

## The limits of representation through Indigenous public sector employment: no substitute for constituency

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### Abstract

“How can you make decisions about Aboriginal people when you can’t even talk to the people you’ve got here that are blackfellas?” This question to government from a senior Aboriginal public servant in the Northern Territory raises an important issue in the relationship between government and Aboriginal and Torres Strait Islander public servants. In seeking to build representative bureaucracies through Indigenous public sector employment, government often expects Aboriginal and Torres Strait Islander employees to substitute for, rather than guide consultation with, absent communities. I argue that this expectation conflates three distinct relationships for Aboriginal and Torres Strait Islander public servants: (1) the employment relationship with government, (2) the representative relationship in which this places Aboriginal and Torres Strait Islander public servants with their people, and (3) the constituency relationship between government and all Indigenous Australians. Understanding the distinct character of each relationship shows the limits of the representation government should expect through Indigenous public sector employment.

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## **The limits of representation through Indigenous public sector employment: no substitute for constituency**

Interviewing Aboriginal and Torres Strait Islander public servants in the Northern Territory in 2007, one senior level officer asked in an imaginary conversation with government: “How can you make decisions about Aboriginal people when you can’t even talk to the people you’ve got *here* that are blackfellas?” As a long-time observer of the relationship between government and Indigenous Australians, both as a public servant and an academic, I found this question profound. So much so that I used it as the starting point of my book about the experiences of the individuals behind the Indigenous public sector employment statistics, whom I characterised as ‘reluctant representatives’ (Ganter 2016).

In asking how the government could make decisions about her people when it couldn’t talk to her, this officer was speaking neither as an ordinary employee nor as a representative of her people. She was of course both. She was a public servant and she was also a local self-identifying Aboriginal person whose advice helped the bureaucracy be more representative of the people it served. But she was portraying herself as more than this. She was asking to be recognised and spoken to as an Indigenous Australian, a member of a political constituency of long standing.

In seeking to build representative bureaucracies through Indigenous public sector employment, government often expects Aboriginal and Torres Strait Islander employees to substitute for, rather than guide its interaction with, absent constituencies. My research drew out this tension for Aboriginal and Torres Strait Islander public servants in the Northern Territory (Ganter 2016; see also 2011). I argue here that the problem occurs when three distinct relationships are conflated - (1) the employment relationship, (2) the representative relationship and (3) the constituency relationship. Aboriginal and Torres Strait Islander public servants are in all three. Understanding these as distinct relationships could lead to a more sophisticated engagement between government and Indigenous Australians.

To explain my argument, I’ll take each relationship in turn.

### *1. The employment relationship*

The first is the employment relationship. Through public sector employment, Aboriginal and Torres Strait Islander people participate in Australian efforts to create more representative bureaucracies. Those who self-identify help build the Indigenous public sector employment statistics and in so doing help the Commonwealth, State and Territory public sectors demonstrate social diversity (see Smith 2013; Lahn and Ganter in press).

Having a socially diverse public sector should make government more responsive to the needs of the community. Representative bureaucracy is premised on that the idea that the presence of individuals from particular groups in sufficient numbers in the right locations will inject their views and perspectives into institutional products. This idea acknowledges subjectivity and discretionary judgement on the part of public servants. For bureaucracies to become more representative of diversity, public servants from identified groups must

be able to add their voices to the framing of advice and the design and implementation of relevant policies and programs. That is, based on the rules that guide all public servants – the merit principle, the code of conduct, the job description – the members of Aboriginal and Torres Strait Islander communities who work in government departments that claim to be representative of those communities must do some on-the-job representing.

We're not discussing principal-agent representation or improper accountabilities but the opportunities for informal representation that come up in the daily work of all public servants who bring their background, knowledge and experience to their work. All public servants have some discretion in the way they work. It's the job of departments to exercise discretion in the implementation of decisions, or government would get nothing done (see Richardson 2002). Yet Aboriginal and Torres Strait Islander public servants can be seen as partial and over-involved when they bring their ideas and interests, their discretion, into Indigenous policies and programs.

The problem with the work on representative bureaucracy is that the link between passive representation, which focusses on numbers, and active representation, which focusses on substantive contributions, is unclear and under-theorized. I argue that understanding how the members of diverse social groups do any actual representing takes us out of the employment relationship and into another one. This is the representative relationship that exists between those present in bureaucracies and their people outside.

## *2. The representative relationship*

Being employed in government departments and working in Indigenous policies and programs, as many Aboriginal and Torres Strait Islander public servants do, places them in a relationship with their people that involves representation. In Hanna Pitkin's iconic work on the concept of representation, the representative brings forth the absent (Pitkin 1967). The mere presence of an Aboriginal and Torres Strait Islander public servant reminds a workplace of the absence of the rest of their population. And as soon as this person makes a more active contribution, they informally bring forth the views and interests of this absent population, at least in the eyes of others.

The representative relationship is an exclusive relationship between Aboriginal and Torres Strait Islander public servants and their communities. The government has no place in this relationship, but should understand and respect it. This relationship, if properly nurtured, can help build trust between the government and communities.

To understand the representative relationship better, we need theories of descriptive representation or the representation of historically disadvantaged groups by group members.<sup>1</sup> Although developed originally for electoral representatives, this work has application in non-electoral contexts. Descriptive representatives bring benefits. They can be effective role models. They can make good trustees, because their judgement is generally more likely to reflect grounded knowledge of their community than the judgement of others. Descriptive representatives may remind the public service of

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<sup>1</sup> See political theorist Suzanne Dovi's (2017) summary for an understanding of key concepts, issues and approaches in descriptive political representation.

overlooked perspectives. Through their different orientations they may help build cross-cultural understanding and make government seem more legitimate to alienated populations (see Phillips 1995: 167-8). But the ability of descriptive representatives to deliver these benefits depends entirely on the quality and robustness of their relationship with the represented, with their communities outside government. This is a sensitive and sometimes fragile relationship, and good representatives need to look after it carefully or risk seeming inauthentic to their people.<sup>2</sup>

One way in which descriptives representatives might look after the relationship with their people is by respecting and protecting their people's right to be heard. In a trustee-style relationship, representatives make judgements about the best interests of their group without referring back to the group. Trusteeship sits well with representative bureaucracy because public servants do make autonomous judgements and cannot under public service ethics check back with their constituency. In circumstances of trusteeship a descriptive representative might use their positional authority to guide consultation and ensure there are processes in place for absent people to be heard.

A way in which descriptives representatives might inadvertently abuse the representative relationship they are in with their people is by stepping into the space where their people could and should be heard, and substituting their own voice. Here is how it happens. Being in a position to speak for the group distances the representative from the group. It is in the nature of representation that the representative is at a distance from those they represent, otherwise there'd be no need for representation. But when the representative is selected on the basis of group identity, being at a distance challenges their legitimacy at its source. And the distance from the rest of the group is often greatest at the very moment when the representative is best positioned to speak. It is one of the deep and abiding problems of descriptive representation that the representative so positioned, especially if acting alone or under pressure can now all too easily step beyond their authority and into the privileged and unaccountable position of *speaking as* the absent group. Now there is no representative relationship, so this is no longer representation. This is substitution.

The theorists have outlined the circumstance in which substitution may be justified, such as when proper consultation is impossible or a crucial opportunity would otherwise be missed (see Alcoff 1995; Spivak 1988). But in the context of Indigenous public sector employment in Australia, it was one of the most important findings of my research that Aboriginal and Torres Strait Islander public servants most often left, or lost faith in, the public service because of the random expectation they speak in place of, or substitute themselves for, their absent communities. This expectation abuses the representative relationship. And in political terms, to ask an Aboriginal and Torres Strait Islander public servant *what Indigenous Australians think* is to conceal the rest of their population with all its diversity of interests from view and relieve government of the effort and cost of reaching out to that population.

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<sup>2</sup> Suzanne Dovi argues that a good representative relationship must be based not on elitism or exclusion but on mutual relations with dispossessed groups in which there are shared fates (Dovi 2002).

### 3. *The constituency relationship*

The constituency relationship is the relationship between the government and all Indigenous Australians. Aboriginal and Torres Strait Islander public servants are in this relationship on both sides. Aboriginal and Torres Strait Islander public servants can be consulted on their employment relationship with government. They can choose to be consulted on their side of the representative relationship with their people. They can be trustees for the views and perspectives of Indigenous Australians. They can advise government how to communicate with Indigenous Australians. But in a just democracy, they cannot be consulted on the interests of their constituency as a whole. When my interviewee asked “How can you make decisions about Aboriginal people when you can’t even talk to the people you’ve got here that are blackfellas?” she wasn’t asking to substitute for her absent population but pointing out a communication problem, the government’s communication problem with her constituency. As an employee of government who had her own relationship with that constituency, she was offering to help.

The constituency relationship between government and Indigenous Australians is of long standing and deep complexity. Within this relationship, the government is on trial by Indigenous Australians for its authenticity, consistency, care, respect and capacity to learn. My research participants, senior Aboriginal and Torres Strait Islander people who had been revolving in and out of public service employment for decades, gave me to understand that they would stay in government longer if it worked harder on its relationship with their communities. As it was, these ‘reluctant representatives’ were always on the lookout for more clearly representative roles in external Indigenous organisations where they could take a break from the tensions of representing on the inside.

Iris Marion Young designed some of her most important work on democratic justice to mitigate the risk of identity-based substitution, arguing that civil society would be drawn more effectively into democratic structures through plural representative relationships than by identity representation alone (see Young 1997; Young 2000).<sup>3</sup> The original vision for Indigenous public sector employment recommended by the Royal Commission of Australian Government Administration in 1976 (Commonwealth of Australia 1976) assumed this kind of plurality, ie that representative bureaucracy would not be standing alone but sit alongside external Indigenous political representation. I suggest that too much weight has been placed on Indigenous public sector employment in the absence of clear structures for external Indigenous political representation in Australia.

Representation through Indigenous public sector employment reaches its limit of political value and relevance when it becomes a substitute for constituency, or for proper consultation with diversely situated Indigenous Australians on matters affecting their communities. The cost to government of not recognising the representative relationship that is at stake for Aboriginal and Torres Strait Islander public servants is much more than poor retention in the employment relationship, but a full constituency relationship with its First People.

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<sup>3</sup> Young wrote: ‘The representative function of speaking for should not be confused with an identifying requirement that the representative speak as the constituents would, to try to be present for them in their absence’ (Young 2000: 127).

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