centre for Resource and Environmental Studies
Australian National University

Australian Institute of Aboriginal Studies

Anthropology Department
University of Western Australia

Academy of the Social Sciences in Australia

The aims of the project are as follows:

1. To compile a comprehensive profile of the contemporary social environment of the East Kimberley region utilising both existing information sources and limited fieldwork.
2. Develop and utilise appropriate methodological approaches to social impact assessment within a multi-disciplinary framework.
3. Assess the social impact of major public and private developments of the East Kimberley region's resources (physical, mineral and environmental) on resident Aboriginal communities. Attempt to identify problems/issues which, while possibly dormant at present, are likely to have implications that will affect communities at some stage in the future.
4. Establish a framework to allow the dissemination of research results to Aboriginal communities so as to enable them to develop their own strategies for dealing with social impact issues.
5. To identify in consultation with Governments and regional interests issues and problems which may be susceptible to further research.

Views expressed in the Project's publications are the views of the authors, and are not necessarily shared by the sponsoring organisations.

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Table of Contents

	Page No.
Abstract	iii
Acknowledgements	iv
Abbreviations	v
Introduction	1
<u>Part 1 - The WA System of Local Government and Aboriginal Communities</u>	2
Historical Functions of Local Government and Recent Changes	2
Local Revenue-Raising Capacity	6
The Context of Resource Allocations	8
1. Halls Creek	9
2. Wyndham-East Kimberley	13
Local Demographic Structure	18
<u>Part 2 - Aboriginal Representation and Participation in Local Government</u>	20
The Pattern of Representation	20
The Pattern of Participation	23
1985 Election	26
1986 Election	27
1987 Election	29
<u>Part 3 - Local Government Expenditure Priorities and Issues of Importance to Aboriginal Communities</u>	35
Recreation	35
Roads	38
Rubbish	43
Health	47
Housing and Planning	49
Sewerage and Water	63

	Page No.
Warmun Community, Turkey Creek - Some Other Issues	64
Liquor Licence	65
Violet Valley Station - Abattoir	67
General Outcomes	69
<u>Conclusion</u>	70
Bibliography	73
<u>Figures and Tables</u>	
Figure 1 The PITS Funding Cycle 1976-86	4
Figure 2 The Shire of Wyndham-East Kimberley	17
Figure 3 The Shire of Halls Creek	19
Table 1 Enrolment and Turnout in Halls Creek 1982-7	23
Table 2 Enrolment and Turnout in Wyndham-East Kimberley 1982-7	24
Table 3 Local Government Enrolments in Halls Creek 1987	25
Table 4 Local Government Enrolments in Wyndham-East Kimberley 1987	25
Table 5 Turnout in Wyndham-East Kimberley 1986-7	29
Table 6 Informal Voting in Wyndham-East Kimberley 1987	30
Table 7 Pastoral Station Access Priorities in Halls Creek	40

Abstract

This study assesses the relationships between the two East Kimberley Shires of Halls Creek and Wyndham-East Kimberley and Aboriginal people resident in these Shires. It aims to present this interaction from the point of view of each Shire via a detailed analysis of Council minutes from 1983 to 1986 as well as from the viewpoint of the Aboriginal people themselves. Council attitudes to Aboriginal people and Aboriginal issues are described and discussed. Particular attention is focussed on Aboriginal local government representation and participation and the degree to which Aboriginal people benefit from local government expenditures and service provision. Notwithstanding State Government policy changes both to the system of local government funding and to the process of local government representation and participation, the relationships are still far from satisfactory. On the one hand, local government could be more responsive to Aboriginal needs. On the other hand, increased responsiveness appears to require more effective Aboriginal organisation and involvement in local government politics.

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Abbreviations

ADM - Argyle Diamond Mines
 ALS - Aboriginal Legal Service
 ALT - Aboriginal Lands Trust
 ASIG - Argyle Social Impact Group
 CEP - Community Employment Program
 DAA - Department of Aboriginal Affairs
 DCS - Department of Community Services (formerly DCW)
 DCW - Department for Community Welfare (now DCS)
 DWK - Shire of Derby-West Kimberley
 HC - Shire of Halls Creek
 HCSMB - Halls Creek Shire Minute Book
 LGAs - Local Government Authorities
 PITS - Personal Income Tax Sharing
 WA - Western Australia
 WEK - Shire of Wyndham-East Kimberley
 WEKMB - Wyndham-East Kimberley Shire Minute Book

Note :The Shire Minute Books used in this analysis are organised as follows:-

a. Halls Creek

Book 1 - 17 December 1982 to 19 April 1984 (reference in text: HCSMB, 1)
 Book 2 - 17 May 1984 to 21 March 1985 (HCSMB, 2)
 Book 3 - 21 March 1985 to 20 March 1986 (HCSMB, 3)
 Book 4 - 20 March 1986 to 25 September 1986 (HCSMB, 4)

b. Wyndham-East Kimberley

Book 1 - 8 March 1983 to 28 February 1984 (WEKMB, 1)
 Book 2 - 13 March 1984 to 11 December 1984 (WEKMB, 2)
 Book 3 - 12 February 1985 to 27 August 1985 (WEKMB, 3)
 Book 4 - 10 September 1985 to 23 September 1986 (WEKMB, 4)

Introduction

In this paper, Aboriginal-local government relationships in the East Kimberley region of Western Australia are described and analysed. This involves an assessment of the social, economic and political impact of local government on Aboriginal communities in the region and Aboriginal influence on the local government sector of public policy and administration. In particular, attention is drawn to the question of the representation of Aboriginal people and Aboriginal interests on local Shire councils, issues of local government expenditure patterns and service provision and to past and present interaction between Aboriginal people and local governments in the area.

More specifically, the paper presents observation and analysis relating to research undertaken during 1986 and 1987 on Aboriginal people and local government in the Shires of Halls Creek and Wyndham-East Kimberley (WEK). Three relatively brief periods of fieldwork were conducted in the region, the first by D. Rumley in October 1986 and the second and third by H. Rumley in December 1986 and May 1987. Material gathered during fieldwork was supplemented by statistical data from published sources, reports and the like. Data gathered in the field included notes from Shire Council Minute Books, meetings, discussions and interviews with members of Aboriginal communities and associations, Shire councillors, Shire employees and other local residents. Two Aboriginal groups made files of correspondence on local government matters available for research purposes.

The paper is divided into three parts. The first part discusses the economic and political context within which the interaction process takes place in Western Australia and in the two Shires. The second part analyses the extent of Aboriginal representation and participation in local government politics. The third part assesses the precise manner in which the two Shires have recently allocated their resources in relation to the well-being of Aboriginal people. The overall argument of the paper is that, despite any positive impact of legislative and other changes, it is still necessary for Aboriginal people to participate more directly in the decision-making process if local needs are to be articulated and met.

PART 1 THE WA SYSTEM OF LOCAL GOVERNMENT AND ABORIGINAL COMMUNITIES

Any assessment of the relationship between local government and Aboriginal communities must take into account four interrelated sets of considerations - the historical functions of local government and recent changes, the ability of a local government to raise revenue (rates) locally, the context within which local governments authorities (LGAs) allocate their resources and the nature of the local demographic structure.

Historical Functions of Local Government and Recent Changes

In the process of the formation of local government in WA during the nineteenth century, attention was primarily given to improving roads and secondarily to providing other public amenities and services for the increasing population of the State. By the end of the century the WA system of local government had expanded such that most settled communities had their own local councils (Chapman and Wood, 1984, 29). Unlike other parts of Australia, all areas of WA were subsequently incorporated into a system of local government. One of the results of this was that some of the remoter LGAs contained both 'town' and isolated Aboriginal communities within their boundaries. Aboriginal people living in these communities, however, have at best been ignored or neglected by LGAs, and at worst have been segregated, excluded or restricted. The existence on the edges of many towns in WA of Aboriginal fringe settlements with the provision of few, if any, municipal services is indicative of the marginal status of Aboriginal people within LGAs.

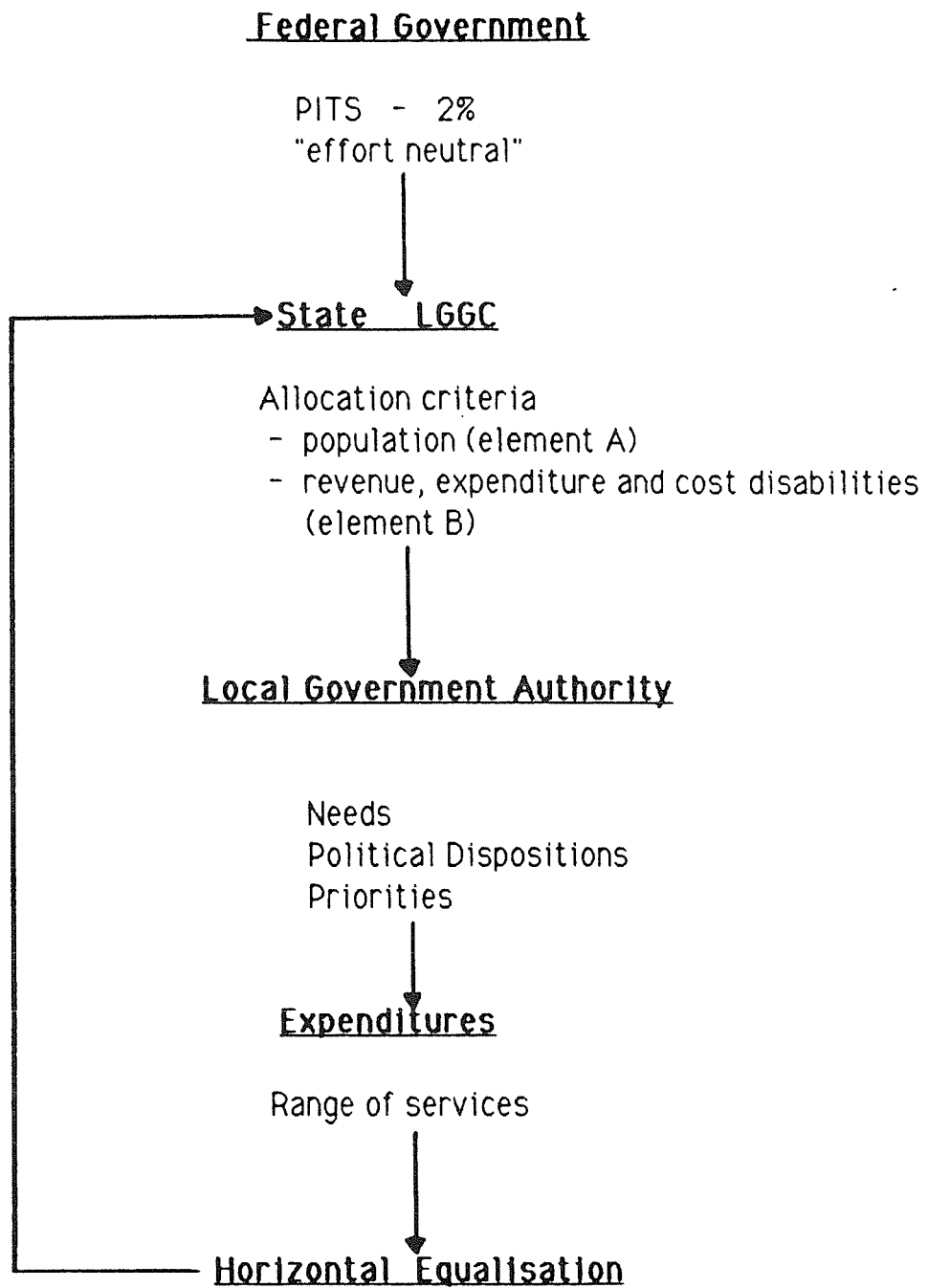
One of the more recent significant issues in the history of local government has been the tension between two of its basic functions. This tension involves the question of 'representation' or 'local democracy' on the one hand, and service delivery on the other. To maximise the former normally requires the adoption of smaller (in population) governmental units, while to maximise the latter generally

requires larger units. Resulting questions of economies of scale and local democracy are made more complex in geographically large, remote local government units with relatively small populations.

Historically, local governments in Western Australia have spent the largest proportion of their budget on the 'three Rs' - that is, roads, recreation and rubbish (Chapman and Wood, 1984). For the 1985-6 financial year, for example, 35% of all local government expenditures in Western Australia were on road construction, maintenance and purchase of road plant. This clearly reflects their former primary function as Roads Boards. A further 25% of all local government expenditures was on recreation (ABS, Local Government, WA, 1985-6).

From the viewpoint of expenditure on Aboriginal communities, it is important to note the changes to WA's local government funding priorities after 1982. Following the election of the State Labor Government in early 1983, concern was expressed by the Minister for Local Government that the need component of local government grants had previously been allocated on an ad hoc basis. This point was later recognised by the Self inquiry (NILGF, 1985, 103). This issue was especially significant for the more needy Shires. For instance, as a consequence of the policy change, in the Shire of Halls Creek, the element B (need) component rose from \$75,235 in 1982/3 to \$322,159 in 1983/4. Given the structure of the Personal Income Tax Sharing (PITS) funding cycle at that time (Figure 1), one might have assumed that, after 1982, the expenditure patterns of all local governments in Western Australia, including Halls Creek, would be more closely related to need. However, that policy was one of "effort neutral", which implied that local governments themselves were not compelled to allocate resources on the basis of need. In the case of Halls Creek, it appears that the Shire was more concerned with accumulating a very large reserve of funds than spending money on those people in need.

Figure 1 The PITS Funding Cycle 1976-86



A number of recent developments at both the State and Federal levels have had a direct bearing on the whole matter of Aboriginal-local government relationships, both in the East Kimberley and in other regions of WA. Until 1985 in Western Australia, voting rights in local government elections were restricted to ratepayers and occupiers of rateable property. The majority of Aboriginal people, particularly in country areas, did not fall into these categories, occupying as they invariably did, reserves which were non-rateable crown land. As such, Aboriginal participation in local government elections until this time was virtually non-existent, or at least minimal. A significant change to this situation came about with legislation enacted in 1984, which took effect from 1985. *The Local Government Amendment Act (No.2) 1984* and the *Acts Amendment (Local Government Electoral Provisions) Act 1984* provided, among other things, for full adult franchise at the local government level and thus removed remaining legal constraints on Aboriginal participation as voters in local government elections. Indeed, when these legislative changes were proposed and under discussion, opposition to them was particularly marked in most, if not all, country Shires in WA, with one of the main reasons being that non-ratepayers, including Aborigines, would thereby potentially gain too much power in Shire councils.

The impact of these legislative changes has obviously been most marked in those country Shires with high Aboriginal populations, such as Wiluna and Halls Creek, the former of which has received a considerable amount of media attention in WA as a result of the election of Aboriginal councillors, who have formed a majority on Shire council since 1985. The recent legislative changes have not only effectively opened up the local government franchise and enabled Aborigines and others to participate as both electors and candidates, but the debate, controversy and media coverage which have accompanied both the immediate legislative changes and subsequent local government elections have also served to draw attention to the whole question of the relationship between Aboriginal people and local government. Other recent developments concerning Aboriginal people and local government have arisen from the activities and recommendations of the Self and Miller Reports, both

of which were published in 1985. One specific outcome of these has been the formation of a Commonwealth Interdepartmental Task Force on Aboriginal-Local Government issues, although at the time of writing, most of the attention of this Task Force has been directed to Queensland and the Northern Territory, with a low priority being given to issues in Western Australia to date. It should be noted that DAA has in recent years been giving the Aboriginal-Local Government question more serious attention, mainly because of its expressed concerns with a) problems of equity in Aboriginal access to local government services and b) its own expenditure of funds on facilities and services for Aboriginal people which it now considers ought to be the responsibility of local government. The 1982 'Town Campers' Report of the House of Representatives Standing Committee on Aboriginal Affairs gave some impetus to Commonwealth Government initiatives at the local government level and while there has been some slight effect of these in the East Kimberley, it is clear that although these initiatives have often taken the form of good intentions on paper they are usually doomed to failure because of Government assumptions that Aborigines are prepared and able to operate within a non-Aboriginal (that is, European) framework.

Local Revenue-Raising Capacity

A popular Western Australian myth which has been used to attempt to exclude Aboriginal people and other disadvantaged groups from local government participation centres on the payment of rates. The myth exaggerates the relative importance of rates in the overall revenue-raising capacity of a local government authority and then translates this misconception to an exclusionary view of those who do not actually pay rates. This view has been perpetuated in part by the Halls Creek Shire Council. In May 1983, for example, the Council agreed to advise the Country Shires Association that it was not in favour of adult franchise for local government elections since "it could lead to the election of 'non ratepayer' councils, and therefore ratepayers would lose control of Council" (HCSMB, 1, 84). For Western Australia as a whole, in recent years rates have comprised less than half of total local

government revenues. From 1982/3 to 1985/6, for example, rates on average contributed 40.8% of all local government receipts. However, there is considerable variation by LGA in terms of the relative importance of rates. Obviously, LGAs whose inhabitants are generally of lower socio-economic status will likely generate a lesser volume of rates and thus Shires in socio-economic need are compensated in State Government grant allocations. For the period 1982/3 to 1985/6, Halls Creek on average generated 12.8% of total revenues from locally-derived rates and thus by far the greatest percentage of its revenue is derived *externally* in the form of government grants. These government grants in turn are attracted to the Shire by the very nature of local infrastructure and population composition. There is therefore no logic whatever in the view that local ratepayers should necessarily control local councils in Western Australia and more especially in Shires such as Halls Creek and Wyndham-East Kimberley where the Aboriginal population is relatively large.

Interestingly, the 'representation-for-rates' myth is applied not only selectively to individuals and groups, but also inversely to places. In Halls Creek Shire, for example, it is the under-represented townsite which generates the largest volume of rates, followed by the mining tenements and then by pastoral leases (HCSMB, 3, 37). Furthermore, the Shire has been less than successful in collecting the rates which it is due, since in October 1984 it was noted that, for 1984/5, almost \$50,000 was overdue, most of which was from mineral tenements (HCSMB, 2, 312). Indeed, the Council even felt obliged to 'soft pedal' those who refuse to pay, with the shortfall perhaps being made up via increases to pastoral properties (HCSMB, 2, 231). Presumably, the Council would not argue that those who have been 'soft pedalled' should also be excluded from local government representation.

WEK, like Halls Creek, is also heavily dependent on revenue which is allocated from outside of its local government boundaries. In the 1985/6 financial year, for example, only 18% of WEK revenues were from locally-derived rates compared with 39% for local government in Western Australia as a whole. Notwithstanding this fact, the Shire has argued that its government grants should be even larger to take account of

local disabilities (WEKMB, 4, 117). For the 1984/5 financial year, rates derived from the town of Kununurra comprised 60% of the WEK total, compared with 15% for the town of Wyndham, 12% from pastoral stations, 8% from Kununurra farms and 5% from Packsaddle. However, by the end of November 1984, whereas virtually all Wyndham rate levies had been paid, only just over half of those from Kununurra had been paid, just over 60% for the pastoral stations, 20% for the farms and only 14% for Packsaddle (WEKMB, 2, 370). Perhaps one of the reasons for the low percentage payment in Kununurra relates to what the Chamber of Commerce has referred to as an "excessive rate burden" imposed upon the town (WEKMB, 2, 285). In addition, the tropical farms have raised objections about the valuations placed upon them which, of course, in turn directly affects the size of rates (WEKMB, 2, 219).

Even though rates comprise a small proportion of total revenue, given the local perception of their size as being somewhat burdensome, there is some resentment within WEK toward Aboriginal communities who pay no rates yet expect local government assistance. As with Halls Creek, this resentment in part derives from a misconception about the relative importance of rates in the overall Shire budget. It also derives in part from the extremely conservative view of local government democracy which argues in any case that only those who pay rates should be represented, participate and benefit. Where possible, however, local councils will impose rates upon Aboriginal people, such as when the 'letter of the law' was used to refuse exemption for Waringarri use of an office in Mistletoe Street in Kununurra (WEKMB, 4, 7).

The Context of Resource Allocations

The expenditure patterns and priorities of each Shire in the 1980s must be seen in a number of contexts. These include not only the historical patterns of local government spending in Western Australia as a whole, but also the specific financial position of the Shires at the end of the 1970s. In addition, an appreciation of the

context of local attitudes to Aboriginal residents is vital to understanding each Shire's spending patterns.

1. Halls Creek

For Halls Creek Shire, the financial situation at the end of the 1970s appeared to be rather precarious, but in a remarkable turnaround the Municipal account overdraft of \$40,915 at 30 June 1979 was turned into a credit balance of \$198,264 by 30 June 1982 (HCSMB, 1, 41). This was undoubtedly achieved by a policy of frugality and extremely tight budget management, which in turn tended to distill and perhaps exaggerate Council expenditure priorities.

In recent financial years in the Shire of Halls Creek there has been a consistent surplus in terms of total revenue per head of population compared with total expenditure per head of population. For the most recent year for which official data are available (1985/6), these 'savings' per head of population (\$169.86) were almost double the combined expenditure per head on four areas which have a significant effect upon social well-being - health, welfare, housing and community amenities and recreation (\$89.14).

In October 1983, the Government Inspector of Municipalities expressed concern over the size of the Council's credit balance (HCSMB, 1, 200-201). By December 1983, the Shire Clerk reported that the Shire was in a "buoyant financial position" with a credit balance in its Municipal Fund of \$740,467 (HCSMB, 1, 261). However, the Shire President's concern to avoid a negative balance caused him to remark in March 1986, that "unless present policy directions were strictly adhered to", the Shire could find itself in the same financial position that it was in in the late 1970s (HCSMB, 4, 54). In other words, the Council wished to continue its policy of tight budget management. As a result, the Council's financial position became so "buoyant" that it was able to lodge \$268,659.68 with a finance company at 17.6% for 30 days on 28 April 1986 (HCSMB, 4, 90).

Of course, in addition to factors of local bureaucratic inertia and changes in State

and Federal Government policy, the context of a local authority's expenditure priorities will depend to a significant degree on the perception of those in control of 'worthwhile' expenditure and of the views of those making decisions on matters of community need. All local councils will likely have a different range of local priorities depending on council's perception of local circumstances. In recent years, the priorities of Halls Creek Shire concerning expenditures on the four aspects of social well-being noted above (health, welfare, housing and community amenity and recreation) have differed markedly from Western Australia as a whole. For the period 1982/3 to 1985/6, for example, the average proportion of the Shire budget spent on these four categories was 23.2% compared with an average of 44.1% for all of Western Australia. Over those four financial years, the range was from a low of 11.9% in 1982/3 to a high of 32.9% in 1984/5. The average percentage spent in Halls Creek on road plant on the other hand was 18.8% compared with 4.1% for Western Australia as a whole. Indeed, in 1982/3, road plant purchases alone (independent of road construction and maintenance) consumed no less than one-third of Halls Creek Shire total expenditures.

As has been amply demonstrated elsewhere, the Aboriginal population of northern Australia is very severely deprived from a socio-economic viewpoint compared with the total Australian population (DAA, 1984). With the change in the State's local government funding policy after 1982/3, one might have predicted more direct local government expenditure on Aboriginal communities and welfare in Halls Creek. In September 1983, the Shire Council had expressed concern over the attitude of some (non-Shire) officers associated with the administration and welfare of Aboriginal communities in relation to funding. Those dealing with Aboriginal issues felt that the Shire could do more for Aboriginal communities. Consequently, some provision was made in the 1983/4 budget for "certain minor works" for the "benefit" of such communities (HCSMB, 1, 173). In fact in June 1983, the budgetted expenditure on Aboriginal community services was \$20,000 (HCSMB, 1, 135). However, there was a large gulf between intention and action on the part of the Halls Creek Shire in relation to Aboriginal expenditures. Of the budgeted \$20,000, only \$2163.14 had been

spent by 30 June 1984 (HCSMB, 2, 93). For 1984/5 the budget estimate had been reduced to \$5,000 "for expenditure at Aboriginal communities" (HCSMB, 2, 201), and only \$2902 was spent in the 1985/6 financial year, or 0.29% of total Shire expenditure.

The relatively low priority assigned by the Halls Creek Shire Council to items related to social well-being in general and the very low priority assigned to items related to Aboriginal welfare in particular, stands in stark contrast to the priority the Council has assigned to entertaining itself. In the 1985/6 financial year, Council 'entertainment expenses', calculated from the payment of vouchers alone came to \$3524.06, or \$622.06 more than that spent on Aboriginal communities in the Shire. Indeed, the maintenance of the fence around the Halls Creek townsite rates almost as highly among Halls Creek Shire priorities as expenditures on Aboriginal welfare (HCSMB, 3, 229).

Clearly, the very low priority assigned by the Halls Creek Council to questions of Aboriginal well-being is a direct reflection of negative Council attitudes towards Aboriginal welfare. However, over the years, the Shire of Halls Creek has had some positive features in its relations with local Aboriginal people, including Aboriginal representation on Council. For example, from 1965 until 1979, the Shire President was Ernie Bridge, a local Aboriginal pastoralist and businessman and now the State's Minister for Aboriginal Affairs. Another member of the Bridge family has also been a Shire councillor and was instrumental in the election of another local Aboriginal, John Green, to Council. Among other things, Ernie Bridge was interested in establishing an Aboriginal liaison officer position within the Shire. With support from the Shire Clerk, he initiated steps to obtain funds to enable the Shire to employ such a person. In 1973, a respected local Aboriginal, Trooper Bedford, who had been a leading hand with the Shire for a number of years, was employed as a Shire Ranger. After his accidental death in the late 1970s, Darcy Lawford took over the position of Aboriginal Ranger. By this time Ernie Bridge had left local politics for State politics, Shire council support for the Aboriginal Ranger position diminished and the duties of the Aboriginal Ranger gradually shifted from general liaison and bridging

between the Shire Council and local Aboriginal people to assisting in the maintenance of law and order. This shift occurred despite the efforts of the same Shire Clerk to involve the Ranger in Council meetings and to give him more meaningful and positive tasks. It should be noted that the position of Aboriginal Ranger had never been directly funded by the Shire, although the Shire had taken the initiative in seeking funds. The position had been funded as a DAA Special Works Project, with the expectation that the Shire would take over the funding after some two years. But the Shire never did continue the funding when DAA money ceased in 1983. Interestingly and as something of a footnote on this point, at its meeting on 27/11/86, the Shire council agreed to ask Mrs Maude Bedford if she would approve the naming of a proposed road in the Shire after her late husband, Trooper Bedford.

In general, however, despite Halls Creek's recent history of having Aboriginal councillors and liaison officers (Rangers), the situation of many Aborigines, particularly those in camps or on reserves, is that of a group of people whose basic needs for local services and facilities are largely ignored or unmet by the Shire. Aborigines around town do not see much evidence of service provision on their behalf and often have very little idea of what the Shire does other than the grading of pastoral access roads. Even those Aborigines who do not live in camps or on reserves, but in SHC housing in the town area and at least have access to the Shire's rubbish removal services, do not see much evidence of what else the Shire does. As one Aboriginal woman put it "The Shire claim they do things, but they don't." The lack of public toilets in town was noted as an inconvenience to many Aborigines, as well as the lack of rubbish pick up in camps and on reserves. It should be noted that a few Aborigines, like the late Trooper Bedford, have managed to gain employment with the Shire, but any job opportunities that do exist for local Aborigines are limited to road gangs, rubbish removal and cleaning.

As a further indication of Shire-Aboriginal attitudes in Halls Creek in the early 1980s, it was noted by an officer from DAA who visited the Kimberleys in June 1983, in an internal minute under a heading "The Shire's attitude, Halls Creek", that :

'The SHC pays rates for No 1 Reserve, but the Shire won't collect rubbish. I pointed out that some of the newly elected councillors are much more progressive than the Shire Clerk, so the situation is not hopeless.'

He proposed Halls Creek be made a target for local government liaison.

2. Wyndham-East Kimberley

In recent years, local government politics in the Shire of Wyndham-East Kimberley have been dominated by the town rivalry between Wyndham and Kununurra. This has been manifest at one level in each of the towns running a ticket of candidates in recent local government elections. Until the establishment and development of Kununurra, initially as a Water Authority town associated with the Ord River Irrigation area and more recently as a "dormitory" town for the Argyle Diamond Mine, the representation of interests on the former Wyndham Shire Council was similar to Halls Creek - that is, mainly pastoral together with some local business interests. In more recent years, there has been an increase in the representation of town, particularly Kununurra, -based interests. There is thus a continuing internal conflict within WEK Shire both in terms of the definition and allocation of local priorities, especially in terms of issues related to Aboriginal welfare. The reasons for this are partly historical and partly related to the attitudes of those making the decisions. Concern exists in the minds of some Wyndham inhabitants that Kununurra receives more than its fair share of Council resource allocations. However, at an electors' meeting in Wyndham in March 1984, when asked what percentage of WEK funds were spent on the town, the Council's response was that funds were disbursed "on a needs basis" (WEKMB, 2, 35).

The nature of the overall structure of WEK priorities makes for a clear difference in its expenditure context compared with the Shire of Halls Creek. For example, expenditure categories related to life style and amenity (health, welfare, housing and community amenities and recreation) consume a significantly higher proportion of the WEK budget compared with Halls Creek. For the financial years 1982 to 1985

inclusive, the average expenditure on these areas in WEK (42 per cent) was very similar to that for all LGAs in Western Australia as a whole (44 per cent) but nearly twice the proportion for Halls Creek (23 per cent). Not only is the Shire prepared to spend more on 'life style' categories, it is also prepared to spend a greater proportion of its revenue per head of population. For example, for 1985/6, revenue per head of population minus expenditure per head of population for WEK was \$82.56 compared with \$169.86 for Halls Creek. For Halls Creek, this represented almost one-third of its total revenue per head of population, compared with 10% for WEK, the latter being approximately the same proportion for all local governments in the State. Consequently, whereas as was noted above, the financial position of the Halls Creek Municipal Fund was "buoyant", the credit balance for WEK Shire at the end of the 1986 financial year was a mere \$11,000 (WEKMB, 4, 28).

On the other hand, WEK suffers from many of the same cost disabilities as Halls Creek, most of which arise out of similar local environmental circumstances. For example, in July 1985, the WEK Council felt that it should clearly indicate to the Local Government Grants Commission "specific problems within the Shire which created a drain on Council's resources". It listed these in order as Aboriginal communities, the appointment of a health surveyor, the funding of the Leisure Centre, drainage problems and the supply of water to certain parts of Wyndham (WEKMB, 3, 288). Indeed, in a meeting with the Secretary of the WA Department of Local Government in October 1985, the Shire made a point of detailing some further local environmental 'disadvantages'. These included direct and indirect freight costs; relatively high labour costs; lower labour productivity; climatic problems; seasonal population and tourist variations; problems associated with a declining town of Wyndham compared with a growing Kununurra; drainage and footpath problems in the older parts of Kununurra, and the 'split town' situation and associated duplication of functions between Wyndham and Kununurra. The Council's position was that the sum total of

these disabilities was not adequately recognised via government grants (WEKMB, 4, 117).

A crucial component of the recent context of WEK Shire expenditures, especially in terms of their relationship to Aboriginal communities, is the impact of the Argyle Diamond Mines (ADM). The Argyle Social Impact Group (ASIG) was set up by the WA State Government to compensate Aboriginal communities affected by the diamond development and a steering committee had the task of administering the funds (Bolger, 1987, 26-7). In May 1985 a meeting of ASIG was held to review the allocation of \$1 million annually over a five year period to Aboriginal communities affected by the mine. The Argyle Social Impact Steering Committee consists of three government and three diamond mine appointees and has Ernie Bridge as Chairperson. Funds would be strictly accountable and would only be made available for capital items on the basis of well-defined criteria after appropriate consultation with the Shire (WEKMB, 3, 207-8).

In terms of attitudes towards Aboriginal people, there is some variation within the Shire. For example, the town of Wyndham, like Halls Creek to the south, retains much of its pastoral, "outback" orientation and regards itself, rightly or wrongly, as having tolerably good relations with its Aboriginal population, developed over a long period of time. Kununurra is characterised by many as being something of a brash, upstart sort of a town, whose non-Aboriginal population is regarded in some quarters as having a lot to learn about the Kimberleys, particularly in its dealings with Aborigines. In comparison to some other Kimberley towns, Kununurra has thus acquired, again rightly or wrongly, a reputation of having poor race relations and a relatively high level of racial prejudice against local Aborigines.

To a degree, these attitudes are reflected in the limited capacity of the Council to recognise and deal effectively with local Aboriginal matters. In general, it appears that the WEK Council is more concerned to "ensure that development standards are upheld" (especially in Kununurra) than in meeting Aboriginal demands. Indeed, in a letter to the Council in the latter part of 1984, the Aboriginal Lands Trust held out the hope that, in the future, the Council "would be more sensitive to Aboriginal needs and

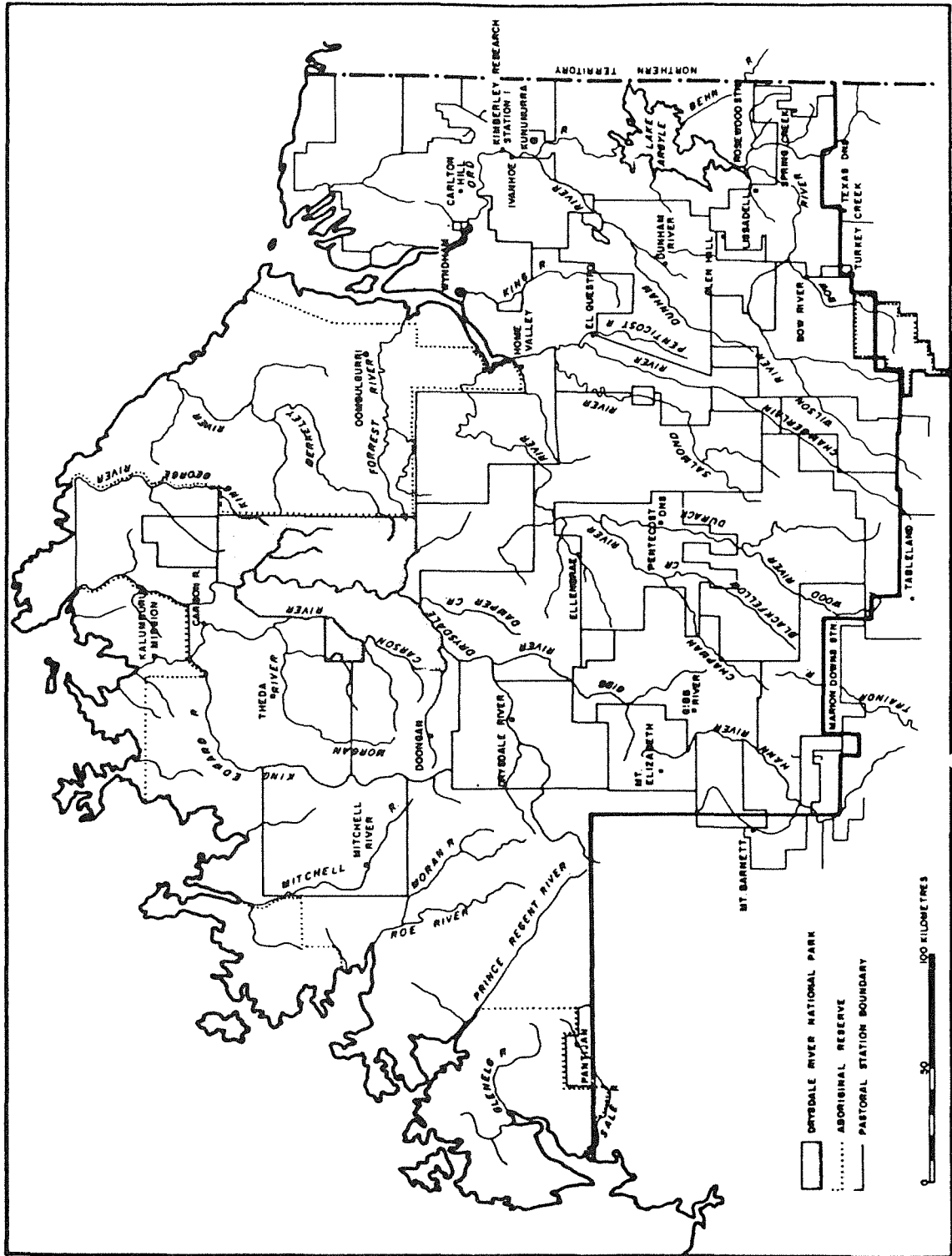
aspirations" (WEKMB, 2, 288). Council's low priority for Aboriginal matters is also evidenced by its lack of attendance at the regular meetings of the North Eastern Area Aboriginal Affairs Coordinating Committee (WEKMB, 4, 2).

The inevitable result is that information about Aboriginal issues is not readily received or appreciated by the WEK Council and this situation has led to a degree of misunderstanding and unnecessary conflict, especially over 'developmental' issues. Since the Shire has not conducted a sufficient investigation of Aboriginal sites, then development advice is received on an ad hoc basis, project by project (WEKMB, 1, 150-1). On the other hand, many Aborigines may not wish to have full information registered with the WA Museum (WEKMB, 1, 198). In addition, Council priority for 'development' is evidenced by its negative response expressed in Council meetings to the contents of the Seaman Report, especially in relation to the "future development and administration of the Shire of WEK" (WEKMB, 2, 368). In this context, the *Ashton Joint Venture Agreement Act 1981* was especially significant, since it required the mining company to consult with all local Aboriginal groups, as well as to monitor its impact on the development of Kununurra and other communities (WEKMB, 1, 120).

As with Halls Creek, local economic opportunities for Aboriginal people continue to be extremely limited. Some commentators (for example at the 1986 North Australia Development Conference in Kununurra) have argued for the need for an increasing emphasis on 'Aboriginal enterprise' in order to move away from the 'worst excesses' of the so-called 'welfare mentality'. However, Aboriginal enterprise, or anything like it, cannot operate without a supportive environment. At present, there is insufficient evidence to suggest that this currently exists in the WEK Shire. In May 1985, the Secretary of the Select Commission on Aboriginal Poverty wrote to the Council requesting a meeting to consider some of the issues (WEKMB, 3, 197).

Any measure of Aboriginal self-sufficiency in the East Kimberley must constantly contend with the attitudes embodied in a question posed by one elector in Wyndham in March 1984. He asked the Council what it was going to do about the transfer of pastoral stations in WEK Shire to Aboriginal communities, since it was his view that this usually resulted in lower productivity which, in the long-term would adversely

Figure 2 The Shire of Wyndham-East Kimberley



affect the since closed Wyndham Meat Works (WEKMB, 2, 35). Part of the future may well lie in a greater direct involvement in the mining industry. In addition, the Council has stated that the sale of Aboriginal arts and crafts at Kununurra airport could "enhance the tourist image" of the town and thus supported a proposal to call for tenders (WEKMB, 2, 201).

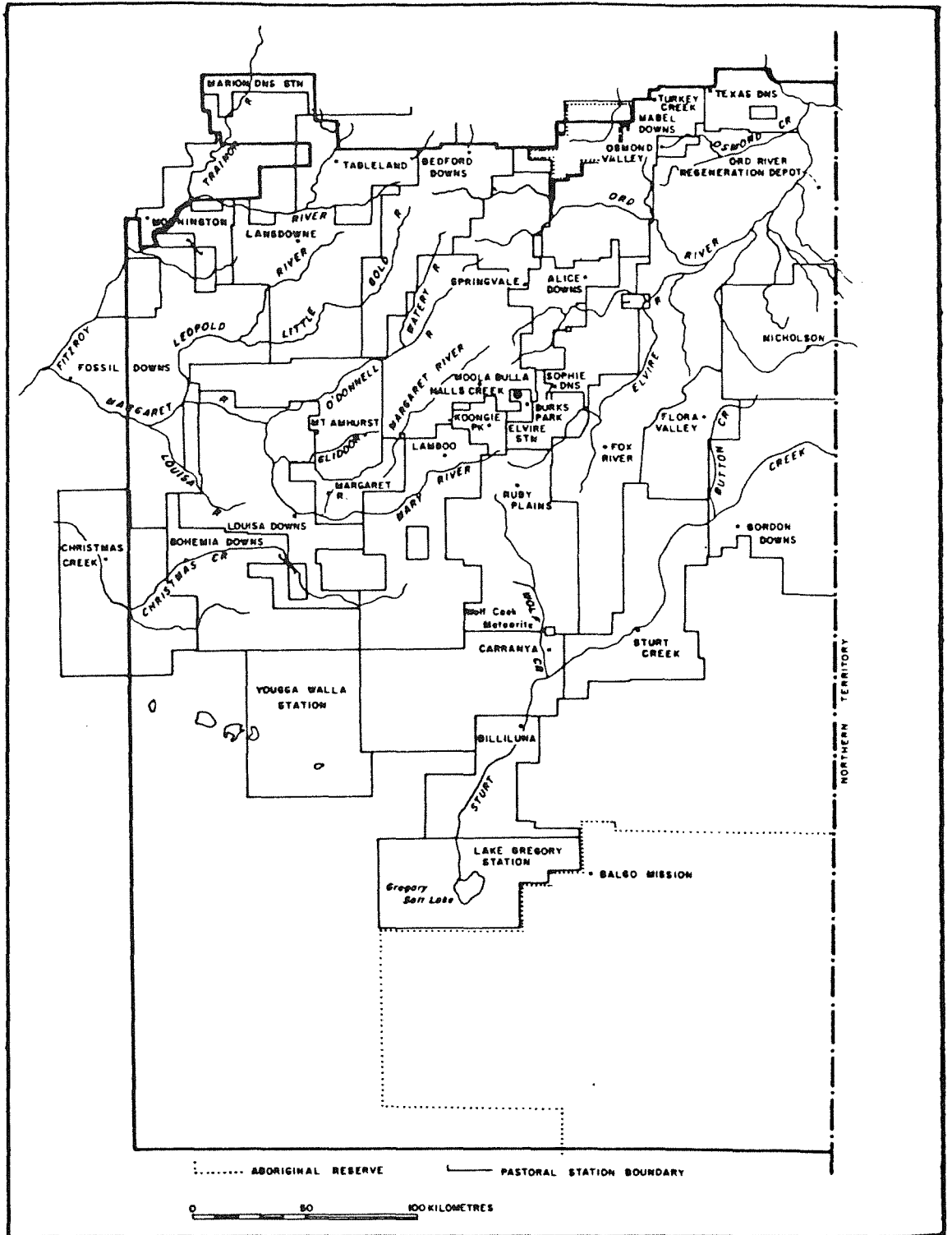
Local Demographic Structure

The total population of the two Shires in 1986 was well below the average (112,246) for the 139 LGAs in Western Australia. Wyndham-East Kimberley had a population of 6963 in 1986 which represents a growth of more than 65% from its 1976 total of 4,200. Halls Creek, on the other hand, had a significantly lower population than Wyndham-East Kimberley in 1986 (2886) and has grown at a slower rate (44%) over the past 10 years.

The distribution of population also differs between the two Shires. The population in Wyndham-East Kimberley is dominated by two main settlements - a newer growing town of Kununurra (3137 in 1986) on the Ord River and an older declining town of Wyndham on the coast (1329 in 1986). Together these two towns comprise almost two-thirds of the population of the Shire. The remaining population is contained in widely dispersed pastoral stations, outstations and a small number of predominantly Aboriginal settlements, including Oombulgurri and Kalumburu (Figure 2). The Shire of Halls Creek, on the other hand, is relatively more rural in character since its only major centre - the town of Halls Creek (population 1182 in 1986) - contains 41% of the total Shire population. Apart from the predominantly Aboriginal settlements of Turkey Creek and Balgo, the remaining population is located on pastoral stations and outstations (Figure 3).

Both Shires share a number of similar characteristics. Apart from being remote from any major centre of population and adjacent to the Northern Territory border, both Shires are geographically very large. Halls Creek with 142,908 square kilometers and Wyndham-East Kimberley with 121,189 square kilometers are well in excess of the

Figure 3 **The Shire of Halls Creek**



State LGA average of 2,730 square kilometers. Obviously, the combination of remoteness, large size and low population densities contributes greatly to the cost of providing local infrastructure and essential services.

Both Shires also have significantly higher percentages of Aboriginal people compared with the WA LGA average of 13%. Halls Creek, for example, has the second largest percentage of Aboriginal people of any LGA in the State (72%) after Wiluna. In Wyndham-East Kimberley, 29% of the population is Aboriginal. One might expect, therefore, that given the recent Wiluna experience noted earlier, Halls Creek Shire Council would be controlled by Aboriginal people, while approximately one-third of the Council in Wyndham-East Kimberley (that is, three members) would be Aboriginal. Clearly, proportional representation of Aboriginal people at the local government level in large remote Shires is an option which necessitates serious consideration.

PART 2 - ABORIGINAL REPRESENTATION AND PARTICIPATION IN LOCAL GOVERNMENT

This part of the paper analyses the pattern of political representation and participation in each of the two Shires especially as they relate to the interests of Aboriginal people. More specific consideration is given to these issues for the 1985-7 Shire elections.

The Pattern of Representation

Like many Western Australian rural Councils, the pattern of representation in Halls Creek Shire was explicitly designed to favour 'non-town' conservative interests. Under this system, the Town Ward in Halls Creek is still limited to 2 representatives, with the other 5 representatives being from the Country Ward. Ward residency requirements for local councillors in the past ensured council control by country

interests. In effect, what this meant was that before the introduction of full adult franchise the Council was controlled by non-Aboriginal country interests. Ironically, even though full adult franchise increases the possibility of Aboriginal representation on East Kimberley Shires, the removal of ward residency requirements in Halls Creek has effectively reduced potential local Aboriginal representation. It appears that the Council is satisfied with the present system of ward boundaries and the level of internal representation, since its members were elected on that basis and naturally wish to retain power (HCSMB, 1, 378). It has been suggested that, even if the present system of ward boundaries is retained, the Country Ward should be reduced to 4 representatives and the Town Ward should increase to 3 (HCSMB, 2, 160).

The Halls Creek Council attitude toward Aboriginal people voting in local elections is typified by the decision not to have any additional polling places other than that at the Civic Hall in town for the May 1985 elections (HCSMB, 2, 290). This was also the case for the May 1986 Council elections (HCSMB, 4, 5). The clear implication is that, in the Council's view, Aboriginal local government representation and participation ought to be minimised. This conclusion is reinforced by the decision not to collect early votes at outlying communities for that election (HCSMB, 2, 325).

On the election of Mr John Green, the Aboriginal Chairperson of Ngonjuwah Council Inc, to the Halls Creek Shire Council in 1985, members of the latter appeared to hold contradictory views of his position. On the one hand, it was conceded that "Councillor Green was elected to represent the interests of Aboriginal people", and, yet on the other hand, it was argued that "he would be considerably hampered in his efforts by pecuniary interest restrictions, and this was just not good enough" (HCSMB, 3, 122). Yet in July 1985, the Shire Clerk indicated the advantages of having Mr Green on Council since he might be able "to bring about situations that were acceptable to both Councils" (referring to Mr Green's position on Ngonjuwah Council) (HCSMB, 3, 160).

An interesting recent development in Halls Creek as far as local government and community affairs are concerned has been the formation of the Halls Creek Progress

Association. This association has begun acting as a local lobby group in the town, putting pressure on the Shire to take more account of what are considered to be community views and feelings in the less traditional local government areas of health, welfare and recreation. At least three local Aborigines, including an unsuccessful candidate for the 1987 local government elections, have been on the committee of this Progress Association.

Like Halls Creek, the WEK Council's opposition to full adult franchise for local government elections is testament to its elitist view of democracy (WEKMB, 1, 64). In essence, what this amounts to is the proposition that 'those who pay can participate' and 'those who are economically disadvantaged can be governed'.

Unlike Halls Creek, however, WEK does not have a ward system, although in July 1983, the Shire Clerk was asked to present for consideration all information which might be relevant to its possible introduction (WEKMB, 1, 145). The two major ward system options which were discussed differed only in terms of whether the 'outer' ward (that is, the essentially rural ward) should be subdivided. In any event, the Kununurra Ward would have 4 councillors, the Wyndham Ward would have 3 and the other 2 would be 'outer' (WEKMB, 1, 211). On the basis of the options discussed, the 'outer' ward would have been highly over-represented on the basis of 1983 pre-adult franchise enrolments, compared with the town wards.

After the introduction of full adult franchise, the Council again decided (in August 1986) to give consideration to the introduction of a ward system (WEKMB, 4, 3). At that time, a ward system was especially favoured by the Kununurra Ratepayers Association on the grounds that representation within WEK Shire is "not well distributed". More *direct* representation was needed for pastoralists, miners, remote communities and irrigation farmers. In addition, a ward system would need to ensure that the rights of people in the two main centres were protected via "fair representation" rather than the "fluctuating representation" available at present (WEKMB, 4, 11).

No *specific* mention was made by the Kununurra Ratepayers Association of the issue of Aboriginal representation. Indeed, no significant attempt was made by the

Shire to assist Aboriginal participation in local government, even after the introduction of full adult franchise and even after the urgings of some candidates (WEKMB, 3, 142). Rather than make an affirmative decision to facilitate Aboriginal opportunity for voting at local government elections, the Council decided to leave the issue of locating polling places at Oombulgurri and Kalumburu to the discretion of returning officers (WEKMB, 4, 347).

The Pattern of Participation

In Halls Creek, 2 members of Council come up for election every year, with 3 members being elected every third year. In Wyndham-East Kimberley, one third of the Council (that is, 3 members) is elected every year. Voting is voluntary and the count uses an exhaustive preferential system.

In order to begin to assess the impact of amendments to the local government franchise on Aboriginal participation in elections in the two Shires, it is useful to describe and analyse some data on voter enrolment and turnout since 1982. (Tables 1 and 2).

Table 1 Enrolment and Turnout in Halls Creek 1982-7

1982		1983		1984		1985		1986		1987	
No. on Roll	% Turn- Out	No. on Roll	% Turn- Out	No. on Roll	% Turn- Out	No. on Roll	% Turn- Out	No. on Roll	% Turn- Out	No. on Roll	% Turn- Out
<u>Town Ward</u>											
140	61	169	*	149	*	513	*	580	*	530	47
<u>Country Ward</u>											
98	54	118	*	121	*	968	23	846	10	920	25

* no election held (candidate elected unopposed)

Table 2 Enrolment and Turnout in Wyndham-East Kimberley 1982-7

1982		1983		1984		1985		1986		1987	
No. on Roll	% Turn Out	No. on Roll	% Turn Out	No. on Roll	% Turn Out	No. on Roll	% Turn Out	No. on Roll	% Turn Out	No. on Roll	% Turn Out
1152	47	1342	40	1266	49	2502	47	2721	39	2820	37

It can be seen from the above Tables that total enrolments in both Shires in the East Kimberley did increase significantly from 1984 to 1985. In Wyndham-East Kimberley, enrolments almost doubled, showing an increase of 98%. Taking average enrolments in the Shire for the three-year periods before and after amendments to the franchise (1982-84 and 1985-87), the increase was in the order of 113%. Enrolment increases were even more dramatic in both wards of the Halls Creek Shire. In the Town ward, there was an increase of 244% from 1984 to 1985. Comparing the average increase for the same three-year periods, this was slightly higher at 254%. In the Country ward of the Shire, there was a seven-fold increase (700%) in enrolments from 1984 to 1985. Again comparing average enrolment figures for the three-year periods before and after legislative changes, the average increase in the Country ward of the Halls Creek Shire was 713%. It can readily be assumed that the biggest proportion of these increases was made up of Aboriginal people who were now eligible to be on the roll by virtue of changes to the franchise provisions of the Local Government Act and their eligibility to be on Commonwealth and State electoral rolls. In order to establish a reasonable estimate of Aboriginal enrolment in the two Shires, a careful scrutiny of names and addresses contained in the Shire rolls was carried out in conjunction with local residents.

By 1987, estimated Aboriginal enrolment had reached 72% in the Town Ward and 80% in the Country Ward in Halls Creek Shire (Table 3). On the other hand, in

Wyndham-East Kimberley it was only 28% (Table 4).

Table 3 Local Government Enrolments in Halls Creek 1987

	<u>Total</u>	<u>Estimated Aboriginal</u>	<u>Aboriginal Enrolment as %</u>
		<u>Enrolment</u>	<u>of total</u>
Town Ward	530	382	72
Country Ward	920	738	80
Total	1450	1120	

Table 4 Local Government Enrolments in Wyndham-East Kimberley 1987

	<u>Total</u>	<u>Estimated Aboriginal</u>	<u>Aboriginal Enrolment</u>
		<u>Enrolment</u>	<u>as % of total</u>
	2820	793	28

Estimated Aboriginal enrolments were compared with the number of Aboriginal people eligible to vote, using 1986 Census data. A direct comparison is not possible, however, because of the age categories used in the Census (15-19 year-olds are grouped together). The Census total used here is thus all Aborigines aged 20 and over. In the case of Halls Creek, the estimated Aboriginal enrolment (1120) exceeded the Aboriginal population of eligible age (998) by 122, whereas in Wyndham-East Kimberley, the estimated Aboriginal enrolment (793) was exceeded by the Aboriginal population of eligible age (995) by 202. For Halls Creek, the inclusion of 18 and 19 year-olds to the total eligible would bring that figure closer to the estimated enrolment. In Wyndham-East Kimberley, on the other hand, the inclusion of this age group would widen the gap between the eligible total and the estimated enrolment. One of the implications of this would seem to be that while there appears to be either some under-enumeration and/or over-enrolment in Halls Creek, there is considerably greater under-enrolment in Wyndham-East Kimberley.

Aboriginal candidates stood for election in both Shires in the 1985 polls. As already noted, there had been Aboriginal representation on the Halls Creek Shire prior to this date (in the persons of Ernie Bridge and his brother, Bennie), but not on

the Shire of Wyndham-East Kimberley.

1985 Election

In 1985, one Aboriginal candidate, Ray Shadforth, stood for Council in Wyndham-East Kimberley, and two Aboriginal candidates, John Green and Jock Mosquito, ran for two vacancies in the Country ward of Halls Creek. Shadforth and Green were both elected in their respective shires, but Mosquito was unsuccessful. Shadforth was obliged to resign after some eight or nine months on council because of a job transfer to the Pilbara. All three of the Aboriginal candidates who ran in 1985 had been active in Aboriginal affairs in their areas. Shadforth had been, among other things, Chairman of the East Kimberley Aboriginal Medical Service in Kununurra. Green, whose family are the lessees of a small pastoral property in the Shire of Halls Creek, had been a Field Officer with the Aboriginal Legal Service; Chairman of Ngoonjuwah, the Aboriginal Resource Agency based in Halls Creek and a member of a local Aboriginal church group. Mosquito, from Turkey Creek, had been on the Warmun Community Council and was involved in a number of local activities.

Shadforth was elected to one of the three vacancies in the Shire of Wyndham- East Kimberley in a year which saw nine candidates standing and a voter turnout of 47%. Turnout in the Country ward of the Halls Creek Shire in 1985 was 23%. It is instructive to examine more detailed voting figures in the Country ward of Halls Creek in order to see the pattern of support for the various candidates. The results were reported as the first item of business at a Warmun Community Council Meeting on May 7th 1985. Under a heading "Report on the Halls Creek Shire Elections and Jock Mosquito's candidacy. Results of May 6 countings", the following figures were noted:

" Country Ward

Dixon	127			
Mosquito	78	14 (92)	11	(103)
McEnnis	3	54 (57)		
Green	12	59 (71)	46	(107)" *

* NB : the 2nd and 3rd columns represent the redistribution of preferences, while column 4 is the final count.

Dixon, a pastoralist in the Shire and the current Shire President, had been on Council for a number of years and obviously managed to poll well enough on the primary vote to retain his seat fairly comfortably. Mosquito, it can be noted, also did quite well on the primary vote but lost on preferences by a small margin to Green. It appears that almost all of Mosquito's primary vote came from his home community at Turkey Creek, where he did what little campaigning was done. With the assistance of the Community Advisor, he organised the printing and distribution of a notice urging potential electors to "Vote Jock Mosquito and John Green of the Halls Creek Reform Party" and showing a picture of Mosquito participating in the Meals on Wheels Program at Turkey Creek. Green did very little campaigning in the run up to the election, mainly because he was out bush on other matters, and admitted he was somewhat surprised when he got elected. It appears however that Green was the main beneficiary of efforts by a non-Aboriginal interest group in the Shire to direct voting preferences away from the other non-Aboriginal candidate (McEnnis). As it turned out, Green, a fairly well-known local person, was more acceptable to this interest group despite, rather than because of, his Aboriginality, and thus picked up on Dixon's preferences, whereas Mosquito, as a relative outsider, picked up very few of these preferences. The complexities of the preferential voting system were still not entirely clear to Mosquito and many others some time later and it remained something of a mystery to members of the Warmun Community at Turkey Creek how it was that "their" candidate had not got onto the Shire Council when he had apparently polled better than Green, who did get on.

1986 Election

The 1986 local government elections in the Halls Creek Shire were noticeable for the low level of interest shown. The Town ward candidate was re-elected unopposed and in the Country ward, the contest between three candidates for two vacancies saw a total of only 55 valid votes cast, a turnout of only 9.9%, which compared to the average turnout of 23.8% in country areas of the State for that year. A degree of

misunderstanding about Mosquito's lack of success in 1985 appears to have discouraged any Aboriginal candidates from standing for election in 1986 and it seems unlikely that more than a handful of Aboriginal people voted in that year.

In the Shire of Wyndham-East Kimberley in 1986, voter turnout at 39% was well above the State average for country areas. An alliance of Wyndham candidates, forming a "Wyndham ticket", resulted in all three Wyndham candidates getting elected. One of the successful Wyndham candidates was Jim Lewis, a young Aboriginal who works as a liaison officer at the local District High School. His interest in running for local government arose as a result of a seminar held in Wyndham in 1985 at which, among other things, questions of Shire priorities and the lack of recreational facilities for young people were raised. It was suggested that a young Aboriginal person try to get on the Shire Council to give a voice to the combined interests of Aboriginal people, youth and the town of Wyndham. So, in 1986, at 25 years of age, Lewis ran in the number 3 slot on the "Wyndham ticket". He campaigned mainly in and around Wyndham, sending "How-to-vote" cards to the Waringarri Association for distribution in the Kununurra area, but not attending a ratepayers meeting there.

Lewis managed to get elected by 9 votes mainly on the preferences of his Wyndham running mates. This was despite the fact that all 70 of the votes from the Aboriginal community at Kalumburu (most, if not all, of which would presumably have gone to candidates on the Wyndham ticket) were deemed to be invalid because the polling officer's initials were not shown.

Having thought, like many others, that local government only dealt with roads and rates, Lewis was surprised, after taking office, at the general realisation of how much influence local government actually has at the community level and the more particular control it can exert over the lives of Aboriginal people. This was most apparent to him in matters connected with land, access roads and recreation facilities. Although he found Council meetings initially difficult and rather isolating and felt intimidated by the "business types" he encountered on the Council, he

considers that he has gradually gained in experience and confidence to the point where he has challenged some of the Council's priorities. For example, as far as the issue of road sealing and kerbing is concerned, Lewis managed to argue for the inclusion in Shire budgeting priorities of roads in Aboriginal residential areas in Wyndham over, or at least alongside, roads which are of primary use by tourists in the area.

1987 Election

For the 1987 local government elections, in Wyndham-East Kimberley seven candidates, including one Aboriginal person from Wyndham, stood for three vacancies on the Shire Council. Turnout, though still relatively high compared to other country areas in the State, was down slightly on the previous year to 37%. The election in the Shire was fairly low key with "open government" and the two town rivalry being the main issues. In 1987, the pendulum of rivalry between the two towns swung in Kununurra's favour, with all three candidates on the "Kununurra ticket" getting elected. Voting figures in this year, as in previous ones, indicate that the two towns tend in the main to vote for local candidates. The two Wyndham candidates, one of whom was Reg Birch, a well-known local Aboriginal, polled 32% of the primary vote between them, but apparently failed to raise as much interest in the local government elections as their Kununurra counterparts, who appeared determined to increase Kununurra representation on the Shire to compensate for their lack of success the previous year. Neither Wyndham candidate actively campaigned on the Kununurra side of the Shire, although "householders" (campaign pamphlets) were distributed in and around Kununurra. This is reflected directly in the percentage turnout (Table 5).

Table 5 Turnout in Wyndham and Kununurra 1986-7

<u>Votes Cast</u>	<u>1986</u>	<u>1987</u>	<u>% change</u>
Wyndham	410	263	-36%
Kununurra	510	645	+26%

Although voter turnout in Kununurra was higher in 1987 than 1986, it would seem that Aboriginal turnout declined. It is estimated that approximately 50 Aboriginal people voted in Kununurra in the May 1987 local government elections, which local observers indicated was considerably less than the previous year.

With respect to some aspects of local government electoral matters, Wyndham-East Kimberley seems to have shown a greater degree of responsiveness to Aboriginal voters in the Shire than has Halls Creek. For example, Wyndham-East Kimberley agreed to Aboriginal requests to provide ballot boxes for early voting in Kalumburu and Oombulgurri and also employed Aboriginal polling clerks in Wyndham and Kununurra on election day to assist Aboriginal voters when necessary. This latter response resulted from the fact that in 1986, the non-Aboriginal polling clerks experienced difficulties in understanding the pronunciation of Aboriginal names and in assisting illiterate or handicapped Aboriginal voters. A young Aboriginal woman who had acted as a 'de facto' poll clerk in 1986 was subsequently thanked in writing by the Shire for her assistance and asked to be an official poll clerk for the 1987 elections, to which she agreed.

Figures relating to informal voting in Wyndham-East Kimberley show this to be moderately high, at least compared to the 1986 State average informal vote at local government elections of 2% (Table 6).

Table 6 Informal Voting in Wyndham-East Kimberley 1987

<u>Polling Place</u>	<u>% Informal Votes</u>
Kalumburu	0
Oombulgurri	14
Kununurra	5
Wyndham	7

The 1987 election in Halls Creek attracted a great deal more attention than the

previous year's, at least evidenced by turnout figures which showed a marked increase. The Town ward had a turnout of 47% and the Country ward 25%. Three candidates stood for one vacancy in the Town ward and two candidates, one of whom, Joe Lannigan, an Aboriginal person, stood for the single vacancy in the Country ward. The relatively high turnout in the Shire was attributed in part by some observers to the interest in community affairs generated by the newly formed Halls Creek Progress Association and some of the local issues it had espoused in the few months of its existence prior to the local government elections. This observation would seem to be more relevant in the Town ward of the Shire where the meetings of the Progress Association are held and most of its impact is felt. The level of turnout in the Country ward of the Shire can more readily be understood in terms of the standing of an Aboriginal candidate and the efforts of the sitting, non-Aboriginal councillor (the Shire's Deputy President, G. McArthur) to retain his seat. Despite being an incumbent, McArthur did not expect to retain his seat since Aboriginal enrolment in the Country ward of the Halls Creek Shire was approximately 80% of the total. He presumed that the Aboriginal vote would go to the Aboriginal candidate. Yet he managed to poll 139 of the 233 votes cast (60%), while his Aboriginal opponent polled only 66 votes (28%), leaving some 28 votes (12%) declared as informal.

It seems that a number of factors were involved in explaining the outcome of this election in the Country ward of the Halls Creek Shire. Firstly, reference can be made to the candidates themselves. The non-Aboriginal candidate is a former station manager, who has been on Council for a number of years and currently operates a local contracting business. Though not well-liked personally by a number of local residents, particularly for his opposition to the local Progress Association, he is nevertheless well-respected for his shrewd financial skills. His wife, a local Community Health Nurse, is also active in a variety of community affairs. The Aboriginal candidate lives in the town and is a well known local personality, being involved in a number of community organisations, including the Progress

Association, church and tourism groups. He is an articulate, Perth-educated person, who has not let his blindness prevent him from becoming involved in a variety of activities. Nevertheless, a number of people, Aboriginal and non-Aboriginal, did express concern over the difficulties he might encounter on Council because of being blind.

A second factor to be considered in explaining the outcome of this particular election relates to the nature of the campaigns conducted by the candidates. Despite having the advantage of being the sitting member, the non-Aboriginal candidate had not experienced running for election under the full adult franchise provisions of the Local Government Act. As indicated, he was somewhat pessimistic about his prospects for re-election in a situation where the number of voters on the electoral roll of the Country Ward had increased from 121 in 1984, when he last stood for election, to 920 in 1987 - an increase of 660%, mostly Aboriginal people. As a result of this situation, his campaign was a fairly active one, in which he was able to use his work commitments in outlying areas to enlist support. As a former station manager, he is relatively well-known among Aboriginal people around Halls Creek and on stations to the east and because he is not unpopular among them, he would have found at least a limited amount of support forthcoming from within that sector of his constituency. In addition, most non-Aboriginal station people would have supported his campaign and turned out to vote for him. His wife actively campaigned on his behalf and was in a good position to use her work contacts in Aboriginal communities to encourage Aboriginal people to vote for her husband.

As far as the campaign of the Aboriginal candidate was concerned, it was far less active than that of his opponent, partly because he was in hospital until four days before the election. Although he had managed to visit Balgo once in the early part of his campaign, he was unable to visit any other outlying communities in the ward nearer the election. His campaign was also lower key than his opponent's because he assumed that Aborigines in the area would turn out to vote for him. As it was, he and his supporters underestimated the need to organise for early and postal voting in the

ward, something which his opponent apparently did not. While not expecting to attract very much, if any, of the non-Aboriginal vote in the ward, it would seem Lannigan's campaign was unsuccessful because of its low-key style which failed to get out the Aboriginal vote almost everywhere in the ward, except Turkey Creek.

Perhaps related to this is a further factor involved in accounting for the outcome of this election. This is the lack of polling places in the Shire. There is only one booth for the whole Shire for both early and on-the-day voting, located in the Shire offices in the centre of Halls Creek. Most people in the remote Aboriginal community of Balgo remained completely unaware of the fact that it was local government election day, partly because of the lack of a polling booth in the community, partly because of the existence of voluntary voting provisions and partly because no-one in the community apparently undertook to alert people to the possibility of lodging early or postal votes. By contrast, most Aboriginal people at Warmun Community in Turkey Creek were aware of the forthcoming local government elections, partly because two of their members had considered standing as candidates (before agreeing to throw their support behind Joe Lannigan and thus avoiding splitting the Aboriginal vote), and partly because their Community Adviser had made an announcement at a Warmun Council meeting about procedures for applying for postal votes. Community members had subsequently organised the setting up of a table outside the community office in order that those eligible and interested could fill out applications for postal voting. Some of the community members taking this initiative had previously participated in a Commonwealth electoral education programme. Interest was quite high and it was estimated that 71 postal votes were applied for and that 67 were actually cast. Most, though not all, of those who voted, would probably have favoured the Aboriginal candidate.

A number of people in and around Halls Creek expressed some concern about the way in which some votes were cast in this election. One of these concerns was about early voting. A notice on the board outside the Halls Creek Shire Office relating to the 1987 elections made it clear for all to read that early and absent votes could be cast

before polling day, from 13th April to 1st May, and that postal votes could be applied for between 30th March and 28th April. One of the criteria for eligibility for such votes was stated as being that the person expects "to be more than 20 kms distant from the polling place, the Shire Offices, Halls Creek" on Polling Day. It was noted by a number of observers, Aboriginal and non-Aboriginal, that many Aboriginal people were being brought in to cast early votes in the election. As one person pointed out, it had seemed as if Friday, May 1st, not Saturday, May 2nd was election day in Halls Creek, because so many Aboriginal people were being taken to the Shire Offices to cast early votes. Concerns expressed about early voting seemed to fall into one of three types. Firstly, it was maintained that many of the Aboriginal people brought in to cast early votes may not strictly speaking have been eligible to do so. It was not apparent that anybody had ascertained whether these early voters were expecting to be more than 20 kilometers from the polling place on election day. While this was undoubtedly a probability for some, the fact that a number of Aboriginal people did turn up to vote at the polling place on election day, only to be informed that they had already voted, confirms the point that they were indeed in the vicinity. In particular, it was noted that a number of early votes were cast by Aboriginal residents of the Red Hill community, which is in the Country ward of the Shire, but situated just outside the town boundary, some 2-3 kilometers from the Shire Offices.

Related to this first concern was the second, which centred on the apparent confusion experienced by some Aboriginal voters, partly as a result of having cast an early vote. It was maintained that those responsible for encouraging Aboriginal voters to cast an early vote had obviously not explained adequately what they were doing or what was going on. Reference was made for instance to the case of an older Aboriginal woman who had been particularly angry on polling day when informed that she had already cast an early vote the previous month. She had not been informed or realised that this was the same election and had retorted that the next time any white people came to her camp to tell her to vote, she would not listen.

The last main type of concern about early voting raised questions of propriety,

particularly given the lack of scrutineers when early votes were being cast. It was maintained by a number of people that the lack of scrutineers for early voting at the local government elections represented something of a loophole in electoral procedures which, on this occasion at least, raised doubts about the context and manner in which votes were cast.

PART 3 LOCAL GOVERNMENT EXPENDITURE PRIORITIES AND ISSUES OF IMPORTANCE TO ABORIGINAL COMMUNITIES

This part of the paper describes and analyses the expenditure patterns and priorities in the two Shires on recreation, roads, rubbish, health and housing and planning. It also outlines some of the Aboriginal experiences of local government service provision. It is concluded that, in general, there has been a relative neglect by local government of issues of importance to Aboriginal communities.

Recreation

For the four financial years from 1982 to 1985, recreation has consumed on average about one-quarter of all local government expenditures in Western Australia. Over the same time period, Halls Creek Shire has spent on average about half of that proportion (12.4%) on recreation. Recreation as a form of expenditure has therefore assumed a relatively low priority in Halls Creek. The main recreation issue in recent Halls Creek Shire accounts is the very large sum of money which has been spent on the Halls Creek oval. For example, the original estimated cost of the grassed oval in October 1984 was \$60,567 (HCSMB, 2, 221), but by February 1985 its total estimated cost had risen to \$222,272.66 (HCSMB, 3, 5). Given this extraordinary level of cost inflation, it is not clear why the acceptance of a Department of Youth, Sport and Recreation grant of \$31,000 for the oval was deferred (HCSMB, 3, 27). However, in December 1985, Mr Bridge informed the Council that a grant of \$50,000

towards the cost of the oval had been granted from the Department of Youth, Sport and Recreation (HCSMB, 3, 361).

In contrast to this 'town' facility, which was designed to be used principally by the non-Aboriginal population, services and facilities to be used mainly by Aborigines were given meagre financial support. For example, no Aboriginal recreation officer has been employed in Halls Creek (HCSMB, 4, 199). In addition, the *total* estimated support given by Halls Creek Shire to the gymkhana and rodeo ground at Turkey Creek from 1982 to 1986 was no more than \$750 (HCSMB, 1, 15; 2, 19; 3, 222). Local residents, both Aboriginal and non-Aboriginal, considered that in Halls Creek, Aboriginal priorities in the recreation area were rated fairly low by the Shire. It was noted for instance that the Shire seemed to spend a lot of money establishing and maintaining the oval, which was used predominantly by non-Aboriginal sporting clubs. When not in use, the verdant green oval was kept locked. Yet many young Aboriginal people around town were obliged to play one of their favourite games, basketball, on what were claimed to be sub-standard and poorly maintained courts. One Aboriginal woman commented on the town's park which she said "only had a few bits of play equipment, no shade trees and no tap for drinking water." Requests have been made for shade trees, but one Aboriginal woman was informed by a Shire official that there was little chance of any being planted because trees planted earlier by Brownies had been removed. Blame for this was placed on Aboriginal people, as was a broken slide, but in the case of the trees, it was claimed that the Shire had simply not watered them. In addition, the issue of the lack of a public swimming pool in Halls Creek was raised by a number of people. On the one hand, the Shire argued that a municipal pool always ran at a loss and was a luxury item which they could not afford. On the other hand, those in favour of a pool in Halls Creek argued not just for its recreational value, but also for its social and health value, particularly for the young Aboriginal population. Some non-Aboriginal town residents have their own backyard pools and could therefore be said to be relatively indifferent to the pool issue.

For the 1984 and 1985 financial years, expenditure on recreation in WEK was a significantly higher priority compared with Halls Creek, and was even higher than the proportion for local government in the whole State. No less than an annual average of 37% of the total Shire budget was allocated to recreation for these two years compared with only 18 per cent for Halls Creek and 25% for all local governments in Western Australia. Given this relatively high level of expenditure, one might have expected some benefits to flow either directly or indirectly to Aboriginal communities.

As early as July 1983, it had been suggested that the two towns might form Council committees to prepare a long-term plan for recreation development (WEKMB, 1, 123). Rarely are the benefits of public facilities spread evenly over the whole community, however. In the case of WEK, the most significant component of the high recreation expenditure was the Kununurra Leisure Centre, which was built at an estimated cost of \$1.4M. Although ADM contributed some two thirds of the cost, the Shire Council had to borrow more than \$40,000 to meet its share of the total (WEKMB, 2, 258).

From the viewpoint of recreation, the Shire of WEK has at times been prepared to accommodate Aboriginal interests, at least if there were no financial costs to itself. An example is the employment of an Aboriginal Recreation Officer, based in Kununurra which one local resident believed to be a "burden to Council" until he was informed at the 1984 annual meeting of ratepayers and electors that the position was actually funded by DAA (WEKMB, 2, 37). The position, like that of the Aboriginal Liaison Officer in Halls Creek, was funded initially by a DAA Special Works Project grant. The Waringarri Association had hoped to acquire this funding and run the project, but the funds went to the Shire instead. So since 1985, the Shire has employed a local Aboriginal Recreation Officer, initially as "understudy" to a recreation officer employed in town by the Argyle Diamond Mines. When DAA funding for this position ran out, the Shire obtained money from the State Department of Youth, Sport and Recreation. Whereas many Aboriginal people in Kununurra are pleased to see the continuation of this position with Shire support, it

seems to be considered that Aboriginal people in other parts of the Shire scarcely gain any benefit from the appointment, because the Officer's time is taken up almost entirely with duties and activities centred on the Aboriginal population in Kununurra.

The Wyndham side of the Shire, despite expressed needs in the area of youth recreation, does not consider that it receives the same level of service as the Kununurra side. The local Wyndham Aboriginal association, the Wyndham Amenities Club, has endeavoured to meet some of these needs when and where possible, but has encountered problems in the storage of sports equipment. Wyndham councillors on the Shire have been pressuring to find extra funding to service the recreation needs of both Aboriginal and non-Aboriginal people in the Wyndham area. Yet the Shire expresses the view that the Wyndham Community Hall and swimming pool are underutilized and are thus a drain on Shire resources.

Roads

Local government expenditure on roads has been relatively high in Halls Creek. This is not surprising, taking into account that the Shire contained 0.62 kilometres of road per head of population in 1985/6, compared with only 0.09 for Western Australia as a whole. In fact in 1985/6, expenditure on roads consumed almost 60 per cent of the Shire's total budget, compared with the average of 35 per cent for all local governments in Western Australia noted earlier. In March 1985, road grants comprised 38 per cent of all Shire revenues (HCSMB, 3, 30). In addition to the above, the nature of the local physical environment in the Shire coupled with the fact that it contains almost double the Western Australian percentage of 'formed only' roads makes for significant increases in local costs.

Roads expenditure needs within Halls Creek Shire appear to fall into 5 main groupings. First, is maintenance of the primary roads such as Northern and Duncan

Highways. This is the preserve of the State Main Roads Department. The second group, on the other hand, comprises Shire costs for the maintenance of the group of 'other roads' such as that between Bedford Downs and Mount House or between Koongie Park and Balgo Mission. The third group comprises Shire costs of providing access roads to the cattle stations. Fourth, are Shire expenditures on 'opening up' various minor roads after the 'wet'. The fifth group involves the general maintenance of local roads. In addition, in cases where mining tenements are rateable, the owners are eligible to have access roads provided and maintained according to Section 520 of the Local Government Act on a 'private works' basis (HCSMB, 2, 8). In 1983/4, for example, the road programme which was submitted by the Council to the Main Roads Department includes \$100,000 to be spent on Koongie-Billiluna-Alice, \$40,000 on Springvale-Lansdowne, \$60,000 for various station access roads and \$40,000 for 'opening up' (HCSMB, 1, 35). On some occasions, however, not all of the statutory road grants are in fact expended by the Council. For example, in July 1986, nearly \$26,000 of unspent statutory road grant was placed in a trust account by the Shire (HCSMB, 4, 199).

Of these expenditure groupings, Council is faced with deciding on a system of priorities regarding station access and 'opening up' allocations. In addition, it is faced with an overall problem of coordinating roads expenditures among stations whose boundaries extend into the adjacent Shires of Wyndham-East Kimberley to the north and Derby-West Kimberley (DWK) to the west. All other things being equal, this means that, in general, peripherally-located stations become increasingly less well-connected by road to the rest of Halls Creek Shire.

A simple method of attempting to determine the Council's system of road allocation priorities in terms of station access is to subject the Council minutes to a frequency count content analysis. Each mention of a pastoral station is recorded irrespective of any expenditures. The results of this analysis produced six 'priority levels' (Table 7).

Table 7 Pastoral Station Access Priorities in Halls Creek

<u>Mentions</u>	<u>Pastoral Stations</u>
9	Bedford Downs, Springvale
7-9	Alice Downs, Moola Bulla, Lansdowne
4-6	Margaret River, Gordon Downs, Louisa Downs, Lake Gregory, Sturt Creek
1-3	Flora Valley, Mabel Downs, Texas Downs, Osmond Valley, Sophie Downs, Ruby Plains, Lamboo, Billiluna, Burk's Park, Nicholson, Carranya
0	Bow River, Tablelands, Bohemia Downs, Elvire, Marion Downs, Mount Amhurst, Yougga Walla
Serviced by DWK	Mornington, Leopold Downs, Christmas Creek, Fossil Downs, Go Go

For the 34 stations which pay some rates to the Shire of Halls Creek, the average number of mentions was three. This meant that there were three groups of stations which received above average attention by Council from the viewpoint of road access. In addition, the largest group falls into the 1-3 category (that is, average or below average). There are seven stations, however, which are not mentioned at all, and a further five which are serviced by the Shire of Derby-West Kimberley (HCSMB, 4, 199).

In part, the structure of these groupings can be explained by a combination of distance and rates. Generally, those stations further away from Halls Creek possess a lower chance of being mentioned than those closer. However, stations further away with higher rates will generally obtain above average frequency counts. The lowest counts are often from those stations with lower rates which are further away. Lake Gregory is a notable exception in this regard. The overall correlation between

frequency of mention and rates is 0.32, which, although not significant, is indicative of Council priorities. That is, the higher the rates paid, the greater the chances of road access maintenance. Furthermore, the correlation between frequency and straight-line distance from Halls Creek is - 0.25 which is also indicative. That is, the further a station is from the town of Halls Creek, the lower the chances of road access maintenance.

In addition to distance and rates, some stations with present or former association with members of the Halls Creek Shire Council possess above average frequencies; for example, Moola Bulla, Gordon Downs and Louisa Downs. Indeed, some Councillors have gone out of their way to congratulate the road gangs in the Council minutes for such activities (HCSMB, 3, 189; HCSMB, 4, 199).

It is fairly clear that roads for Aboriginal stations and communities generally have a low Council priority. Of the 5 Aboriginal-owned stations, for example, two had no mention at all (Bow River and Elvire), and another two (Osmond Valley and Billiluna) are in the average-below average group. Even grader hire for the latter in September 1985 had to be paid in full by the Mindibungu Aboriginal Corporation (HCSMB, 4, 51). Only Lake Gregory figures in the slightly above average group. The pattern of priorities is similar for Aboriginal communities. For example, the maintenance of Turkey Creek community roads is only mentioned once from December 1982 to September 1986 (HCSMB, 3, 108). Furthermore, work for the access road to Ngoonjuwah town campers' block would only be undertaken during the 86/7 'wet' when the construction gang was back in town (HCSMB, 4, 51). Indeed, Council would only approve the gazetting of the Argyle Social Impact Group-funded access road from Yarrunga Community to Alice Downs station if it could be guaranteed that there would be no construction costs levied on the Shire or any maintenance costs in the future (HCSMB, 4, 239).

Of the more than \$1 million received by the Shire of WEK in specific road grants in 1983/4 and 1984/5, by far the largest percentage (36%) was spent on the Wyndham-Gibb River road. There were only three other grants of \$50,000 or more

during those two financial years - Packsaddle Road (\$75,000), Carlton Road (\$66,000), and Gibb River-Kalumburu (\$50,000). Overall, WEK Shire spent approximately half of the amount spent by Halls Creek on 'opening up' and station access roads (WEKMB, 1, 318). The expenditure on the Gibb River-Kalumburu section was presumably a response in part to a letter of August 1983 from the Aboriginal community at Kalumburu to the Shire which stressed the need for a public access road, not only to Kalumburu, but also through to the coast (WEKMB, 1, 136). In November 1984, however, there were still some complaints being made about the Gibb River-Kalumburu road (WEKMB, 2, 321).

As with Halls Creek, WEK Shire suffers from jurisdictional disputes over the provision of road access to peripheral stations. Derby-West Kimberley Shire, for example, provides access for Glenroy and Mount Barnett, both of which are partially located in WEK. In addition, DWK is being pressed to provide access for Tablelands and Marion Downs stations which are located in WEK and Halls Creek respectively. The view of DWK Shire was that there was a need in such cases to 'rationalise' the Shire boundary (WEKMB, 4, 10). More recently, the question of the provision of access roads to land excisions for Aboriginal people has been the subject of discussions between local and other levels of government.

One of the transport-related aspects of the Kununurra-Wyndham rivalry in Shire politics which is seen to have adversely affected some Aboriginal people, particularly on the Wyndham side, relates to the changing status of local airports. Wyndham people maintain that the recent downgrading of Wyndham airport occurred without any protest by Shire councillors, who were mainly representative of Kununurra interests at the time. This downgrading of the status of Wyndham airport, with the resultant decline in air services, has meant, among other things, a decline in service to outlying Aboriginal communities such as Oombulgurri and Kalumburu.

Rubbish

As was noted earlier in this paper, it is normally believed that one of the more basic functions of local government in Western Australia is the removal of rubbish from the homes of local inhabitants. From a legal viewpoint, however, rubbish collection and removal is a health matter which comes under the provision of section 112 of the *Health Act*. This indicates that the Health Commissioner may require a local government authority to provide a service to "premises" if there is the potential of any significant health risk. It appears that there may well be some confusion over a Council's liability concerning the removal of rubbish from *all* local households. In particular, disputation is likely to arise when there is a need for rubbish removal from non-rateable property, or even property perceived by members of a Council to be non-rateable. In addition, these difficulties are likely to be exacerbated in a situation where the households or communities in question are relatively remote from the main Council offices. What this amounts to in practice is that Aboriginal communities tend not to enjoy any Council rubbish removal service, especially if they are located some distance from the Shire office. This, in turn, has contributed to a significant health problem both in Aboriginal town camps and in remoter locations such as Balgo Mission (HCSMB, 3, 69). In general, therefore, Aboriginal communities have been forced into providing a parallel rubbish removal service where possible.

In November 1983, for example, the Health Surveyor argued to Council that dwellings in itinerant camps around the Halls Creek town perimeter required a proper rubbish collection service (HCSMB, 1, 260). Rubbish problems at Red Hill Community, however, had been referred to in Council meetings even earlier (HCSMB, 1, 6 and 149). Given no proper collection service, Red Hill residents were obliged to dump their rubbish adjacent to the settlement (HCSMB, 3, 329). The health risk associated with this practice prompted the Health Surveyor to indicate again in February 1986 that the Council should take on a rubbish collection service at Red Hill (HCSMB, 3, 369). However, the Council decided to write to the Red Hill community to

inform it to "clean up", and donated some oil drums for that purpose (HCSMB, 4, 83). Although Nicholson Camp suffered from a similar problem of rubbish accumulation, the local people were fortunate in that they were able to use the Ngoonjuwah truck for their rubbish disposal (HCSMB, 3, 171).

The rubbish problem is one of long standing at the relatively remote Aboriginal community at Turkey Creek and has been the subject of long drawn-out discussions. In early 1983, the Department of Lands and Surveys proposed to the Halls Creek Council that it could designate an area of land at Turkey Creek for "rubbish disposal". Inexplicably, the Council wished to change "rubbish disposal" to "use and benefit of Aboriginal persons and other" (HCSMB, 1, 36). In June 1983, however, the Council decided to approve the lease of a rubbish disposal site to the Warmun Community at Turkey Creek, subject to a number of conditions, including the condition that all costs would be met by the lessees (HCSMB, 1, 108).

In May 1984, the issue of land for a rubbish disposal site at Turkey Creek was again raised in a letter from the Under Secretary for Lands to the Warmun Community. It was proposed to lease an area to the Community for a term of ten years at an annual rental of \$50 and with statutory lease and registration fees of \$42. Some 13 conditions were attached to the lease, including, in summary, the following:

- The rent to be subject to reappraisal every 3 years
- The lessee to pay the cost of survey
- The lessee to perform, discharge and execute all requisitions and works... as may be required by any local or public authority operating under any statute, by-law or regulation
- The site to be operated and maintained at all times, at the lessee's cost, to a standard acceptable to the Shire of Halls Creek and in conformity with the relevant regulations and By-laws
- The Minister or his representative and/or authorised officers of the Shire of Halls Creek and authorised officers of the Public Health Department to be able to enter the land for inspection at any reasonable time.

Consequently, the almost 300 Aboriginal residents of Warmun Community were obliged to take a lease for a rubbish disposal site, albeit at a nominal rental, subject to Shire standards, but with no support or subsidy from the Shire in order to operate a rubbish disposal service.

The Council appeared to have a slight change of heart, however, when in October 1984, it indicated that the 84/5 budget would contain \$5000 "for expenditure at Aboriginal communities, including maintenance at Turkey Creek rubbish disposal area" (HCSMB, 2, 201). Furthermore, in March 1985, the Council agreed to the use of an area of land at Turkey Creek as a rubbish site, but not to proclaim it as a "rubbish disposal site" (HCSMB, 3, 19). However, later that year, the Community Adviser arrived to find the community, in his words, "knee-deep in rubbish", with no regular pick up and removal arrangements in operation. Some rubbish was immediately trucked away by community members, at the instigation of both the Community Adviser and the Community Health Sister. But in September 1985, the Community Adviser received a letter from the Halls Creek Shire Clerk containing the following:

"Resulting from my visit on 28th August, 1985, you are advised of the following:-

- (1) Rubbish is widespread throughout the community. This is to be cleaned up immediately. The obvious bulk involved may require the use of large machinery.
- (2) Rubbish removal should be on a designated day of each week and a specific vehicle should be allocated for that purpose. The vehicle should not be removed from the community and used for other purposes.
- (3) The community should be educated in the dangers associated with uncontrolled rubbish in that decomposing food products may be responsible in disease outbreak and the nature of the rubbish itself contributes to mosquito breeding and accidental injury. Your assistance in the matter is appreciated."

Towards the end of 1985, funds had been obtained under a CEP program to employ three people to undertake rubbish collection in and around the Warmun Community. The Shire's reaction was favourable, as evidenced by letters written in early in November to both the Community Chairman and Adviser:

" During a recent visit to Turkey Creek, Council's Health Surveyor noted that substantial progress had been made to clear the community of accumulated rubbish. We are pleased to see that action has been promptly taken and hope that this situation will continue in the long term."

So, while the Shire offered its encouragement and support to the community in its efforts to clean up rubbish, there appears to have been no suggestion that the Shire should become more directly involved in either providing or funding the service to the Warmun Community. Efforts were made to try to obtain DAA funding for a rubbish truck, but in early 1986 the Community bought its own with profits from the store. DAA later provided funds to purchase a tractor to assist in rubbish collection. Throughout this long-standing problem, community members have not seriously considered requesting Shire assistance with rubbish disposal and it has been assumed by the Community Adviser that the Shire would claim that they would have no funds to do so. As was pointed out earlier in this paper, however, the Council's financial situation in recent years has been fairly buoyant.

As was noted earlier, the provision of a rubbish removal service is, in the final analysis, a requirement of the Health Act. As far as WEK Shire is concerned, its obligations in this regard have been limited to precisely defined "prescribed areas" in Wyndham (the Gully, Port, 3 Mile and all buildings in 6 Mile) and Kununurra (all residences, commercial and industrial properties in the gazetted townsite, Kimberleyland and Kona Cravan Parks and Kununurra aerodrome) (WEKMB, 4, 18). This precise delimitation effectively excludes all Aboriginal communities from the Shire's rubbish collection service.

Exclusion from the provision of such a basic service means that Aboriginal

communities have to either suffer a severe health risk, or make their own rubbish removal arrangements. In the case of the Moongong Darwung community, for example, which obtains its drinking water supply from town, rubbish is taken to the dump via their own vehicle (WEKMB, 4, 84). Furthermore, in the case of the Emu Creek community, a trailer is borrowed from Waringarri when necessary (WEKMB, 4, 32). The problem can be more acute in remoter communities. In September 1985, for example, the Shire minutes note that the Oombulgurri community needed a vehicle for its rubbish collection (WEKMB, 4, 31).

Health

Health issues are especially problematic in the remoter regions of the East Kimberley. Local government involvement is related to responding to the reports and recommendations of the Health Surveyor. These reports are therefore a valuable data source. Of particular concern is the capacity of a single Health Surveyor to adequately diagnose and report on such important matters in regions so remote and so large in area. For example, in 1984 the Health Surveyor argued strongly to Halls Creek Shire Council for the need to employ an additional person for the Kimberley. This person would have special responsibility for Aboriginal communities. Without such a person, the Health Surveyor concluded that dealing with health problems among Aboriginal people in the Kimberley could only be regarded as "window dressing" (HCSMB, 2, 74).

Health problems in Halls Creek Shire are not solely confined to Aboriginal communities, however. In June 1983, for example, the Health Surveyor reported that the degree of incidence of infectious diseases in as small a community as the townsite was a matter of "great concern" (HCSMB, 1, 114). This was especially the case with the incidence of VD (HCSMB, 1, 107). Problems of disease are equally prevalent in remoter Aboriginal settlements such as Balgo, for example (HCSMB, 1, 194; 2, 74). Hepatitis B and Salmonella occur relatively frequently not only at Balgo, but also at Turkey

Creek.

Hygiene problems and the transmission of disease are exacerbated in many Aboriginal settlements by the existence of large numbers of dogs. In June 1985, for example, the Health Surveyor noted that there were acute hygiene problems at three Aboriginal camps on Louisa Downs which were made worse by the existence of some 200 dogs (HCSMB, 3, 96). To a degree, therefore, the Shire has become involved in dog control in some Aboriginal communities. Many Aboriginal people are aware of the health hazards posed by dogs, yet are reluctant to nominate a pet for extermination by the Health Inspector. Aboriginal people at Turkey Creek have agreed with their Community Adviser, on occasions in the past, to cooperate with the Shire's Health Inspector in indicating which dogs ought to be put down. But as a result of complying with the Shire's request, problems have occasionally arisen in the community when the "wrong" dogs have been put down, either mistakenly or deliberately.

Attitudes to Aboriginal health in the Shire of WEK have tended on occasion to 'blame the victim'. That is to say, fault for Aboriginal ill-health or the risk of sickness is found with Aboriginal people themselves and not with the Shire or any other external body. On occasion, this view is bound up with an attitude which assumes that all Aboriginal communities necessarily are unhealthy. Elements of this attitude can be found in the minutes of the WEK Shire meetings. For example, in mid-November 1984, the health surveyor reported that Oombulgurri settlement was "extremely clean and free of refuse". He was therefore uncertain about a comment made in a previous Council meeting about the potential for hepatitis B infection at the community. The Council's response to his report was to reiterate its previous position and to warn of the "substantial risk of infection to other communities due to the peripatetic nature of the inhabitants of the community" (WEKMB, 2, 318).

Similar negative attitudes have been expressed by Council toward other Aboriginal health matters. For example, in April 1984, the East Kimberley Aboriginal Medical Service requested approval for the use of a Kununurra location. One Councillor moved to refuse permission, but there was no seconder, and thus Council agreed to

consider a planning application (WEKMB, 2, 49). However, in June 1984, the application was refused on the grounds that the medical service "would be situated within a residential area and would prejudice the amenity of that area" (WEKMB, 2, 157). The negative decision was taken to appeal, and at the August 1984 Council meeting, the President tabled petitions relating to the proposal (WEKMB, 2, 233). By October 1984, the appeal had been upheld (WEKMB, 2, 284). The conflict continued to simmer into 1985, however, as a consequence of Council's refusal to grant an extension of hours for the operation of the Medical service (WEKMB, 3, 36).

The level and standard of provision of any medical service is especially problematic among town campers and in the remote communities. For example, in July 1985, the health surveyor noted that the Emu Creek health provisions were among the worst in the district (WEKMB, 3, 284). In addition, the possibility of a downgrading of facilities at Wyndham hospital was not surprisingly greeted with alarm by residents of Oombulgurri, who petitioned the Council to argue against any centralisation at Kununurra on the grounds of distance and cost (WEKMB, 3, 123).

Housing and Planning

Meeting Aboriginal housing needs and planning for the location of Aboriginal residences is a sensitive issue in Western Australia, and one which is unduly subject to governmental interpretations of non-Aboriginal preferences. In the main, local government policies are thus likely to be a direct reflection of Shire attitudes toward Aboriginal people rather than an expression of Aboriginal needs. In addition, in the absence of any formal statutory plan, Council decisions in this area are likely, of necessity, to be *ad hoc*. Whereas it might be maintained that LGAs have treated Aboriginal people leniently by ignoring sub-standard housing and by not enforcing local government by-laws, this has only tended to be the case where land occupied by Aboriginal people has not been required for other purposes and where Aboriginal

dwellings were well out of sight. Recent changes in the legal status of some Aboriginal reserves in the State, the development of more uniform standards for Aboriginal housing, together with increased Aboriginal lobbying have meant that some LGAs have been obliged to become more involved in issues such as housing for Aboriginal people. Indeed, in early 1984, the Halls Creek Shire Clerk indicated the concern in some government departments over the absence of a statutory plan for the townsite (HCSMB, 1, 289). More than twelve months later, the beginnings of a town plan were prepared for a meeting with representatives from the Department of Lands and Surveys and from the Town Planning Department (HCSMB, 3, 27).

In terms of budget priorities, funds spent by Halls Creek on housing and community amenities have been very low. For example, from 1982 to 1985 inclusive, the mean proportion (7.1%) was less than half that for the State as a whole (15.5%). One of the perverse ironies in the priorities assigned by the Shire to the provision of Aboriginal 'housing and amenity' was demonstrated by a Council decision in March 1986 to purchase a property owned by the Minister for Aboriginal Affairs for \$75,000 (HCSMB, 4, 44). This decision was made at a time of severe Aboriginal housing problems at Blueberry Hill, Red Hill and other local town communities as well as at some of the remoter Aboriginal communities such as Billiluna and Balgo (HCSMB, 1, 194). What made the decision even more extraordinary was that the house was found to be "surplus to requirements until at least the end of 1986" (HCSMB, 4, 138). Its purchase contributed to the very significant increase in capital expenditure on housing by the Shire from \$6703 in 1984/5 to an estimated \$207,942 in 1985/6.

One DAA officer, writing to the WA Regional Office in November 1983 detailed some observations of the attitudes of the Shire and interactions with Aboriginal people in the Halls Creek town area relevant to questions of housing and planning. His views were certainly not overly-negative as the following extracts from the correspondence indicate:

"On 20 October 1983, I visited Halls Creek to discuss the
Town Campers Program with Ngoonjuwah Council, people

from the town camps and the Shire.

On 20 October I attended the Halls Creek Shire Council meeting. I found the councillors very interested in the program and while not 100% cooperative, they were much more in tune with the problems than I expected and prepared to seek solutions. The types of questions they put to me showed a good deal of thought. The quality and depth of the questions showed that the Council had considered the fringe dweller problem for a long time. The comparison to the Wyndham/East Kimberley Council (I attended their meeting the week before) was dramatic...

On Friday, 21 October 1983, I attended a meeting at Ngoonjuwah with some town camp representatives, some Ngoonjuwah Councillors and employees, and representatives from Department of Community Welfare, the National Aboriginal Conference, the Shire and Lands Department.

This meeting, although attendance was low because of law business elsewhere, was very fruitful. The land and service needs of the town campers were very clearly expressed for all to hear.

As a result of the meeting in Halls Creek, the following factors have been either resolved or will be worked on:-

There are three areas of land required in Halls Creek to cater for the transient Aboriginal population. These areas are roughly located on the edge of the town, roughly in the direction from which the people came."

The letter went on to provide more details of these three camping areas (Ngoonjuwah Rockhole, Dinner Camp and Garden area), their locations and the

respective areas from which the people who camped in them came. The camps would be organised according to tribal/language/geographical area groupings (HCSMB, 1, 263). With respect to one of these areas it was noted:

"The Shire has agreed to make available the town common land on which the Ngoonjuwah Rockhole camp is situated, so that transient camping facilities can be provided."

But it was further noted:

"It remains to be seen whether they will further consider the Dinner and Garden camp areas

The Shire is adamant that it will not release land in the Blueberry Hill area for a squatters camp."

The officer expressed optimism about the development at this time of services and facilities in town camping areas:

"Overall, I believe the climate is right for development in Halls Creek... I believe that Ngoonjuwah would benefit a lot more by opening up a line of communication with the Shire."

He thought it possible that while development of the Ngoonjuwah Rockhole camping area was proceeding and

"(if matters are resolved with the Shire, the development of the other two transient camps could occur at the same time.

In order that Ngoonjuwah Council and the Shire can have something to work on, could you please obtain for me , plans and any other relevant details on the Parkeston project. This is fairly urgent, because I would like to keep the interest, which has now been shown, alive, and not let planning etc., drag on."

But it seems that planning did drag on and the apparent interest and cooperation which the Shire had shown in late 1983 had waned by late 1986, as the following extract from the Halls Creek Council Minutes of November 27 1986 shows. Under an

item "Balgo Community and Dinner Camp Halls Creek", the Shire Clerk reported:

"I was recently at Balgo and met with the Community Council. During the course of discussion, the matter of water availability for Dinner Camp was raised.

I took this opportunity to advise that my Council would not tolerate the existence of the dinner camp and that we were most unhappy about the rubbish accumulation.

The response was that they would be happy to move away from the area and suggested a site near the grid on the old road with water and rubbish bins. An offer was made to assist in cleaning up dinner camp at the same time.

I believe there is a lot of merit in the suggestion, the problem is real, it won't go away, so we must come to grips and regulate it."

His recommendation to Council was "Through the Balgo Community seek from the State/Aboriginal Development Fund an allocation to establish ablution block and camping area.". But the Council resolved not to accept this recommendation.

In these references, it should be noted, the Shire's involvement with Aboriginal town campers in the Halls Creek area consisted of agreeing to making vacant land available. The question of the Shire providing facilities and services to town campers does not seem to have arisen. In fact, it was assumed even by the DAA officer late in 1983 that DAA and the Ngoonjuwah Council would be respectively the funders and providers of services to Aboriginal town campers. He considered at that time that plans should involve:

"...development of Ngoonjuwah to ensure that services to transient and permanent camps are maintained... The request for funding in 1983/84 mainly centres around developing Ngoonjuwah, toilets/ showers at Ngoonjuwah Rockhole and

some basic shelters. Further developments will be left until 1984/85."

In the interim, as the Health Surveyor reported to Council in November 1983, the dwellings in the three itinerant camps should be "screened from the public" since the dwellings would be sub-standard (HC3MB, 1, 260).

The consideration of a number of housing and planning issues highlights further aspects of local government-Aboriginal interaction in the Shire of Wyndham-East Kimberley. From the Aboriginal viewpoint, these issues have been primarily concerned with the situation of town campers, especially in Kununurra as well as efforts to provide suitable accommodation for more permanent residents.

Council attitudes toward such issues and resultant zoning and development policy have generally operated in an 'exclusionary' manner as far as Aborigines are concerned, especially in the town of Kununurra. There appears to be a much greater willingness on the part of the Council, for example, to condone the development of permanent Aboriginal housing in Wyndham, whereas in Kununurra there is an attempt to rigidly enforce local by-laws to the detriment of Aboriginal people. In September 1984, for example, a letter from a State government department to the Council made the strong inference that the Shire was the *only* official body which was not in favour of a land release for Aboriginal settlement (WEKMB, 2, 273). Furthermore, the Kununurra zoning categories clearly favour the overall segregation of Aboriginal housing alongside other non-residential uses. For example, in October 1984, an application was received by Council for the development of a Kununurra lot which was located in an area zoned "Aboriginal council housing, private clubs, institutions and places of public assembly" (WEKMB, 2, 288).

The situation of Aboriginal town campers in Kununurra, both permanent and transient, has been one cause of direct Shire-Aboriginal interaction, with the result being the Shire's somewhat reluctant involvement in the land and housing needs of some of the local Aboriginal population. In short, the Council's perception is one of 'illegal campers' being a "problem" (WEKMB, 1, 38). In October 1983, an area officer of DAA addressed the Council on the subject of "Aboriginal fringe dwellers" and offered

to assist the Shire in planning the upgrading of the accommodation and facilities in the town camps (WEKMB, 1, 201). Rather than a genuine attempt to deal sensitively with a very complex issue, however, the Council's view has been to have the "squatters" removed "to existing Aboriginal reserves" (WEKMB, 1, 112).

The Kununurra-based Waringarri Aboriginal Association (formerly known as the Kununurra Aboriginal Progress Association) submitted development plans for land in the general Kununurra area as early as 1974. This was at a time when many Aboriginal families were camped behind the Mirriwung Centre. Further submissions were made in 1978, 1979 and 1982. The Shire eventually approved part of the request for land, but Council argued against the size of the original land request, with the result that only a small part of the land outlined in the submission was approved as a reserve for development for local Aboriginal people. The 1985 submission commented on this land grant as follows:

"In many respects the granting of Reserve 31221 is a major catalyst to Aboriginal development in the town, however it is clearly inadequate to accommodate all the land needs outlined in this submission. Some of the best and highest ground (a 50 metre wide strip along Speargrass road) has been reserved as Public Open Space and vested with the Shire, and also half of Reserve 31221 is unuseable during average wet seasons, due to flooding. The flooding extends to the 42 metre contour level and flash flooding to higher levels."

Early in 1983, work commenced on a housing subdivision in the Lily Creek area on the outskirts of Kununurra. This development was the direct result of the need to accommodate employees of the Argyle Diamond Mine. Aboriginal people had been camping in this area for about 10 years. It seems that the "Shire tolerated these fringe dwellers and only requested that they move on as new developments took place." Such was the case with the 1983 housing development when the Aboriginal fringe-dwellers at Lily Creek were forced to consider alternative locations. Although

it had originally been thought that the Lily Creek people could be relocated to the reserve land behind the Mirriwung Centre, there were a number of reasons why this was eventually considered not to be the best option:

"... reservations were expressed by the group concerning their lack of traditional ties to people already living in the area. The land on which they would have relocated is close to Mirriwung sacred sites. This group do not know the law for that area and felt that tensions may have arisen."

In addition, it was noted;

"... these people are not oriented towards town living and they felt by being out of town they would avoid some of the social difficulties such as alcohol and alcohol-related problems."

So, after meetings between DAA, DCW, Waringarri and so on, the people involved were relocated in January 1983 to a site close to the road at Emu Creek, some 10 kms to the east of town.

In August of that year, the Shire began to take some interest in the "Emu Creek squatters", as indicated in a letter written by the Shire Clerk to the local office of DCW:

"I have been instructed by my Council to enquire as to what arrangements are being made to adequately cater for the needs and general welfare of the squatters at Emu Springs.

Council is concerned at the plight of these people especially in view of their long term needs of suitable housing, safe water supply, etc.

In the document 'Strategies to Help Overcome the Problems of Aboriginal Town Camps' ... many long term recommendations were made..... Council would greatly appreciate your advice in

due course on whether any of these recommendations are to be adopted, and if so, what particular points."

A reply from DCW to this Shire enquiry was eventually received some 6 weeks later:

"I do apologise for the delay in replying to you however I was hoping I would be able to reply in a more positive manner than I am now able to do.

In regard to recommendations for the future it is difficult to respond. It seems at the moment that the people now living there wish to remain. Our Department has assisted with some of the initial problems by supplying a number of tents and we are still carting fresh drinking water to them.

The reasons for the uncertainty are basically threefold:

a) a commitment from the people themselves as to where they wish to live.

b) the extent and criteria of recent Federal Government funding initiatives ie. for town campers and outstation camps.

c) the State Government's initiatives regarding the Seaman Land Inquiry.

Once the outcome of these are known hopefully some long term recommendations, not only by our Department, but other interested parties, will be able to be made.

Once again sorry I have no definite answers for you."

As was noted earlier with reference to Halls Creek, in November 1983, a DAA officer reported that he had attended a meeting of the Wyndham-East Kimberley Shire Council the previous month and commented on the dramatic comparison of this meeting with that of the Halls Creek Shire Council. He also noted at that time that:

" The Wyndham East Kimberley Shire...were primarily interested in what I intended doing to prevent the Emu Springs people urinating on the highway and hitching rides into town. Complaints have been registered with the Council by some of the fine upstanding pillars of the community who live at Crossing Falls, near Emu Springs."

In December 1983, a submission for land at Emu Creek was prepared by the Waringarri Aboriginal Association on behalf of the people living there. The submission noted that:

"Currently the group have no permanent water supply and water is being carted in 44 gallon drums. People are at present living in tents. Waringarri Aboriginal Association hopes to shortly receive money from the Town Camper's Program to provide water delivery, rubbish removal and assist with the collection of wood for cooking purposes. Emu Creek will be included in this program and receive all these services. Commonwealth Employment Program funds are being requested to help numerous groups around town."

It was further noted that the Shire had been consulted about this particular submission for land. In fact the Chairman of Waringarri wrote to the Shire President early in December informing the Council of the situation of the Emu Creek people and explaining the gist of the submission:

"We are writing prior to the application being sent to the Aboriginal Lands Trust so the Shire can consider this matter and advise us if you have any objections to the proposal."

The submission was sent to the ALT on 20/12/83 and the Waringarri Chairman's

covering letter noted:

"Discussions have already taken place with the Shire of Wyndham-East Kimberley and although the proposal has not been discussed at a Shire meeting as yet, the Shire President has indicated that the Kununurra Councillors have no real objections to land being granted to people at Emu Creek."

But the Chairman of Waringarri finally received a formal reply from the Shire on 16/2/84 which contained the following information:

"I have to advise that Council resolved that it could not support the request contained in your letter as Council believes that adequate areas of land were set aside for various Aboriginal groups from the large area of land which was the subject of an earlier submission of your Association and which was supported by this Council."

At the Council meeting in April 1984, it was reported that Waringarri had made application to the Lands Department for about 40 acres at Emu Creek to be set apart as a Reserve for the "use and benefit of Aboriginal inhabitants" with a vesting order in favour of the ALT. Council rejected this position, however (WEKMB, 2, 43). By September 1984, the situation had still not been resolved, but the Emu Creek people were assuming a degree of permanency. The Shire's Building Surveyor inspected the the Emu Creek site on September 10, 1984 and served notice on the Waringarri Association that it 'Remove all unauthorized buildings constructed without Shire approval in contravention of Uniform building by law 8.1' At its meeting in October 1984, it instructed the Building Surveyor to arrange for a halt to all work at the site (WEKMB, 2, 273). In November 1984, the Chairman of Waringarri wrote to the State Minister for Local Government, forwarding a Notice of Appeal on behalf of the Emu

Creek community against this order. This letter provided more details of the status of the submission for land at Emu Creek:

"We understand that the Lands and Surveys Department has circulated and cleared the land application with all appropriate Government Departments. The only objector is the Shire of Wyndham-East Kimberley, and for this reason the application has stalled within the Lands Department.

The Shire has given no reason for its objection, despite repeated representations from ourselves and Government Officers. They have only said to us that they should move to an area on the other side of town to camp amidst other families from different regions. Such a move would be socially and culturally disastrous.

We can only presume that the Shire objects to any Aboriginal people camping in the area in sight of traffic on the main road to Darwin, as a threat to tourism. Of its own volition, the community moved more than 200 meters back from the road, out of sight. This however has done nothing to change the attitude of the Shire.

At the request of the community, Waringarri helped them to construct a basic ablution block and a small store shed in which to keep dry personal effects and foodstuffs during the forthcoming wet season. (The Shire had also expressed concerns at environmental health conditions at the camp).

A building application was not submitted to the Shire in view of their strident opposition to any development and because we were in no position to do so, as neither Waringarri nor the community were owners or leasees of the land in question.

The Shire has subsequently issued an order to demolish the buildings, and if not complied with, we understand the Shire will proceed to do so. Such a move would aggravate an already strained relationship between the Shire and Aboriginal people...

We hope that this matter will be viewed as more than a simple breach of the Uniform Building By-Laws, but rather in terms of the capacity of a Council, elected under restricted franchise, to frustrate the legitimate and modest aspirations of Aboriginal people. It has not been demonstrated that the rights or interests of any other party have been jeopardized by the land claim or the buildings, nor that there is any detriment to the general community. On the contrary, the facilities we have provided, must be acknowledged as a benefit to the whole community."

The Shire carried out a subsequent site inspection on 7 November 1984 and found that building work was continuing. The possibility of legal action was mentioned and this prompted the Waringarri Chairman to write to the Shire suggesting that no further action be taken by either party until advice had been received from the Minister regarding the Notice of Appeal which had been lodged. At its November meeting, the Council noted that the proposed Emu Creek development was to be inside the Kununurra townsite boundaries and it thus "maintained its firm decision against

the unauthorised buildings" (WEKMB, 2, 345). The matter was finally settled by a Cabinet decision. The Minister for Lands and Surveys wrote to the Chairman of Waringarri in early February, 1985 as follows:

"I refer to your Association's longstanding application for land at Emu Creek, Kununurra.

As there was a need to resolve the dilemma caused by the objection by the Shire of Wyndham-East Kimberley to the creation of a Reserve, the views of State Cabinet have been sought.

Cabinet has now approved the creation of a Reserve for the "Use and Benefit of Aboriginal Inhabitants" vesting in the Aboriginal Lands Trust, with power to lease.

Action is proceeding towards the formal creation of the Reserve."

With the land tenure situation clarified in their favour, the Emu Creek community could proceed officially with plans for a village development. Interestingly, whether by coincidence or not, most of the Council debates on Aboriginal fringe camps took place at the alternate Council meetings in Wyndham. The Waringarri Association's 1985 submission to the Shire regarding development proposals for Aboriginal land in the Kununurra area came up for discussion three times at Council meetings before being voted on. Aboriginal interest in this matter was made evident to Shire Councillors at alternate meetings in Kununurra and Wyndham when many Aboriginal people packed into the public galleries. Council support was initially limited to only one councillor, but the proposals eventually gained enough support to be accepted.

Sewerage and Water

It is a matter of serious concern that, in the latter part of the twentieth century, more than one-quarter of all Aboriginal dwellings in Western Australia are not connected to any form of sewerage (DAA, 1984). It cannot be taken for granted that such a basic service is provided in the East Kimberley. Of course, provision for adequate sewerage is expensive, especially in remote, sparsely-populated regions containing a number of transient settlements. Council recommendations in this area are thus likely to favour cheaper solutions for the permanent communities and buildings. However, such an approach clearly disadvantages Aboriginal communities, not only those in more remote locations. For example, in the August 1985 Health Surveyor's report to the Shire of Halls Creek, it was pointed out that there were no firm dates yet established for the installation of an appropriate sewerage connection at Nicholson Camp. The same report announced that the Kimberley Hotel was to be connected that month (HCSMB, 3, 171).

Although in April 1984 Halls Creek Council had agreed in principle to connecting Lundja Aboriginal Community at Red Hill to the Town sewerage system (HCSMB, 1, 370), by June the community faced severe sewage problems (HCSMB, 2, 38). By May 1985, funding previously allocated to connect Red Hill to Town had been withdrawn and representations were being made to the Federal Minister for Aboriginal affairs (HCSMB, 3, 92). In July 1985, DAA released \$82,000 for Red Hill sewerage (HCSMB, 3, 100). However, in February 1986, there were still effluent problems at Red Hill (HCSMB, 3, 369). The minutes of the June 1986 Council meeting note that Red Hill was soon to be connected to the Town sewerage scheme (HCSMB, 3, 134).

Similar problems have been found in the Shire of Wynham-East Kimberley. For example, WEK Council reported in February 1985 that there would be a "sewerage connection to Oombulgurri in the near future" (WEKMB, 3, 4). One of the local government candidates noted in June 1985 with regard to the Wyndham Aboriginal Reserve that even when facilities are available in town areas, they can be so run

down such that their function can hardly be fulfilled in any case (WEKMB, 3, 230).

Given the enormity of the potential water supply in the East Kimberley, it is surprising that not all communities possess potable water. However, transient and/or remote Aboriginal communities appear likely to be disadvantaged in relation to an adequate supply of potable water. Such problems as were evident at Red Hill in early 1983, took more than a year to resolve after which the community was connected to the Town supply (HCSMB, 2, 38). Salmonella has been found in water at Balgo, and in November 1984, the water at Yagga-Yagga was found to be unfit for human consumption (HCSMB, 2, 234). Furthermore, the Health Surveyor's report of November 1985 indicated that water analysis at Harry's Place, Turkey Creek, was "suggestive of bacterial proliferation" (HCSMB, 3, 306).

In WEK, the water supply in Kalumburu, for example, appears to be adequate, as it is filtered and chlorinated (WEKMB, 3, 4). However, some of the water supply to the Yardungarll Aboriginal pensioner community at Dingo Springs had to be "trucked in" (WEKMB, 3, 57). Unfortunately, in May 1985, the health surveyor found evidence of excremental pollution and salmonella in that supply (WEKMB, 3, 184). Furthermore, in September 1985, both the supplies to the Guda Guda community in Wyndham and to Emu Creek were found to be contaminated (WEKMB, 4, 31-2). At that time, the Guda Guda community, being located just outside of Wyndham, had no anticipation of being connected to the town supply (WEKMB, 4, 58).

Warmun Community, Turkey Creek - Some Other Issues

Some further indication of the nature of Aboriginal experiences of local government in the country ward of the Halls Creek Shire and the Shire's interaction with one particular community can be gained by examining the correspondence on file in the Warmun Community at Turkey Creek. It should be noted that although Turkey Creek is 150 kms north of the town of Halls Creek, it is far less isolated than most other Aboriginal communities in the country ward of the Shire (such as Balgo),

being situated as it is on the Great Northern Highway on the road to Kununurra in relative proximity both to the Argyle Diamond Mine and the proposed Bungle Bungle National Park (Figure 3).

Since about 1980, several matters have been the subject of interaction between the Shire of Halls Creek and the Warmun Community. Dealings have centred on the clarification of regulations which may need to be complied with; Shire efforts to gain Community conformity; Community efforts to gain Shire support for Community plans and economic initiatives. One observer has noted that Warmun Community's relations with the Shire have "not always been cordial." (von Sturmer, 1984:10). This observation was based in part on the refusal of the Shire to permit the Warmun Community Store to carry on retail trade (including petrol sales) with the general public. While this particular issue was viewed as a case of the Shire acting in opposition to the community's interests, this same observer noted that the position adopted by the Shire on another issue, an application by the local roadhouse for a liquor licence, may be interpreted as supportive of the community's wishes. In this case, the Shire supported the community's opposition to the granting of such a licence. It is worth describing further details concerning some of these issues and others in order to ascertain features of the Warmun Community's experiences with the Shire of Halls Creek.

Liquor Licence

Correspondence dating from 1981 indicates the concern of Aboriginal people at Turkey Creek about possible moves by the owner of the local roadhouse to acquire a liquor licence. The Chairman of Warmun Community wrote to the Shire President on 8/3/81 in the following terms:

" Our community is strongly opposed to the granting
of such a licence. No doubt your Council will appreciate
that our community has moved to this location in

preference to the major population centres of the East Kimberley, where the debilitating effects of alcohol are being experienced by our people.

Your Council will no doubt be aware that our community has developed as a strong and cohesive Aboriginal community. We fear the introduction of a liquor licence so near to our Reserve. Would you please advise us as to what your Council's position would be in a situation where [the roadhouse owner] were to apply to the licencing court. We would hope that you could assure us that your Council would oppose the granting of such a liquor licence..."

On 23/3/81, the Chairman of Warmun Community received a reply from the Halls Creek Shire Clerk:

"This Council has no positive knowledge of [the roadhouse owner] applying for a liquor licence for the above premises. However Council does support the views of your Community, and on the assumption that an application may be made, or is being made to the Licensing Court, the Court is being informed that this Council objects to the granting of such a licence.

I trust that my Council's action in this matter is in accordance with the wishes of your Community."

But rumours continued and the issue was raised again in 1984 when an application for a liquor licence was again reported to have been lodged with the Licensing Court. Warmun Community members organised a petition opposing the granting of such a licence and they were again supported by the Shire. It seems that these efforts, together with bad publicity and pressure from a number of concerned groups and individuals, resulted in the application for a liquor licence not being proceeded with.

Violet Valley Station-Abattoir

In January 1982, the Baulu-Wah Aboriginal Community became lease-holders of Violet Valley Aboriginal Reserve, not far from Turkey Creek. In 1983, community members began planning for an economic pastoral enterprise on the reserve. The community planned to establish a slaughter-house and sell meat directly to the Warmun Community at Turkey Creek. Contact was made with the Shire of Halls Creek in regard to this plan, as the following letter, written to the Aboriginal Legal Service (ALS) in July 1983 indicates:

"Could you please let us know what are the minimum requirements for the slaughtering and transporting of cattle. The Warmun Community has already been warned by the Halls Creek Shire not to sell meat that has not been slaughtered and transported under conditions that meet Health Department regulations."

A reply from ALS in September 1983 indicated that Shire approval would, among other requirements, be necessary in order to establish an abattoir. In a submission for CEP funding dated November 18 1983, it was noted that the proposal had "...been worked through with the assistance of the Health Inspector for the Shire of Wyndham-East Kimberley and as such we have been able to ensure that our proposal meets health regulations." Contact had also been made with the Shire of Halls Creek within whose boundaries Violet Valley is actually located. The Shire Clerk wrote on 3/11/83 as follows:

"[The Community Adviser] of the Warmun Community contacted our Health Surveyor on this matter some three weeks ago and so far as I am aware... has been fully appraised of the various requirements for the establishment of an Abattoir.

The Shire of Halls Creek is a "Non-Inspection" area so far as meat is concerned, but it is possible there may be difficulties attached to

establishing an abattoir without inspection facilities. This Council has already indicated that because of the inspection costs involved it could under no circumstances provide a meat inspection service at Violet Valley."

It is not clear why the Health Inspector for the Shire of Wyndham-East Kimberley had become involved in a matter outside his own Shire boundaries, but the fact that the Halls Creek Shire had only one quarter of the time of a Derby-West Kimberley based Shire Health Inspector may be part of the reason. The abattoir issue provides an example of interaction between an Aboriginal community and the local government consisting of a non-Aboriginal Community Advisor seeking clarification of relevant Shire regulations. The Shire has merely responded as interpreter of regulations.

Interaction between the Warmun Community and the Shire of Halls Creek has mostly taken the form of correspondence between the Community Adviser, writing on behalf of the Warmun Community Chairman and Council, and the Shire Clerk. In 1985/86, a number of other issues involved correspondence between the Warmun Community and the Shire of Halls Creek. As noted, the Shire had refused to grant the Warmun Community Store a licence to retail goods and fuel to the general public. One of the main reasons for refusing such a licence was reportedly the resulting competition to the nearby roadhouse. In May 1985, the Chairman of Warmun Community sent an application and a petition to the Shire Clerk of Halls Creek, asking for consideration to be given to the granting of such a retail licence. In July, the Community received the following reply:

" re: Application for a Licence to Sell Fuel

I refer to your [application] of the 8th May...on behalf of the Wungkul Store at Turkey Creek... for a licence, under the provisions of Local government Model By-Laws (Petrol Pumps) No. 10, to sell fuel. On the 18th July, 1985 this Council revoked this particular By-Law, and in consequence you may retail fuel from your bowser at Turkey Creek without acquiring any licence under these By-Laws from this Council."

It seems that the Shire Council revoked this particular By-Law less from a concession to the Aboriginal people at Turkey Creek and more from the realisation that no fuel retailers in Halls Creek had any such licence and it was therefore not reasonable to expect the Aboriginal community at Turkey Creek to obtain one.

In August 1985, the Chairman of Warmun Community wrote a letter to the Shire expressing concern for residents at Turkey Creek because of the lack of speed restrictions on the Great Northern Highway adjacent to the community. This was a matter which the Shire could only refer on to the responsible authority, the Main Roads Department. The same course of action followed the unanimous decision of the Warmun Community to write to the Shire and request the relocation of the sign for fuel and refreshments on the Great Northern Highway.

General Outcomes

The foregoing outline of some expenditure patterns and priorities in the Shires of Halls Creek and Wyndham-East Kimberley has demonstrated the relative neglect of local government service provision to Aboriginal communities. These patterns to a large extent reflect the 'ratepayer mythology' discussed earlier and also reveal the Shires' unwillingness to spend money on services to Aboriginal communities even when funded from other State and Commonwealth agencies to do so.

Not all of the issues discussed above are of equal importance for all Aboriginal communities in the Shires. For instance, Shire spending on roads assumes a higher priority for remoter Aboriginal communities, whereas planning issues and the extension of town based services assume a higher priority for town camp communities. Where issues of concern to Aboriginal people have had favourable (positive) outcomes at the local government level, this has usually been because of State government intervention (for example, Emu Creek land) or because there was no cost to the Shire (for example, Aboriginal Recreation Officer).

CONCLUSION

In general, the social, economic and political impact of local government in the East Kimberley on Aborigines has been very limited and the above discussion has attempted to identify both positive and negative aspects of the interaction process. Aboriginal people have received minimal social benefits from local governments compared with other groups in the region. In particular, the Shire of Halls Creek has given a low budget priority to 'life chance' (health, welfare, community amenity and recreation) categories of expenditure compared with Wyndham-East Kimberley. The former has tended in recent years to accumulate large surpluses of funds and has used only a miniscule percentage of its budget for direct Aboriginal expenditure. On the other hand, Wyndham-East Kimberley tends to spend more overall and assigns a greater priority to 'life chance' expenditures. This does not necessarily mean, however, that Aboriginal people in that Shire receive greater benefits than their counterparts in Halls Creek, because it is evident that social and political rivalry between the two main centres in Wyndham-East Kimberley to a certain extent overlies any competing interests between racial groups.

In both Shires there appears to exist a popular misconception of the relative importance of rates as a source of revenue. What is abundantly clear is that rates comprise a relatively small percentage of total revenues. However, what is especially problematic from the viewpoint of the articulation of Aboriginal demands is the continuance of the view that full adult franchise ought not to be supported since ratepayers might lose control of Council. Ironically, the logical extension of this view is that, since the State government provides the bulk of the revenue, it should also appoint the local Council.

In terms of local service provision, there are a number of similarities and differences between the two Shires. Although recreation is a higher priority expenditure category in WEK compared with Halls Creek, it tends to be concentrated in Kununurra. Recreation expenditures in WEK, like those in Halls Creek have a

minimal impact on the Aboriginal community. Expenditures on roads appear to benefit certain pastoral stations more than others. Rubbish collection, on the other hand is especially problematic from an Aboriginal viewpoint. For most communities, there is no option but to be exposed to a health risk or develop a parallel rubbish collection service, even for locations close to the main regional centres. The relative isolation of some Aboriginal communities combined with an attitude in some quarters of 'blaming the victim' have also contributed to underservicing in the health area. In particular, there is a need for an additional health surveyor to deal specifically with Aboriginal health problems. In addition, there is a severe problem of Aboriginal housing which varies in its intensity both between and within Shires. In Halls Creek, for example, the properly planned local provision of non-occupied land for such purposes requires urgent attention. In WEK, the problem appears to be more severe in Kununurra than elsewhere in the Shire. In addition, in both Shires one cannot take for granted the provision of such basic facilities as water and sewerage treatment.

These difficulties will inevitably be directly confronted as the State Government and local community associations increase their demands for local government accountability. This will be especially the case in the larger centres since locally-defined disabilities are in part a function of local population structure.

The influence of Aboriginal people on local government until the recent franchise changes has been negligible. Recent years have seen a growing Aboriginal awareness of the functions and activities of local government, but this awareness is unevenly distributed throughout the region. It may well be that, since Aboriginal communities have received relatively little from local government, they believe that local involvement is not worthwhile. This may be especially true in the country areas of both Shires, where Aboriginal people have had very little, if any, direct contact with local government. To date, Aboriginal political efficacy at the local government level has resulted more from the mediating role and resourcefulness of Community or Project Advisers than from Aboriginal members of Shire Councils. These

Community or Project Advisers, with the support of Aboriginal community leaders, may explain to the best of their knowledge why there is a need to respond to, deal with or seek advice from the Shire. Such advisers interpret local government rules and regulations and attempt to provide Aboriginal Councils with advice about possible options and courses of action. Since the change to the local government franchise, effective from 1985, Aboriginal people (in some communities more than others) have been encouraged by Aboriginal political leaders, Community Advisers and others to take a more active interest in local government matters, and this has resulted in the standing of Aboriginal candidates, an increasing, though uneven level of postal voting and an increasing awareness among some community members of the extent of local government powers and functions.

In sum, it is essential for both Shires to develop a more enlightened approach to questions related to Aboriginal needs and demands at the local level. In order to be able to more effectively articulate local Aboriginal demands, it is essential that Aboriginal representation should increase on both Shire Councils. What is also clear is that effective organisation by Aboriginal people in Halls Creek Shire could lead to local Aboriginal control of that Council. Whereas the Kununurra Ratepayers Association has functioned for a number of years in a kind of local government 'watchdog' role in WEK, the recently-formed Progress Association in Halls Creek, which has enjoyed Aboriginal representation from its inception, has only just begun to act in that capacity.

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