The Australian settler state, Indigenous agency, and the Indigenous sector in the twenty first century

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The Indigenous Sector – thousands of community organisations providing both service delivery and political advocacy functions for many Aboriginal and Torres Strait Islander peoples across Australia – occupies a distinct position in the national polity. Indigenous community organisations are largely government funded and incorporated under Commonwealth and state legislation; yet they are a key way for Indigenous populations to speak back to the state through making political, economic, social, and cultural claims which have largely been ignored. While the settler colonial governance environment ensures both highly-governed inclusion and the continued exclusion of Indigenous peoples today, Indigenous populations negotiate this environment using their agency to establish and maintain these unique community organisations. Therefore, the Indigenous Sector should be positioned within this settler colonial environment with both its structural constraints and enabling devices, along with an investigation of the political capacity of people in the day-to-day in future analysis. This paper presents such a theoretical schema. Beginning with a discussion of political sociology and serious games, this paper establishes a theoretical discussion of the Australian settler state as an all-embracing, top-down, settler colonial structure; highlights the reflexive agency of Indigenous Australian populations and explains the power relations between these structures and community organisations; and critically explores how the Indigenous Sector negotiates the settler state governance environment of contemporary Australia.

Keywords: Indigenous sector, structure, agency, settler colonial, state.

Refereed Conference Paper Submission for the Australian Political Studies Association Annual Conference 2015, 27–30 September, University of Canberra

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Community organisations created and maintained by Aboriginal and Torres Strait Islander populations throughout Australia are present day expressions of political, social, economic, and cultural claims. The purpose of this paper is to critically explore the Indigenous Sector – the thousands of organisations delivering services and providing advocacy mechanisms for many Aboriginal and Torres Strait Islander populations – as a unique political entity in the Australian polity. Their existence, success, growth, and political constraints highlight the core paradox on which the Australian settler state make claim to authority, legitimacy, and ultimately, sovereignty. Watson (2012: 1–2) contends that there are two major streams of thought on the state's relationship with Indigenous peoples in recent sociology in Australia. The principal approach is to understand the Australian state as settler colonial into the present, and thus continuing to exert domination over Indigenous people's lives in a variety of ways (see: Behrendt 2003; Povinelli 2002; Veracini 2010, 2015; Wolfe 1999). This approach uses a macro lens as its primary focus for this relationship, and thus Indigenous agency is erased in much analysis in efforts to understand continuing colonialism (Watson 2012: 2). A solution to this problem is to use to the alternate approach to highlight how Indigenous peoples are governed in Australia, with recent anthropological work understanding the state as "progressively rights-conferring" (Watson 2012: 2), creating the space for inter-subjectivities in the day-to-day lives of Indigenous peoples (see: Beckett 1988; Cowlishaw 1999; McCallum 2011; Sullivan 2011). Indigenous people's agency, political action, and ability to negotiate intercultural spaces (Smith 2005: 9) on a micro level is highlighted in this perspective. I wish to push forwards an Indigenous sociology capable of understanding the relationship of continuing structural conditions of the Australian state, *and* the agency and political decision-making of Indigenous peoples simultaneously in this paper, in an effort to better understand the unique position of Indigenous community organisations.

This leads us to ask how we can position the Indigenous Sector as existing within both a structural framework of continuing settler colonialism on a macro level, and highlight agency on the micro day-to-day level through the manifestation and continuing practice of community organisations in particular locations. I answer by firstly highlighting the utility of two key ideas: political sociology, for understanding power as relational and existing in particular social fabrics on a range of levels, and an examination of the agency/structure question as an essential debate of the social sciences, informing how we might understand power, authority, social action, change, and stability. When we keep these two ideas in mind, a schema can be created to understand the original puzzle of this debate between continuing settler colonial domination and the ability of Indigenous people's capacity to negotiate this environment. This paper constructs a theoretical framework of the Indigenous Sector today: as organisations incorporated under Commonwealth and state legislation; as cultural 'bridges' and 'brokers' negotiating differing governance and authorising environments; and, as manifestation of Indigenous agency and practice of self-governance in a settler colonial governance environment. The sector functions as mediator between community needs, wants, and expectations, and the onerous demands of settler state identity maintenance and administrative regulation in a relationship of deeply unequal power. This paper is the beginning of such an approach to the political sociology of the Indigenous Sector in the twenty first century.

Theoretical foundation: Political sociology

Political sociology is a subfield of sociology which focuses primarily on power, in asking what it is, who has it, how it is used, and why it is used in particular spaces in time (Orum and Dale 2009: 2). This perspective investigates the power relations between the state and the individual, but is not limited to this (Dowse and Hughes 1972: 5). The sociological

characteristic here refers to recognition and analysis of everything outside of a purely state-focused perspective (Hicks, Janoski, and Swartz 2005: 22). This perspective investigates how power plays out in particular societies across social structures, systems, networks and institutions of a given point in history, how authority is maintained and upheld within differing cultural environments, while also looking at how those processes unfold, are interpreted, and reproduce themselves for individual people and their communities (Orum and Dale 2009: 5; Smith 2005: 9). Power, authority, and legitimacy are explored as existing in relation to the apparatus of the state and its institutions, down to the development and interpretation of power relations from an individual, day-to-day perspective (Dowse and Hughes 1972: 5).

The concepts of power and authority are the currency of this perspective. Power is defined here as the "transformative capacity" of individuals or a group (Giddens 1979: 88); the ability to manipulate the views and actions of other people (Weber 1946: 180); and to take action, or to "act otherwise" in the world (Giddens 1984: 14–16). Politics, or the political, is then "striving to share power or striving to influence the distribution of power" within or external to state boundaries (Weber 1946: 78). Power here is viewed as a set of relationships which make the social fabric or political arena, and exist between players in different positions who strategize in using this power (Foucault 1982: 793–95). Authority refers to the sets of rules, institutions, and their arrangements which allow an individual to make demands of another individual's actions and views, requiring legitimacy for its continuing existence and functionality (Orum and Dale 2009: 2–3). Examination of these constructed rules and their effect upon people's political behaviour in differing contexts is fundamental to this perspective (Reynolds 1991: 3). Therefore, we can use political sociology to explore a wide range of political behaviour via bureaucratic institutions, networks, groups, and the broader social fabric simultaneously – a vital perspective to understanding the Indigenous Sector from both macro and micro levels.

Serious games: Reflecting on structure/agency

A discussion of structure/agency is fundamental in exploring the relationship between agency, or the capacity of human beings to take social action, and the enduring rules and resources that create systems and institutions which contain said action, or social structures (Giddens 1984: 8–9; Sewell 1992: 9). Understanding these two concepts as relational or dialectic avoids a solely top-down, or state-centric analysis of power relations, acknowledging both social change and stability. A more nuanced analysis describes how structures constrain or enable agents capacity for social action, who then in turn attempt to change or reproduce those structures (Marsh 2010: 216, 219).This is particularly important within contemporary Indigenous sociology and research, where focus on the constraining nature of state (Rowse 2010: 80–81) or overwhelming deficit and marginalisation can tend to dominate analysis (Page and Petray 2015: 2; Petray 2012; Watson 2012: 2).

Structuration theory argues that agents and structures are constantly reproduced when interacting in their symbiotic relationship (Giddens 1984: 22–25). While structures can both enable and constrain people through legitimation and domination, agents can reflect upon those structures and seek to change them through action (Giddens 1984:14–15; Sewell 1992: 21). Yet structuration theory does provide details about what agents actually know in order to make change to that structure and system (Sewell 1992: 7) in implicitly assuming agency is the same in all social situations. A perspective incorporating the serious games approach gives us the ability to treat this relationship as a highly complex dialectic: not losing focus of the broader

"large-scale social and cultural forces in play" while also allowing power relations and differing cultural conceptions of social action to come to the fore (Ortner 2006: 129).

In serious games, agents are not viewed as in direct opposition to social structures (Sewell 1992: 5, 20); rather, they are embedded within and cannot act outside of "the multiplicity of social relations [in] which they are enmeshed" (Ortner 2006: 133). Agency then is understood in relation to both cultural construction and the surrounding social fabric in moulding political aims and action – what is considered social action will change from one society to another depending on the structures of that location (Ortner 2006: 137). Different positions and the inequitable distribution of resources, rules, and power within structures shape agency and the ways in which people seek to change the world around them: having power then, is having the ability to make action occur within a particular social fabric (Sewell 1992: 21). The next section begins to construct a schema of the major structure which enables and constrains Indigenous agency – the Australian settler state.

The Australian state and continuing processes of settler colonialism

The key structure with which Indigenous populations interact is the Australian settler state. The state is understood here as a formal set of institutions socially constructed by individuals' practices, actions, and reactions which control the "legitimate use of physical force within a given territory" (Weber 1948: 78–79) in order to maintain supremacy and domination over its citizenry. The ability of the state to control violence in both physical and symbolic forms, establishes and maintains its legitimacy and sovereignty within a given territory (Giddens 1985: 121). This domination can take different shapes, including by "virtue of legality", where belief in legal structures by a population, or the rules and traditions of the state, creates obedience in adherence to statutory requirements (Weber 1948: 79). The state is more than just a collection of individuals though, having its own inertia, momentum, and bureaucratic power which is larger than any one group of people (Bourdieu 2015: 367; Page and Petray 2015: 3). When individuals and collectives working within a structure and institutions of the state push for social change, dramatic change will only occur gradually through building of social forces and adequate resources to do so.

In creating its identity, state representatives and administrators consciously construct histories to build a unique sense of nationalism. This process establishes a "centralisation and administrative expansion of state domination internally" (Giddens 1985: 199) and the basis of race relations within its borders (Miles 1989: 75–79). The creation of nationalism takes place to ensure internal stability and maintain a unique presence internationally (Miles and Brown 2003: 149). This inevitably leads to the production of a distinctive identity – and an institutional and a sociological racism within the state – in choosing who gets to be a part of the nation, and who does not (Balibar 1991: 49). A collective sense of 'self' for the nation is constructed, and an 'other' created in order to differentiate and bolster this "fictive ethnicity" in a continuing process of racialisation (Balibar 1991: 49). This entails the construction of racial categories on the basis of perceived biological features (Skinner 2006: 460) and deciding whom are to be included and excluded (Banton 1998: 184). The racialisation process has been vividly evident in the creation and the continuing existence of the Australian state as a socio-historical phenomenon (Kapferer and Morris 2003: 86–87).

The entire basis on which the Australian state has been constructed from the top-down is on the colonisation of land originally occupied by Aboriginal and Torres Strait Islander peoples, the establishment of colonial sovereignty over Indigenous sovereignty, and their continuing

exclusion/conditional inclusion within state boundaries (Dodson and Cronin 2011: 190–92; Ford 2010: 198; Howard-Wagner 2010: 225; Wolfe 2006: 388). The ongoing process of settler colonialism by the Australian state – where invasion of a territory by outsiders is "a structure not an event" (Wolfe 1999: 2) due to settler intentions to stay on the land (Veracini 2010: 53) – reproduces pervasive power imbalances between Indigenous peoples and settlers in differing institutional and sociological ways over time (Howard-Wagner and Kelly 2011: 125; Veracini 2015: 22). From the settler colonial perspective, exclusion and institutional racism are woven deep into the social fabric of Australia and continue to provide a structural environment for all political action in the present day (Veracini 2015: 88).

This style of governance is conceptualised here as the Australian settler state: one in which Indigenous populations have been "outnumbered and removed by colonial policies and practices" (Johnston and Lawson 2000: 361) through the invasion and settlement of a non-Indigenous population, and in which policy is created and developed through these continuing structures of settler colonialism (Maddison 2009: 24). Indigenous peoples are therefore perceived by the state as "not yet ready for self-government" (McCallum 2011: 609) and lacking a capacity for social action (Lovell 2010: 207) despite their continuous negotiation, resistance, and survival within settler colonial structures for over two centuries. As the settler state holds the majority of the resources and power in the Australian polity, Indigenous peoples are in an asymmetrical relationship to this structure, on account of their small population size and marginalisation by government from colonisation's beginnings into the present day. Incorporating a serious games perspective highlights this power imbalance and the structuring effect on patterns of human action on a macro level of analysis, while also analysing how Aboriginal and Torres Strait Islander peoples *do* have the ability to reflect, challenge, and resist these structures through their inherent capacity for creating social change on the day-to-day level.

Agency as resistance in creation of projects

So how can we understand Indigenous agency simultaneously with structures and systems of Australian settler colonialism? A serious games approach argues that individuals and collectives are able to understand schemas that inform systems which attempt total domination, such as settler colonialism and structural racism, and reinterpret those resources in attempts to act creatively in social relations despite immense power inequalities (Ortner 1994: 391–93; Sewell 1992: 20). Agency has two overlapping "faces" in this view: as resistance, and in the creation of culturally specific projects to fulfil social change (Ortner 2006: 139). Agency as resistance shows the importance of exploring inequitable power in analysis, highlighting how even the most dominated groups have the capacity to exercise decision-making and influence events around them through a spectrum of actions, such as in protest, riots, and other collective actions (Ortner 2006: 144). The creation of projects by individuals and collectives is particularly important to recognise here, as those on the "margins of power" attempt to achieve goals and make social change through a frame of cultural expectations and power relations of particular social fabrics, for example, in the creation of Indigenous community organisations (Ortner 2006: 144). Both of these conceptions of agency are essential for understanding the position of the Indigenous Sector in the present.

The following sections critically explore the Indigenous Sector as an example of this manifestation of agency as project and resistance relative to the Australian settler state governance environment by: briefly tracing the sector's parallel history to Indigenous Affairs policy in Australia, outlining its political and social functions, emphasising its distinct position

within the Australian polity, and showing how organisations must negotiate a settler state governance environment – an arena of deeply asymmetrical power relations.

The Indigenous Sector – a distinct political entity

The Indigenous Sector, the thousands of organisations which deliver both services and advocacy roles for many Aboriginal and Torres Strait Islander populations, is a unique political entity in the Australian polity. These organisations are positioned within Australian civil society and its roots in voluntary action of people seeking to make social change in the promotion of social justice and equity (Bell 1996: 46). Specifically, the Indigenous Sector makes up part of the Australian third sector, as private organisations created and maintained by people acting voluntarily and independently of government, democratically controlled by their members to provide benefits to those who use them most (Lyons 2001: 5–7). However, as a result of the development of Indigenous affairs policy in Australia, the Indigenous Sector is unique in its incorporation under government legislation and its overwhelming reliance on government funding for its continuing operation.

A brief history of the Indigenous Sector

The unique position of the Indigenous Sector today is a result of its parallel development to Indigenous Affairs policy in Australia. The first Indigenous political organisation emerged in 1924, undertaking political activism for civil rights (Rowse 2005: 217). Several organisations followed in the 1930s challenging protectionism (Broome 2010: 204–06), though were only favoured by government after assimilation policy led to a more “proactive approach to managing Indigenous interests” (Holcombe and Sullivan 2013: 497). The 1950s saw governments supportive of church and governmental welfare provision through agencies for Indigenous populations, viewing the creation of associations as positive moves towards assimilating into “the Australian way of life” (Rowse 2005: 218). When associations turned from welfare to civil rights-based organisations this created tension for all levels of government, which had issues recognising claims of collective and political identity. Voting rights and recognition of citizenship were focused on during the 1960s, culminating in the vitally symbolic referendum of 1967. At this point, Australian governments quickly shifted away from assimilation and the Indigenous community organisation and services sector began to flourish (Coombs 1978: 217–18).

Thus began the ‘self-determination’ era and the significant growth of the Indigenous Sector through four decades of funding for Aboriginal policies by the Commonwealth government (Hunt 2008: 27). [1] Organisations grew exponentially as the *Aboriginal Councils and Associations Act 1976* created a way for Indigenous community organisations to receive funding for service delivery and incorporate under Commonwealth legislation (Holcombe and Sullivan 2013: 497). The Commonwealth viewed this as successfully bridging an existing “cultural gap” (Coombs 1978: 236) in turn building a political orthodoxy of support for such organisations (Rowse 2005: 218).

[1] Although some argue that the self-determination era never truly existed, and instead was a ‘self-management’ phase (Moreton-Robinson 2003: 5), where the onus of Indigenous disadvantage and dysfunction was placed on Aboriginal and Torres Strait Islander populations with little responsibility taken by the state’s continuing processes of settler colonial exclusion and domination (McCallum 2011: 624).

The biggest changes to this governmental precendent followed the establishment of the 'normalization' phase in 1996, and the eventual abolition of the Aboriginal Torres Strait Islander Commission (ATSIC) in 2004–05 by the Howard Coalition government. A 'mainstreaming' approach to Indigenous policy was established, with services to be managed by Commonwealth departments (Sullivan 2011: 5). Parallel to this, the introduction of the *Aboriginal and Torres Strait Islander (Corporations) Act 2006* (CATSI) brought new structures of regulation and control to the sector, leading to government regulation on 'good governance' and organisational failure of many Indigenous organisations (Rowse 2012: 107−8). This lead to continual 'one size fits all' policy making, and lack of decision-making capability in the hands of community organisations (Rowse 2012: 121). Aboriginal organisations were largely defunded, and much of the service provision was to be distributed by "mainstream" providers (Holcombe and Sullivan 2013: 499). Normalization became a return to assimilationist policy in requiring Aboriginal and Torres Strait Islander peoples to forgo their own civil society organisations for those of the 'normal' citizen (Howard-Wagner and Kelly 2011: 114−15). This approach continued during the Rudd/Gillard/Rudd Labor governments (2007−13) (Sanders 2014: 7−8) and has been advanced by the Abbott Coalition government in the creation of the 'Indigenous Advancement Strategy' (IAS). The contemporary Indigenous Sector is a reflection of these dramatic policy shifts. Yet, Indigenous community organisations still exist and organisations use the legislative space and resources in efforts to make positive social change.

The Indigenous Sector, now

The Indigenous Sector is currently made up of thousands of organisations, many of whom are funded "largely or wholly" by government to deliver public services for Aboriginal and Torres Strait Islander peoples (Rowse 2005: 213). Services are provided in a wide range of domains including health, legal representation, arts and media, education, housing, land councils, language centres, and environmental management associations (Holcombe and Sullivan 2013: 501). 2536 Indigenous-controlled community organisations have registered nationally under CATSI as of June 2014 (Office of Registrar of Indigenous Corporations [ORIC] 2014). Estimates of approximately 8000–9000 organisations have been made as recently as May 2015 (Bauman et al. 2015), reflecting the little data available on those organisations which are either incorporated under State government legislation, or which have chosen not to incorporate under legislation (Sullivan 2010: 2). The majority of these organisations are "non-commercial" in structure and largely operate on government funding (Holcombe and Sullivan 2013: 494).

There are a variety of models that organisations in the Indigenous Sector can deploy, and a range of authorities they can hold. Voluntary association dominates organisational structure within the Indigenous Sector, where governing councils are elected by the population the organisation has been built to serve, with benefits going to the members who use that organisation (Lyons 2001: 6). The decision to incorporate under legislation is a political one: incorporating may result in the acquisition of more government resources, but increases the likelihood of government auditing and intervention (Holcombe and Sullivan 2013: 502; Martin and Finlayson 1996: 2). An advocacy and community development focus can also be an explicit aspect of an organisation's structure and intentions, in the aim of creating positive social change in Indigenous material wellbeing. Several organisations have also been created under statue − a key example being ATSIC between 1990–2005 − and while not explicitly part of the third

sector, embody many of the characteristics of community organisations in their relative independence from government and service delivery functions (Sullivan 2010: 3).

This range of organisational models leads to a variety of sources of authority and power being held by the Indigenous Sector, including: control over the physical resources allocated to the organisation; over employees and management style; over "voice" in representing the views of the members to government; and, in control over who gets access to organisational resources and capital (Rowse 2005: 217). This final authority is crucial power dynamic to recognise, as it gives organisations the capacity to decide who is in their member base, and why this is the case (Rowse 2012: 104).

The Indigenous Sector also performs a particular set of social functions in the political arena. First, organisations aim to represent their members through allocation of resources to the benefit of those members, and practice advocacy by making claims of government on behalf of their needs. Second, organisations can function to provide communal legal entity over property, including both land and sea rights through local councils (Rowse 2012: 102–3). Third, organisations deliver specific services for Indigenous populations, as since the 1970s both Indigenous populations and Australian governments have assessed that some service delivery functions "are best administered through...publicly funded Indigenous organisations" in a way that perhaps government could not administer (Rowse 2012: 103). This last function is indicative of what makes the Indigenous Sector distinct as an institution.[2]

Distinction of the Indigenous Sector

While sharing similarities with the third sector, the Indigenous Sector is a unique: it is not a formal part of the state apparatus, despite most organisations operating within the legislative framework of CATSI and various State statues, and the majority supported by government funding; nor is it totally part of civil society, despite its advocacy role, structures of voluntary association, and broad overlap with the goals of the mainstream not-for-profit sector (Sullivan 2010: 1). Indigenous community organisations fall somewhere in-between these two categories, and make a larger political claim of the settler state – this gives them a unique status. These organisations serve two vital purposes: firstly, organisations of the sector deliver a range of services that are normally provided by governmental agencies in other circumstances, such as in the areas of health, aged care, youth services, and housing (Rowse 2012: 201; Sullivan 2009: 67). Secondly, for many the Indigenous Sector acts as the key relationship between mainstream, non-Indigenous Australian governmental institutions and Aboriginal and Torres Strait Islander populations, by the nature of their linkages through administration and funding requirements of government (Holcombe and Sullivan 2013: 502).

Organisations in the Indigenous Sector are manifestations of continued attempts by Indigenous peoples to negotiate and transform the power relations between the settler state and Indigenous populations. The push for empowerment and social change at the local level and self-governance is a key facet in addressing experiences of exclusion by the Australian government, and organisations provide these opportunities for expression of political claims

[2] Organisations in the Indigenous Sector may also perform a profit-making function created in order to sell goods or services, although these entrepreneurial ventures have "failed at a high rate" (Rowse 2012: 103). While Indigenous entrepreneurship is on the rise in urban areas, a significant level of discrimination and lack of access to capital prevents further development (Foley 2006: 21–2). This analysis chooses to focus on the first three functions to discuss their political capacity in service delivery and advocacy roles in relation to settler state structures.

by the small population of Indigenous Australia (Martin 2003: 5). They are the way many Indigenous populations to make themselves both visible and heard as citizens, where mainstream institutions leave their perspectives largely ignored (Rowse 2005: 210). The Indigenous Sector can be understood as presenting a distinct challenge to continuing dominance and exclusion of Indigenous peoples by settler state structures and institutions, through manifestations of agency and self-governance as collective claims for social rights through organisations. The next section shows how an integration of political sociology and the serious games perspective can be used to explore this distinct position.

The Indigenous Sector negotiates the Australian settler state governance environment

The agency of Indigenous peoples is evidenced through the creation and maintenance of community organisations when aiming to achieve a social good not being provided elsewhere, i.e. by government (Ortner 2006: 144). When these projects interact in multiple arenas of governance with different frameworks of authority, legitimacy, and power though, divergent sets of expectations arise (Smith 2005: 17). Organisations are created within an overarching structure of hegemonic settler governance, continuing to engage and negotiate the practices and values of the non-Indigenous governance environment within a “third space” (Holcombe 2005: 231; Martin 2003: 9). Recent anthropology has conceived of the organisations as being “intercultural mediators” (Holcombe and Sullivan 2013: 495; Martin 2003: 1; Merlan 2005: 168–69; Smith 2005: 20). The notion of ‘inter-’ within the intercultural contains two understandings of culture: one of stasis which borders on modernism, nationalism, and a bounded nature of culture; the other of reproduction, interaction, and fluidity of culture as in relation theory (Merlan 2005: 169–70). Relational theory argues that a middle ground must exist between determinism and voluntarism of culture, and not all action is possible in social space due to structural context (Sullivan 2010: 187). Two metaphors can be used to understand this space for Indigenous community organisations, in either acting as intercultural ‘bridges’, or as intercultural ‘brokers’.

In twenty-first century Australia, no Indigenous peoples exist in social worlds not influenced by the dominant settler culture (Martin 2003: 8). The Indigenous Sector negotiates the civil engagement of communities and the broader structures of the settler state as both a ‘bridge’ between Indigenous citizens when government reproduces the notion of fixed cultural, i.e. racial categories; and as ‘broker’, in overlapping governance environments understood by relational theory as neither completely static or fluid – it is in these differing conceptions of ‘middle-ground’ that we must explain these relational processes. The Indigenous Sector negotiates differing “authorising environments” (Smith 2005: 20) for legitimacy in its position – one Indigenous, the other non-Indigenous – both with their own notions of jurisdiction, authority, and control. Organisations perform a balance between community expectation, wants, and needs, and for recognition by the Australian state at the same time. This puts organisations in an unenviable position.

Organisations must create and maintain both authority and legitimacy amongst its constituents, members, and client base, by achieving and sustaining “cultural match” on a grassroots level. Authority in this environment is contested at a grassroots level by those whom live in and have a social or cultural connection with the specific place in question, at the time in which this negotiation is taking place. To gain support and legitimacy from their members, organisations must represent the values, authority, and organisational style that the population expects (Begay Jr. and Cornell, 2003; Dodson and Smith 2003: 19). If the institution is deemed ineffective or illegitimate by those members, it may end up resembling the governance that

Indigenous peoples have come to expect from Australian settler colonialism: jarring with local frames of reference, not representing their interests, and largely unsuccessful. Indigenous organisations must also gain legitimacy from the perspective of the external authorising environment and structures of the settler state, or face possible termination, due to the aforementioned asymmetrical power relations of the governance environment.

The Australian settler state governance environment

Indigenous peoples are often perceived by various authorities of the settler state as lacking agency and the ability to govern for their own lives (Cowlishaw 1999: 23; McCallum 2006: 624). However the state both enables and constrains the capacity of Indigenous community organisations to deliver services and practice advocacy on behalf of their members (Page and Petray 2015: 9). Existence within an environment of unequal power and resources results in the Indigenous Sector existing on an unequal footing with the Australian state at all times, leading to many issues in the practice of self-governance, but not in the total erasure of agency.

Although the Indigenous Sector provides a unique role in service delivery and direct representation to government, it also relies mostly upon government funding. Organisations accept particular administrative conditions for essential resources required to function, and are integrated within structures of which they are attempting to gain legitimacy from, and survive within (Rowse 2012: 105). Multiple layers of regulation constrict the abilities of Aboriginal community organisations (Sullivan 2010: 7). Though incorporation provides a safety net against failings of administrators, the governance rules and administrative reporting are onerous (Oscar 2014). CATSI has recently been described as fitting Indigenous peoples within a non-Indigenous bureaucracy, allowing little room for self-governance to emerge in the process (Reily et al. 2007: 165−66). Funding contracts are also highly conditional on the standards set by legislative bodies such as ORIC, on notions of ‘good governance’ and corporate management. Without economic autonomy it is difficult to retain political autonomy for organisations of the Indigenous Sector and so an auditing culture leads to organisations being highly regulated and controlled by those legislative frameworks (Dwyer et al. 2009: 54; Sullivan 2010: 7). This adds to a “tug-of-war” across multiple layers of government for different contracts and between administrative obligations under different legislation for funding, detracting from organisational service delivery capacity and representation of local constituencies (Rowse 2012: 105).

Overwhelming bureaucratic management and regulation of Indigenous organisations results from structural changes within government and the public sector more broadly. While a whole raft of changes to the public service had come throughout the New Public Management era of the 1980s, ATSIC – responsible for coordinating approximately half of the resources allocated for Indigenous organisations during its existence (Rowse 2005: 183, 219) − managed to block most of these changes, due to being headed by an Aboriginal Board of Commissioners who advocated community control of public services (Sullivan 2009: 59). Thus, dramatic changes occurred as Commonwealth and State governments attempted to fill the void following ATSIC’s abolishment in 2004–05 (Sullivan 2009: 57). The Indigenous Sector, on the receiving end of the power imbalance, was subject to these intense changes. Aboriginal organisations were largely defunded post-1996, and much of the service provision was to be distributed by “mainstream” providers (Holcombe and Sullivan 2013: 499).

The current rationale for Indigenous policy by Australian governments is the belief in mainstreaming: that the public provision of services will ultimately be "more effective if it is centrally accountable and professionally administered by a combination of national and State agencies" with organisations of the Indigenous Sector acting as "junior partners" with whom to collaborate in this service delivery (Rowse 2012: 125). This leads to organisations being subject to cost-effectiveness and commercial-style contracts of which funding is routinely applied for, and highly monitored with performance indicators – much like the rest of the public sector – with detrimental results (Sullivan 2010: 6). It also means the responsible minister of the day is also free of much of the accountability if organisations are to fail for any reason. The Abbott Coalition government's IAS policy continues down this route by cutting $500 million from the sector, and substantially restructuring funding contracts with ambiguous new rules, requiring quick adaptation by organisations in securing a now-reduced funding share (Davidson 2015; Viner 2014). This shake-up of funding arrangements, and a signalling of a reproduction of a mainstreaming approach of previous governments, has resulted in a variety of criticisms and protests from many within the Indigenous Sector (Davidson, 2014; 2015). The sector is in this position because Indigenous organisations are trapped in a bind. They are delivering *essential services* for their members, some of the most marginalised populations in Australia, and thus cannot afford to close. Failure to adhere to administrative demands set by government leads to severe consequences for their constituents, many of whom are not receiving adequate or appropriate essential services from government in the first place.

State Paradox: self-governance bounded within settler colonialism

At the core of the settler state is a paradox of its own authority, legitimacy, and continued existence. The very existence of the Indigenous Sector leads government to practice direct intervention as it can be seen as a challenge to state sovereignty and policy creation and management, and ultimately who gets to decide on services and policy. Even if various levels of state administration attempted to alleviate constraints on Indigenous citizens, to completely do so would lead to inevitable challenges to its own sovereignty and its 'right to rule' (Beckett 1988: 4). The political and administrative role of the Indigenous Sector will always "attract the displeasure of government" because it shows that there is an "alternate base of power with its own grass-roots legitimacy" (Sullivan 2010: 6), and thus the recognition of agency and success of Indigenous peoples in the practice of self-governance continues to be constrained. Recognition of Indigenous peoples agency and successes strengthens a challenge to state claims of settler colonial identity as "just, unified, and sovereign" (Maddison 2011: 163).

Australian government therefore continues to be one of "top-down approaches to problems framed by the powerful" (Hunt 2008: 44), whilst simultaneously becoming an "integral part of the problem it is supposed to be solving" (Beckett 1988: 4). A paradox emerges whereby Australian government needs the assistance of the Indigenous Sector in delivering essential and appropriate services that it has had difficulty in delivering in the past, and the amplification and consultation of Indigenous voices for policy implementation. In incorporating Indigenous peoples as part of the broader settler colonial framework though, it in turn institutionalises "colonial distinctions" creating a group which it deems needs to be controlled (Beckett 1988: 14). So in turn, many leaders and organisations of the Indigenous Sector are treated with suspicion or seen as unable to govern in adequate or 'good' enough ways under these legislative frameworks (Sullivan 2010: 7). Structurally, the setter state cannot consider the on-going ramifications of settler colonialism, or the inequitable power imbalance of dispossession and dependency on government, nor the specific locality of difference of any population throughout

the country (Behrendt 2003: 14). To do so would undermine its own power and authority, and ultimately the legitimacy of which settler colonial identity is based. It is this continuing reproduction of power inequity between the two players that does little to foster a trusting relationship for policy negotiation and implementation. The settler state continues to have the power to act unilaterally in mostly constraining Aboriginal and Torres Strait Islander peoples' agency, while they are subject to the effect of that power and must continue to reflect on those structures and negotiate daily in pursuit of social change.

Conclusions

We can better understand the unique position the Indigenous Sector occupies in the Australian settler colonial governance environment by creating a theoretical schema which understands social structures as enabling and constraining, whilst also allowing the space for agency of Indigenous populations through organisations to be highlighted in any analysis. The Australian settler state is a set of institutions and practices within a continuing process of settler colonialism, excluding Indigenous populations through racialisation to bolster its own sense of unified nationalism and sovereignty. In relation to these structures of immense power inequality, Indigenous agency can be said to have two overlapping expressions in the serious games perspective: as resistance against dominant power structures, and in the creation of culturally defined projects in seeking to fill gaps not being provided by government. Organisations within the Indigenous Sector are perfect examples of this agency as project, performing a unique range of functions and authorities in delivering essential services and providing an advocacy mechanism for many Indigenous populations. However, the relationship between the Australian settler state and Indigenous Sector is one of deeply unequal power relations, due to an ongoing settler colonialism which largely excludes Indigenous peoples into the present.

The Indigenous Sector performs a balance between population expectations, wants, and needs on the one hand, and for recognition by, and resource acquisition from, the Australian settler state on the other. This balance requires the negotiation of two authorising environments of asymmetrical power relations: one Indigenous, of which organisations must sustain "cultural match" to gain the support and legitimacy of its constituency in order to be effective at functioning in service delivery and advocacy; the other being the non-Indigenous settler state governance environment, of which Australian government uses legislative mechanisms and authority over essential resources to substantially constrain and exclude claims of self-governance by Aboriginal and Torres Strait Islander peoples. A structural paradox at the core of the Australian settler state has been identified as (re)producing this political environment: the state has failed Indigenous populations in not creating space for self-governance through community organisations, because to recognise and fully support the Indigenous Sector as successful would lead to greater challenges to settler sovereignty, built upon the de-legitimation and continued attempts to exclude and remove Indigenous sovereignty, authority, and legitimacy. This problem will continue as long as settler colonialism forms the foundation of Australian society.

To conclude, future research into the Indigenous Sector – whether in the field of sociology, political science, or anthropology – needs to highlight Aboriginal and Torres Strait Islander peoples' voices, agency, ability to negotiate, and capacity for creating social change. We must recognise the power of social and political structures, and the institutions which are shaped by them to both enable and constrain individual and collective choices along settler colonial ideology in contemporary Australia. Such a framework is essential if the vital and often

marginalised voices of those affected most by current Commonwealth government policy – such as the increasingly problematic 'Indigenous Advancement Strategy' – are to be amplified in years to come.

Acknowledgements

I would like to thank my reviewer for their insightful comments regarding "finding the puzzle" of this paper, and my fantastic editorial team for all their help: Penelope Bowyer-Pont, Fadi Baghdadi, Mathew Toll, Deirdre Howard-Wagner, Theresa Petray, and Michael Pusey. Finally I wish to thank the University of Sydney for providing the funding to attend the annual Australian Political Studies Association conference.

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