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WELFARE POLICY AND ABORIGINES:

TOWARDS AN UNDERSTANDING OF RECENT DEVELOPMENTS IN NEW SOUTH WALES GOVERNMENT POLICY IN ABORIGINAL WELFARE

A thesis submitted for the Degree of Doctor of Philosophy, Department of Social Work, The University of Sydney, December, 1985

by

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SUMMARY

This thesis examines the current Aboriginal Affairs policies of the New South Wales Government. Since the end of the Federal Whitlam administration (1975), there has been a slow but steady resurgence in interest at the State level in the development of policies regarding Aboriginal issues. This interest is best represented by the recommendations of the Report of the New South Wales Parliamentary Committee of Enquiry Upon Aborigines (1980) - named after its Chairman the Keane Report. The attempt of the New South Wales Government to put some of its key recommendations into place provides the background to contemporary Aboriginal Affairs policy-making within the State administration and illustrates the peculiar difficulties, at least in New South Wales, of making policies regarding Aboriginal issues.

There are some distinctive problems associated with modern Aboriginal welfare policy in New South Wales. These include the history of Aboriginal-white relations in New South Wales and the legacy of guilt it has left among contemporary politicians and policy-makers. The memory of how whites treated Aborigines in the past and the general awareness that much racism still prevails, has the effect of lowering the levels of accountability and efficiency expected of Aboriginal service-providing organisations. Additionally, white policy makers and
politicians labour under a number of misconceptions concerning the Aboriginal community in New South Wales, its nature and its collective aspirations. These misconceptions stand in the way of the development of more appropriate policies.

The centrepiece of the New South Wales Labor Government's Aboriginal Affairs policy is the Aboriginal Land Rights Act, designed, ostensibly, to accomplish a real shift in power relationships between Aborigines and whites. That it has clearly not accomplished this, nor is likely to, testifies to the unexpressed considerations which were important, even pre-eminent, when the Act was framed, especially the need to placate the Labor Left by a significant Land Rights Act. Such an Act was intended to solve almost at a stroke the complex and continuing problems of Aboriginal poverty. In this respect the Land Rights Act was seen not only as a radical innovation but as far less demeaning than the usual welfare measures. However, pragmatic considerations helped to frame an Act which was open to the misallocation of resources and which addressed needs which were relatively low on the scale of basic needs among the Aboriginal community.

Although the advent of the Land Rights Act was conceived as reversing the welfare mentality of the past and promoting a form of self-determination, Aboriginal welfare needs remain unmet. Meeting these needs in the future will require a better allocation of scarce resources.
earmarked for Aboriginal Affairs and a better comprehension among policy-makers of
a) the variables which govern Aboriginal community life
and
b) the desires of individual Aborigines for participation in the life of the wider community, especially in workforce participation.

Whereas the constructs of white policy-makers and the rhetoric of Aboriginal leadership indicate a radical gulf between policies which conduce towards black and white welfare or development, there is sufficient overlap to suggest a reformulation of policies. There is room for common objectives in the development of social policies for Aborigines and non-Aborigines. When obfuscation of the particular jargon of Aboriginal welfare policy is cleared away, there remains a clear need to act forcefully on issues of housing, employment and education.

Since the current and foreseeable climate at both Federal and State levels is one of economic constraint, a radical re-ordering of priorities which will accord more with basic Aboriginal needs as these are emerging in New South Wales is necessary.
TABLE OF CONTENTS

INTRODUCTION 1

Chapter One 15
THE ABORIGINAL EXPERIENCE OF WHITE RACISM

Chapter Two 74
ABORIGINAL AFFAIRS POLICY: BACKGROUND

Chapter Three 147
LAND RIGHTS

Chapter Four 200
THE OPERATIONS OF THE ABORIGINAL LAND RIGHTS ACT (1983)

Chapter Five 239
STATE SERVICES VERSUS DEVOLVED AS MODES OF DELIVERING WELFARE SERVICES TO ABORIGINES

Chapter Six 272
POLICY-MAKING IN ABORIGINAL AFFAIRS

Chapter Seven 323
SOME OUTCOMES OF GOVERNMENT POLICY AND THEIR RELATIONSHIP TO NOTIONS OF COMMUNITY

Chapter Eight 375
THE FUTURE

BIBLIOGRAPHY 413
INTRODUCTION

This thesis examines the development, intentions and impact of Aboriginal Affairs policy in the New South Wales State administration over the last six years (1980-85).

The question is of interest for a number of reasons: firstly, because the interest of the State in Aboriginal Affairs policy reverses a drift towards Commonwealth hegemony in the area which developed over the period 1972-78 and beyond. The fact of State interest in an area where the Commonwealth Government had by far the larger stake needs to be explained. What is distinctive in the State's effort? How does it compare with the quality of the State's involvement prior to 1972 when the area was pre-eminently a State responsibility? What are the learning experiences of the State so far?

The question of State involvement in Aboriginal Affairs is interesting for a second reason: whether it is likely to promote a solution to deep-seated problems of Aboriginal poverty any faster than Commonwealth policies already in place. The fact of Aboriginal poverty is a feature of Australian welfare. It has existed since white contact; indeed it owes its origins to such contact. Moreover, it is deeply resistant to standard remediation by these policies with the result that, since
1972, large amounts of both Federal and State money have been allocated to it with what is generally conceded as disappointing results.

The third reason why the question of Aboriginal Affairs policy, as it is developing within the State administration, is of interest, is the learning experience it yields for other sectors of welfare and for other client groups. Aboriginal welfare is a deeply politicised area wherein many vested interests jockey for limited resources. The interplay of Government (State and Federal) provided services, community-based services, the Aboriginal leadership, their white supporters within and outside government, the clients and those who seek resources to service them, all contribute to the generation of an inordinately complex picture. Answering the question of the persistence of Aboriginal poverty involves, to a certain extent, unravelling some of the chief variables and examining a little more closely the reality which lies behind them. This is especially the case with the rhetoric of government and the demands of the Aboriginal leadership.

This paper begins (Chapter One) by examining something of the historical context of the problem. There is a certain Aboriginal experience of white racism which forces the question of the development of policy into a historical context. The origins of protectionism and assimilation are examined, together with the quest for self-determination - a term of remarkable fluidity whose very looseness
has caused a great deal of confusion, raised expectations, disappointed hopes and yielded, finally, the need for a watered down proxy. Self-determination is still government policy but it lacks real political substance. The most fundamental fact which helps to give shape to a consideration of New South Wales Government policy in Aboriginal Affairs is that, historically, the relationship between Aboriginal communities and the New South Wales Government has been very poor - based on racism and nurtured through unhelpful policies of the past. To some extent, the legacy of that is still being worked out today. Nor is this experience the only one of its kind. The chapter concludes with some observations on US parallels in the development of Federal policy towards Indians.

The paper continues (Chapter Two) with an overview of the development in recent years of New South Wales Government policy. For the State administration, the Keane Committee Report has been seminal. But this Report was itself the result of a long period of struggle within the Left of the Labor Party in New South Wales for a resolution of long-standing differences between the Aboriginal and white communities in New South Wales. The broader context of the Commonwealth's role is examined and the State's role found to be important but not central as far as available resources go. To activate the State's interest, a separate Ministry of Aboriginal Affairs was established in 1981 and, since then, has been the source
of most Aboriginal Affairs policy advice within the State administration. The Ministry had an initial mandate to develop Land Rights policy in New South Wales. Complementary to this, it has promoted a policy of devolution of control over decision-making to Aboriginal community-based groups, sometimes itself facilitating the setting up of the group to which power was to be devolved. The Ministry also had the mandate to assist in the development of specific Aboriginal Affairs policies and programs within the State's service-providing (functional) departments.

Chapter Three examines the background of the Aboriginal Land Rights Act (1983), the most significant initiative of the State Government in Aboriginal Affairs. The intentions and assumptions of the Act are examined in some detail, together with those aspects which are important, but to some extent, not quantifiable, for example, the effect of white guilt for past injustices in generating this policy. The Land Rights Act (1983) was viewed by the Government as a form of compensation, isolating perhaps more than any other aspect, the overwhelming importance of legal input to its conceptualisation and execution. For this view, as will be seen in the chapter which follows, contains the seeds of a serious misallocation of money and the high degree of tolerance of Government for this. The Act allocates a stream of resources but the resources are not easily translatable into benefits for Aboriginal communities.
The chapter which follows (Chapter Four) is a more detailed evaluation of the Act and discusses some of the misconceptions which underlie it, misconceptions promoted by elements of the Aboriginal community with an interest in Land Rights as an issue, and by white policy-makers, who see the Act as a short-cut to providing better welfare and higher standards of living. The Act yields significant resources for land purchases by Aboriginal groups, yet little of the money has so far found its way into this purpose. At best, there are some second order benefits (in terms of enhanced community development) of importance, but the vocal arguments mounted for the Keane Committee on the central importance of land as a basis for Aboriginal identity in New South Wales and a foundation for economic self-sufficiency seem, after two years' experience of the operations of the Act, to have had little substance. Central to this failure of the Act to have resulted in the acquisition of significant parcels of land, has been the Act's assumption that local communities of Aborigines could and would act on a voluntary basis to acquire and utilise land. Voluntarism as a principle of Aboriginal social action has not developed yet in such a way as to make the Act work.

In the fifth chapter I examine other services delivered to Aboriginal groups apart from Land Rights. These services come either from the functional departments or through community-based services. Their context is the highly politicised Aboriginal welfare debate in New South
Wales, a debate which Keane waded into in his Second Report, linking enhanced Aboriginal welfare with Land Rights - a notion of theoretical dubiousness and practical non-realisation at this stage. The fiscal context of New South Wales Government efforts to provide better welfare for Aboriginal people is one of static or even shrinking resources. This need not negate efforts at social change within the public sector but often tends to. Land Rights legislation has, to some extent, lowered the perceived level of urgency for welfare reform in Aboriginal Affairs, since it is conceived of as a proxy rather than a complement to better policies in welfare. The rationale for devolution to community-based services comes out of this and may provide a way forward for future development of policy. Certainly, it is one of the underpinnings of Ministry policy in Aboriginal Affairs though the failings are easily identified in most instances.

Policy-making (Chapter Six) is examined next. This is the area to which the thesis has been working and in this section I bring together a number of observations from the arguments so far and focus them on the whole question of how Aboriginal policy is formulated in the State administration, what its assumptions are and what its effects have been. These observations were submitted to a number of Aboriginal community leaders to comment on and expand, and their own responses are incorporated where appropriate. Policy-making in Aboriginal Affairs in New South
Wales can be distinguished by a number of factors from policy-making in other areas or for other marginal groups. Its high rhetoric (self-determination as end, consultation as means, etc) often has little real substance, but governments become locked into it because of the political importance of Aboriginal social policy. Moreover, its context owes a lot to the persistence of white guilt - guilt which is more concerned with rights than services, with a consequent lack of accountability or effectiveness monitoring. This climate of guilt is fading, as is the conviction among policy-makers that Aborigines are so distinctive as to require a separate welfare policy regimen in any case. The implications of this last point are taken up in the final chapter.

In Chapter Seven there is an examination of some of the outcomes of Government policy and especially their outcomes for Aboriginal forms of community. A number of important myths which operate in the minds of white policy-makers are identified. These myths relate to the quality of Aboriginal community life, the capacity of Aboriginal communities to provide an effective community-based service and the degree of potential development among Aboriginal leadership which results from these and in turn informs them. The notion of community itself is examined and its relationship to the central economic question within welfare - the efficient allocation of resources - discussed.
In the final chapter (Chapter Eight), the implications of this, especially the apparently assimilationist aspirations of New South Wales Aborigines today are drawn out. There follows an excursus into the value context of the debate, after which the thesis concludes by pointing to the likely future development of Aboriginal Affairs policy within the New South Wales administration.

Methodology
The author has had the advantage of access to all the documentation of the Ministry of Aboriginal Affairs and to a good deal of non-public documentation of both the Federal Department of Aboriginal Affairs and the New South Wales Aboriginal Land Council.

This thesis was compiled, in the first instance, from these three sources. Additionally, the literature on Aboriginal Affairs was examined, especially where it bore on Aboriginal Affairs policy-making. Unfortunately, the literature of Aborigines themselves is not extensive. It is practically non-existent in the area of policy-making in the Commonwealth and State administrations. There is a small though growing body of literature written by Aborigines covering Aboriginal history in New South Wales, as recorded by older generations. Kevin Gilbert's book was the first and in some ways remains the most robust protest against the policy of the New South Wales Government towards Aborigines. Margaret Tucker's and Faith Bandler's books are more gentle but eloquent none-
theless, testimonies to a style of life now beginning to fade from among the younger generation of Aborigines in New South Wales: the style of life associated with governmental direction and institutional racism. Apart from the body of works which constitutes this Aboriginal oral history, however, little has been written by Aborigines of New South Wales themselves either of their own story or in terms of political or sociological analysis of the experiences which Aborigines have passed through. That must wait for another day and may perhaps change the validity of some of the assertions or generalisations in papers such as this, written as this is from the perspective of a non-Aboriginal and of a policy-maker.

The tentative conclusions reached in the paper from an examination of the primary data were tested against the views of a number of Aboriginal leaders chosen to represent different backgrounds. Aboriginal leaders were:

- Margaret Valadian: first Aboriginal graduate in Australia, currently Director of the Aboriginal Training and Cultural Institute which specialises in community development among Aboriginal groups (both traditional and urbanised).

- Naomi Mayers: Administrator of the Aboriginal Medical Service, Redfern and an activist for Aboriginal rights generally and for Land Rights in particular.

- Ann Weldon: Administrator of the New South Wales Aboriginal Land Council and a former employee of a number of community-based Aboriginal organisations
including the Aboriginal Legal Service and the Aboriginal Children's Service.

- Harry Penrith: formerly consultant to a number of mining companies, associated with the Armidale Local Aboriginal Land Council and occasional political candidate.

- Pat O'Shane: Secretary of the New South Wales Ministry of Aboriginal Affairs, Executive Officer of the Keane Committee and member of the Commonwealth Tertiary Education Commission.

Taken together, these people represent a mix of government employees and community-based activists. All have been involved in the Land Rights campaign in New South Wales and each has had the chance of forming and representing to Government his or her views on both Land Rights policy and other State Government Aboriginal Affairs policy.

The principal insights of this paper were put to these people through a series of structured interviews. There was general agreement on the thrust of the conclusions and some fairly typical supportive remarks are represented in Chapter Six.

A note on some of the terminology
A number of words and phrases are used throughout the paper which require explanation. In some cases the variant use of words reflects different meanings attached
to it among Aborigines in New South Wales. In others they represent a convenient shorthand to describe what are essentially constructs but which seem to have real effects in the area of Aboriginal Affairs for all that. The chief terms used here are:

**Community:** this term is used commonly by Aborigines in New South Wales to describe a number of situations, most especially the geographical locus of the Aboriginal population, for example, the Purflee community or the Moree community. In other usages community denotes the entire Aboriginal community of New South Wales, especially when the distinction is being drawn between them and the non-Aboriginal population. Community is often used by policy-makers to denote process: the building up of community by social engineering or by better physical plant (housing, sewerage). The term is used with great flexibility in this paper but the precise meaning should be apparent in each instance from the context.

**Community-based group:** a community-based group is an organisation which provides services to Aborigines, which is run by Aborigines but which in almost all cases receives its entire funding from a State or a Commonwealth Government source. "Community"-based organisations in New South Wales are in fact most commonly run by family groups, which gives a clue to the particular flavour which the term community has in Aboriginal usage in this State. The word community here denotes the geographical locus. It is often the family which is in fact being indicated prior to the inclusion of non-family also
living in the area. Dominant families play a key role in the exercise of community life and in the running of community-based groups among Aborigines in New South Wales.

**Keane:** the Keane Committee Report is the report of the Select Committee of the New South Wales Parliament Upon Aborigines, volumes I and II. Maurice Keane MP, was the Chairman and the Report he submitted to Parliament is commonly called the Keane Report after the normal practice. Keane, the Keane Report and the Report of the Select Committee are used interchangeably in this paper.

**Black:** Aborigines in New South Wales commonly call themselves blacks. The terms "black" and "Aborigine" are used interchangeably in the paper. Non-Aborigines are also called "whites" (which is what they commonly call themselves when in dialogue with blacks).

**Policy-maker:** I have coined this term mainly to describe the relatively senior Public Service personnel in the New South Wales Government administration who work in the area of policy-making affecting Aborigines. Policy-makers work in policy units (e.g., the Ministry of Aboriginal Affairs, the Aboriginal Education Consultative Group) and in the service-providing departments (e.g., Departments of Youth and Community Services, Health, Corrective Services, National Parks and Wildlife Service). Policy-makers may be white or black. Statistically the whites outnumber the blacks and where it is important in the paper I have qualified the use of policy-maker by the term "white" to emphasise the some-
what different roles which Aboriginal policy-makers play when compared to non-Aboriginal policy-makers. Policy-makers who are white suffer from the disadvantage of very limited access to Aboriginal forums or even Aboriginal communities. The Ministry of Aboriginal Affairs, for example, in recognition of this, employs all Aboriginal field staff to overcome this disadvantage.

Leader: as should be clear from the paper, the notion of Aboriginal leadership is one with far less meaning for the Aboriginal communities than for the white communities who commonly use it. Aboriginal "leaders" are in fact rarely, if ever, delegated to make decisions on behalf of, or negotiate on behalf of the Aboriginal communities they putatively represent. As H.C. Coombes observes in his report on the National Aboriginal Conference, Aboriginal leadership more often acts as a conduit carrying messages between the Aboriginal community and the agent (government) being negotiated with. Wherever I have used the term "Aboriginal leader" or "Aboriginal leadership", it denotes white perceptions of same.

Rationality: the term "rational" or "rationality" is used a number of times. I have found it necessary to utilise the concept because much of the argument in the thesis reduces to the optimum use of scarce welfare funds, an economic concept central to the notion of resource allocation. Rational here means:

- that the use of resources is for a welfare end (and not, for example, to satisfy some solely ideological preference),
- that the end(s) can be identified,
- that the achievement of the end(s) can be monitored,
- that there are no alternative ways of meeting the welfare end(s) which would consume fewer resources.

The use of the term is meant to imply merely a judgement about the relative productivity, in economic terms, of differing deployments of resources to achieve a goal, assuming the goal can be expressed in terms of physical outcomes (e.g., standard of living, disposable income, etc). I am not suggesting that bureaucratic decision-making is a model of rationality. The ideal type (above) is rarely attained.
Chapter One

THE ABORIGINAL EXPERIENCE OF WHITE RACISM

In this chapter I shall examine the nature of the early relationship between Aborigines and whites in New South Wales. The nature of the relationship, its cruelty and lack of justice, especially as it came to be reflected in the colony's laws, laid the foundation for government policy which followed self-government and Federation. There were different phases to this government policy, especially those of protection, assimilation and, currently, self-determination. I shall examine the content of these different phases of policy and the changing responsibilities of the State and the Federal administrations. The historical origins of some of the key elements in the present relationship between Aborigines and the Government of New South Wales will be examined. Finally, it will be shown that the New South Wales experience is not entirely unique: important parallels exist between it and the US experience with respect to its indigenous people.

There is a uniqueness about the history of European-native contact as it manifested itself in Australia from 1788 onwards. From the contemporary perspective, of course, the colonial occupation of the Australian continent, and the other parts of the South Pacific, can
be seen as a logical development of British capitalism, transforming itself from an essentially rural farm and workshop-based economy into an urbanised factory-based economy and incorporating, in this process, a vigorous colonial expansion. This expansion supplied the economy with the cheapest raw materials and consolidated the market for exports. The Australian Aborigines were not the only victims of this expansionism. The Maoris of New Zealand, the Micronesians of the South Pacific, the Polynesians and the Islamic civilisations of South East Asia all have their own story. The Australian story, however, has features not shared by these others. Among these features, which give black-white relations in Australia their peculiarly bitter flavour, are the following.

In the first place, the rights of the indigenous people were not recognised. This was not entirely the case in many other parts of the South Pacific (1). The land was, despite its 300,000 inhabitants (2) viewed as terra nullius. This was not merely a legal fiction. It had practical results, daily, after 1788, in the driving from the land of Aboriginal people.

Secondly, the importance to the Aborigines of the land, so violently occupied by others, was more than economic. It was bound up with religious practice, theological belief and, hence, identity. Once the Aborigines were deprived of the land, they lost not only the means of
supporting themselves economically, but also the external basis of their self-understanding (3). Deprived of their own lands, the Aborigines became victims of a loss of identity. This in turn, and in later generations, degenerated into a deeply felt sense of shame, continually reinforced by white attitudes of superiority.

Thirdly, the uniqueness of the Aboriginal experience of colonisation is indicated by the rapaciousness of the occupiers and the lack of compassion they showed. The history of European colonialism, of course, was everywhere violent, and left a global legacy of injustice and a sense of deep loss. But in Australia there was an almost universal contempt for black life which occasionally manifested itself in pogroms. The experience of the Tasmanian Aborigines is well known. Prof. N. Butlin has proposed as well, that genocide was part of official policy from the start, via the medium of deliberately introduced smallpox (4).

Fourthly, once more enlightened government policy began to prevail, in the middle of the nineteenth century, Aborigines became the object of (Colonial and then) State Government policies which had the effect of institutionalising many of the past injustices and preventing the development of modes of community relationship and community development which might have enabled the Aboriginal people themselves to overcome the disadvantages with which they have been forced to live.
These characteristic features of black-white relationship in Australia have laid the foundation for many, if not most of the continuing problems which affect the development of Aboriginal Affairs policy in Australia. These characteristics were the outcome of the early experience of colonial contact. Their effects survived the first carve-up of the land and informed early colonial policy on Aboriginal Affairs. They gave rise to the particular phenomenon of white racism in Australia, at least in so far as this affected the Aborigines. For a number of reasons both endemic to Australian culture and related to events in the wider, especially British world, white racism survived and reinforced itself, so that even the transition from colonial to States' administration did not alter the social and legal status of Aborigines. Until living memory they remained in the Australian psyche grim evidence of white guilt.

It is the nature of this white racism which this chapter will explore. Of special concern was the way it was to manifest itself in legislation and the effect of this legislation in restricting Aborigines even more firmly to the lowest rung of the ladder. It will be apparent that even the removal of the legislative constraints and later their replacement with laws designed to advance Aboriginal development came face to face with the reality of a set of Aboriginal communities by then (that is, within the last 25 years) incapable, with their existing resources, of self-directed community development.
The concern of this thesis is the results, in welfare terms, of current New South Wales policy towards Aborigines. To the extent that these policies have failed to produce the positive results which many, especially white policy-makers had expected, the cause of this failure can be partly explained by a lack of appreciation of the full effects of white racism. It is a phenomenon which, since it began as part of the original mode of black-white relations in 1788 and was never extirpated, has continued to work out its effects long after the attitudes which informed it have changed.

Whites' attitudes to blacks: the development of stereotypes

Gunnar Myrdal, in his discussion of American blacks (5) notes:

There are no homogenous 'attitudes' behind human behaviour, but a mesh of struggling inclinations, interests and ideals, some held consciously and some suppressed for long intervals, but all active in bending behaviour in their direction.

It is not as if the British colonists and the transportees who accompanied them arrived in Australia necessarily with a pre-formed set of attitudes to Aborigines or indigenous people in general (6). Rather, the natural inclinations (which included the search for security or fortune), backgrounds (often criminal, normally working class, frequently urban) and expectations of the first generation of white Australians reacted with the reality
of what was encountered at the frontier of settlement, in
the border towns, or in reports they heard of them.

The earliest explorers (7) tended to form a low opinion
of the Aborigines they encountered. Their lack of a
civilisation, the rather ineffable nature of their cul-
ture, their lack of clothes, possessions and dwellings
all seemed to point to a people somehow less than fully
human.

... their houses are mean small hovels ...
their canoes are mean ... no industry ... like
wild beasts in search of food ... (8),

Cook points out, almost in parenthesis to his taking
possession of their land.

The theme of Aborigines as animals or quasi-animals was
one which was to occur with telling regularity in explor-
ers' and frontier pastoralists' accounts. Captain Tench
noted in 1792,

A thousand times have I wished that those
European philosophers whose closet speculations
exalt a state of nature above a state of civil-
isation, could survey the phantom which their
heated imaginations have raised ... a savage
roaming for prey amidst his native deserts, is
a creature deformed by all those passions which
afflict and degrade our nature, unsoftened by
the influence of religion, philosophy and legal
restriction. (9)

This sentiment recurs throughout the nineteenth century,

Credible witnesses show that they are addicted
to cannibalism ... and are sunk in the lowest
depths of barbarism (10),

and appears even as the twentieth century is dawning:

The blackfellow is not the noble savage he is
depicted and if he lacks one thing more than
another it is virtue ... revolting ... fiendish ...
&c.&c. (11)

The corollary of this attitude, viz, that Aborigines were only quasi-human, was that they could be eliminated. This was especially the case where they were guilty of some violation of the law (spearing cattle, stealing sheep), but recorded instances of random violence are common enough for us to assume that, at least on the frontiers of squatter occupation, they were standard.

Until comparatively recently, the history of the massacres directed by settlers against Aborigines on the Eastern seaboard had been scarcely documented at all. In recent years a number of studies have been published, beginning with Rowley's 1970 description of the destruction of Aboriginal society (12), proceeding through studies of a number of white authors (13) and continuing into this decade as Aborigines themselves (14) bring their own distinctive insights to bear in the analysis of what happened on the frontier of settlement, especially between about 1820 and the end of the century.

The picture which emerges is one in which the Aborigines were counted, often, as part of the hostile fauna, their elimination on a plane with ringbarking the trees or burning the scrub - an element in the preparation of land for cultivation or pasturage. The white occupation of the land was generally met with some resistance: there are early records of squatter runs having to be abandoned
due to black attacks, for instance. But in general, Aboriginal resistance was met with stiffer opposition from squatters who either had the law on their side or imagined they did, or, having the weapons, were in a position where it hardly mattered either way.

There were occasional instances when murderers were brought to justice. The Myall Creek massacre is one famous instance. Here in June 1838, seven stockmen massacred a tribe of Aborigines in punishment for killing stock. The stockmen were all hanged, contrary to the expectations of the Sydney populace, but the incident hardly seems to have held any of the excesses in check. Indeed, as a contemporary reports:

From this time forward the mischief increased. The blacks were driven out of huts where hitherto they had always found welcome and kindness. They, in retaliation, either did, or incited the wilder blacks to do violence to the settlers' property and to his mens' lives. Then again in return the men, and many of the masters shot them with no more compunction than they would so many bush dogs in the secrecy of the bush and left them there. (15)

The hanging of the Myall Creek seven, however was more of a historical aberration than the sign of a policy vigorously enforced. The limits of settlement were soon to break beyond the powers of the colonial administration or the Surveyor-General to control, as squatters moved across the Riverina and into the Northern and Southern river systems. As squatters or settlement moved out of reach of the checks of the law, so did the quality of black-white contact deteriorate.
By the time the frontier had moved through Queensland, the pattern of merciless repression was well established:

In North Queensland, the blacks are never allowed within the township. The whites hold possession of the valley and when the hungry black descends from the range in quest of food, perchance to spear a horse or bullock, he is shot. And what is happening in Queensland now happened every day in NSW.

The blacks have been murdered by thousands ... [there is] ... wholesale massacre of human beings; a relentless violation of women. [I have] seen the brains of an infant dashed out against a tree after the mother had been murdered. This is not a fiction but the statement of one who, not three years ago saw in a Queensland scrub the sunburned corpses of men and women and children who had been murdered by officers of 'justice' and left for the crows. (16)

The officers of justice mentioned in the last sentence were the police, who in Queensland, and one might assume in New South Wales as well, frequently committed acts of barbarity of their own.

The disappearance of the Aborigines was noted early in the New South Wales historical annals.

None of the Aboriginals have permanently resided in the district of Sydney within the last four or five years (17), reports the Rev. W. Cowper in 1846, while Rev. J. Walker notes, matter-of-factly in the same year:

I have the honour to state that there are no Aboriginals in my district. (18)

Yarwood and Knowling (19) piece together the evidence from church and government sources to show the decline of the Aboriginal population of New South Wales which accompanied the spread of white settlement. In part, the
decline was due to massacre, in part to disease and in part to the infanticide of mixed-blood children. In the 1930s (20) the belief was widely held that Aborigines were dying out - as indeed, from parts of New South Wales they did. Hull's evidence to the 1859 Victorian Select Committee on Aborigines captures perfectly, one suspects, the black perspective on their own disappearance:

The last time I saw [the Aboriginal, Derimut] was nearly opposite the Bank of Victoria, he stopped me and said, "You give me shilling Mr Hull".
"No", I said, "I will not give you a shilling, I will go and give you some bread", and he held out his hand to me and he said, "Me plenty sulky you long time ago, you plenty sulky me; no sulky now, Derimut soon die", and then he pointed with a plaintive manner, which they can affect, to the Bank of Victoria, he said, "You see, Mr Hull, Bank of Victoria, all this mine, all along here Derimut's once; no matter now, me soon tumble down". I said "Have you no children?", and he flew into a passion immediately, "Why me have lubra, why me have picaninny? You have all this place, no good have children, no good have lubra. Me tumble down and die very soon now." (21)

Reserves: the attempt at a total welfare solution

Government reserves (22) for the remnants of the New South Wales Aboriginal population were established by the Aborigines Protection Board in 1883. They were envisaged as 'resorts' where Aborigines, now defeated and dying, could be isolated from the deleterious effects of white settlement which had caused so much harm. By 1891 there were 78 such reserves (24) in New South Wales, holding the bulk of the Aboriginal population. It is tempting to view the establishment of reserves as the final measure needed to ensure absolute control of the Aboriginal
population by a population which had managed to take what
they had owned. Wellman (25), in his study of white
racism in the US concludes that white racism is the set
of actions which whites do to protect the benefits they
have gained by virtue of their skin colour. There is
perhaps an insight here for us, in that the creation of
reserves occurred after the full suppression of
Aboriginal resistance in New South Wales when it became
apparent that there were survivors, and when a need was
felt for social control. The ostensible reasons for
setting up the reserves included:

forming houses, cultivation and production of
grain, vegetables, fruit &c ... [as] ... a
powerful means of domesticating, civilising and
making them comfortable. (26)

To a certain degree, some of these aims were achieved.
But other achievements of the reserves system suggest
that these were perhaps subsidiary aims. Certainly the
reserves reduced the population to a total dependency and
consequently passivity. Also, it removed them from the
sight of the towns where their bleak appearance might
offend. With movement controlled by a manager and the
force of law increasingly brought to bear to control
movement and household membership, the Aboriginal populat-
on of New South Wales slipped out of the collective
consciousness, as the social space (27) they occupied
dwindled.

If the earlier phase of black-white relations rested on
the premise that Aborigines were quasi-human, or,
frankly, animals, the reserve phase seemed based on the premise that Aborigines were children. The doomed child attitude is a variation of this. Increasingly, the reserves took on the character of what Goffman has called the total institution (28). The reserve was a sort of island with its own values, hierarchy and set of expectations. There was little normal intercourse with the outside world and an Aboriginal subculture developed. What little contact there was with the outside world was mediated through the manager.

They were herded off into settlements, often away from the lands which were traditionally theirs and in which they had a spiritual and tribal relationship. They were forced into pauperised conditions. Such was the initiation of the protection policy for Aborigines. The official policy in Australia of all Governments for over one hundred years was that Aborigines were not able to live as other human beings, that they had to be treated as wayward children and protected from others and themselves. The Aborigines did not have control of their own possessions or their own income. They were subjected to policies demanding that they could not marry without the consent of a protector, and disposing of the custody of their children without their consent. (29)

The Aboriginal race in New South Wales was probably saved from the fate of the Tasmanians by the action of the colonial government in the latter half of the nineteenth century in setting up the office of Protector and allocating resources for the protection of Aboriginal people. When there had been no law governing Aborigines, they were subject to frequent casual violence. Elsewhere in Australia, where the protection of the law had not reached, massacres and punitive expeditions continued. There were massacres in the Northern Territory (Daly
River) in the 1880s and 1890s (30) as the pastoral industry opened up there, and in the Lander River region as late as 1928 (31). The last thirty years of the nineteenth century were marked by near anarchy in parts of North Queensland as pastoral and mining frontiers moved in successive waves from the south (32). The establishment of the reserves was to satisfy several agendas. One of them was sheer survival and in this the reserves must be counted as having made a significant contribution.

What is in question is the quality of the contribution which the reserves made and the quality of Aboriginal life which resulted. I shall return in a later chapter to some of the concrete results in the present day of the reserve system in New South Wales, which lasted until 1969. For the present, it appears that the long sojourn in the reserves gave a distinctive flavour to Aboriginal community life and Aboriginal forms of corporate action which, at the time, were doubtless supportive, but which have become dysfunctional, rather in the way a former inmate of an institution may find his former coping mechanisms are of no use in the outside world.

Assimilation: the attempt to breed the problem away

The notion of assimilating the Aboriginal race into the mainstream of (white) Australian society gained currency during the 1940s and was adopted as policy at the
Ministerial Council Meeting on Aboriginal Affairs in 1951 (33).

Rowley (34) puts as the cutting edge of assimilation the need of welfare authorities to find some way of overcoming the disadvantages brought about by Aboriginality. Since the physical characteristics attract prejudice, the solution was to breed out the differences. As each generation would become whiter, the degree of prejudice it suffered would correspondingly decline.

As the policy of assimilation was put into effect during the 1950s, by the Aborigines Welfare Board, it was accompanied by the revocation of the reserves. The Aborigines Welfare Board inherited nearly 16,000 acres of reserve land in New South Wales, of which nearly 10,000 acres had been revoked by 1963 (35). The experiment with assimilation was crowned with a new Act based on it in 1969, just as the theory was beginning to fall into disrepute. The previous decade had seen a rash of similar assimilationist legislation in other States, accompanied, as well, by the revocation of reserves. These included the Aboriginal Affairs Act (1962) of South Australia, the Native Welfare Act (1963) in Western Australia, a 1964 Ordinance in the Northern Territory "to provide for the care and assistance of certain persons", the (1965) Aboriginals and Torres Strait Islanders Act of Queensland and the (1967) Aboriginal Affairs Act of Victoria (36).
The assimilationist movement, if it can be called that, which was the centrepiece of Commonwealth and state policy until the early 1970s, was not a single, undifferentiated phenomenon. It had its phases, its failures and even (in its critics' terms) its successes. Among the successes was, especially in Queensland, but even in New South Wales, some good results in the area of Aboriginal education. The 1960s saw some Aboriginal children actually completing their high school education and in many cases being radicalised by the experience of the world of further education which this opened up. Charles Perkins (Secretary of the Commonwealth Department of Aboriginal Affairs), Margaret Valadian (first Aboriginal university graduate), Pat O'Shane (Secretary, New South Wales Ministry of Aboriginal Affairs), Mick Miller (first Aboriginal teacher in Queensland) and perhaps a score of others entered the professional workforce in the mid 60s and have been active in Aboriginal politics since then. If the ending of assimilation as government policy was as a result of decisions taken at the top, these decisions were predominately a result of the lobbying of educated Aboriginal activists and their many white supporters.

The focus of this section, however, is less the history of assimilation than its permanent effect on the New South Wales Aboriginal population and the types of government policies which are directed towards them. There is an interesting new literature in the field in the form of oral histories taken from people who have lived through
the last decades of the reserves system and through the period of government attempts at assimilation (37). What is surprising in these accounts is the lack of appreciation of the significance of assimilation as a distinctive set of government policies. It is tempting to assume that the subjects of this policy did not themselves realise the nature of the changes in policy which were filtering down to them, but rather perceived it as the difference in behaviour of one manager versus another, or the difference in pressure exerted to get the person into the workforce or live in the town or city.

However assimilation was perceived by the majority of Aborigines at the time, it became a focal point for opposition when Aborigines became more politically oriented, under the influence of a small group of activists in the late 60s and early 70s. Whatever else they wanted, Aborigines wanted assimilation to end and to be replaced with policies which were conducive to cultural survival or regeneration, Aboriginal community development, Land Rights and even, as was sometimes expressed, separatism.

Assimilation has a great deal of importance as a negative focus for Aboriginal political activism. It is often seen as a further attempt to achieve what massacres and clearings failed to achieve - the elimination of Aborigines. Even in the updated wording of the 1965 Australian Aboriginal Affairs Council (the annual meeting of State and Commonwealth ministers responsible for
Aboriginal Affairs), the "seeks" that Aborigines "will choose" contains a hint of menace, especially as it fails to state what the premise is to this unicultural affirmation:

The policy of assimilation seeks that all persons of Aboriginal descent will choose to attain a similar manner and standard of living to other Australians and live as members of a single Australian community. Any special measures taken are to be regarded as temporary measures, not based on race but intended to meet their need for special care and assistance and to make the transition from one stage to another in such a way as will be favourable to their social, economic and political advancement. (38)

And it is perhaps to the unstated assumptions behind assimilation as a policy that we must look if we are to appreciate why it became such a strong negative focus for Aboriginal political discontent in the 1960s and 70s.

Assimilation was an attempt to force differing cultures together to form a single culture. In the context of Australian culture, given the recognised behaviour patterns of white Australians and their numerical superiority, this meant the extinction of what was distinctive in the Aboriginal sub-culture under the weight of mainstream values. It was, therefore a response of white ethnocentrism. Aboriginal culture was not to be preserved because it was not worth preserving. Implicit, but not stated was the further assumption that Aboriginal culture was not worth preserving because Aborigines were themselves marginal and valueless people. It would have been remarkable had Australian attitudes to Aborigines advanced much
further than this by the 1950s, given the experience of black-white relations less than a century before.

As late as 1961, the New South Wales Aborigines Welfare Protection Board states matter-of-factly:

this trait (school attrition) might be caused by several factors, the principal one being that Aboriginal children, as a whole, do not possess an intelligence quotient comparable to that of their white counterparts. (39)

Casual racism was endemic in the structures of government designed to serve Aborigines, as indeed it was in the general population. Fix, a popular photo-magazine of the time, reported on the work of the Aborigines Welfare Board in 1953, and unintentionally spoke eloquently of its own assumptions:

The main problem is to encourage the Aboriginal to keep his job. The average adult is vastly different from the white man. He maintains his inborn nomadic instincts, is restless, will go walkabout.

Some Aborigines, when given a house ... keep their homes spotless. Others drag in a sheet of galvanised iron, place it in the middle of the living room and light a fire on it. Such primitive ways are not exclusively those of coloured races.

At least six girls in Sydney have such light skin, their best friends do not know they are partly Aboriginal. They may marry men of pure white stock and have white children. (40)

William Bostock, in his book on the origins of a more open policy in Australia on multiculturalism (41) holds the view that the development of multiculturalism in Australia was the result of the recognition of strongly diverse cultures which were already in Australian society and whose support would be needed by a government wanting
to represent the broad middle ground. The burst of multi-cultural consciousness which began in the early 70s and was given a strong fillip by the Whitlam Government (1972-5) provided the sort of umbrella under which Aboriginal claims for recognition and self-determination could be grouped. If it was respectable for Greeks to want their own institutions and for these to be encouraged by government, it was, a fortiori, respectable for Aborigines. Certainly assimilation waned as government policy partly because the set of values which informed it changed. Overt racism was never acceptable: the difference was, in the 1960s-70s, that its more subtle and institutional forms became better recognised and open to challenge. In the area of Aboriginal activism, assimilation came to be recognised as the term for institutional racism and was invested with connotations which may or may not have been an accurate summary of the actual policy aims.

The assimilationist phase of Aboriginal Affairs policy in New South Wales has a further interest for us. Its disappearance represents the beginning of the end of Aboriginal Affairs as a wholly white pursuit - a set of actions whites do to or for Aboriginal people. The ethos of the Protection Board and the Welfare Board and the reserves system they managed, together with the policies designed to house, clothe, feed, educate and employ as much of the Aboriginal population as possible, was essentially a subject-object relationship. Whites (managers,
teachers, nurses) did. Blacks took. It was for their good. The fact that in the view of Board employees they might be more or less useless people did not dim the altruism of those who worked among them. The form of the reserve in its last days was a rare example of the total institution, which

seem to function merely as storage dumps for inmates ... they usually present themselves to the public as rational organisations, designed consciously through and through, as effective machines for the production of a few officially approved ends ... of some ideal standard. This contradiction between what the institution does and what its officials must say it does, forms the basic context of the staff's daily activity. (42)

Of course the opposition between what was achieved and what was supposed to be achieved was generally explained by recourse to the nature of the Aboriginal inmates themselves and the dysfunctional "instincts" which were ineradicable except in the very long term. To a certain extent the white view of the Aboriginal person was interiorised. As Paul Coe puts it in respect of education:

One of the major aspects about the education of Aboriginal children is that the children are in the complete control of the European teachers from 9 am to 3 pm throughout the course of the day. The Aboriginal kids are expected to conform to middle class values and norms, norms that are completely alien to an Aboriginal kid who comes from a reserve or mission station. As a result of their inability to conform to a lot of these norms, the teachers form the idea of a stereotype of Aboriginal children. They expect Aboriginal children to conform or to achieve certain levels. This attitude has permeated right through the education curriculum. A vast majority of teachers from primary and high schools have the attitude that Aboriginal children are not put into a situation where they believe they can achieve as good or even better results than their school mates. The teachers have an expectation of them, and
by various means they reinforce that expectation. Over a period of time they compel the Aboriginal child to start believing in the stereotype that commonly prevails in relation to Aboriginal people. The children start looking at themselves in relation to those stereotypes and develop an attitude that they are inferior persons. (43)

Or again, in the case of housing, failure to assimilate merely underlined their incapacity to adjust to 'ordinary' life:

[Mr Green speaking] Many of the communities which have had forced assimilation thrust upon them by the Commonwealth Government resent it. They are moved to get better employment chances, but employment does not get better because of the current unemployment rate across the nation. They may be moved to areas such as Orange and the unemployment situation does not improve. The moves break family ties. Eventually most families move back to where they came from because their standard of living had not changed much by the relocation moves. Some of the comments made were that the only changes that took place by the relocations were that they had a new house for a short time, but they could not keep it because of the expense involved. They were not used to living under those conditions with gas, electricity, rent and all the other things that go with that in ordinary communities. (44)

The ending of assimilation as Commonwealth and State policy is best examined as part of a broad change in attitudes on the part of those who had the capacity to affect policy, a change in the corps of policy-makers themselves (especially from 1972 onwards) and broad public acceptance of multiculturalism as a movement and of Aboriginal political rights within that movement. The catalyst was at least partly made up of a group of Aboriginal activists who used assimilation as an embracing term to cover existing governmental policies; the regime they were opposed to. Part of this regime was the
total control of Aboriginal Affairs policy and administration by non-Aborigines. The advent of the Whitlam Government saw the beginnings of a long-term attempt to Aboriginalise the government departments and statutory authorities involved in Aboriginal Affairs and to devolve more power to community-based organisations in the funding of projects. This policy has been pursued by the Commonwealth and emulated by most State Governments.

Beyond Assimilation; Aboriginal political demands

The period 1972-80 was a watershed in the development of Aboriginal Affairs policy in New South Wales. Partly this was due to the influence of Aboriginal activists themselves, partly to the demonstration effect of Aboriginal activism elsewhere. Both these were against a background of growing public acceptance of the need to reach some sort of accord between the Aboriginal and the non-Aboriginal sectors of the Australia population.

By the mid 1970s, assimilation had been superseded in Commonwealth Government usage and practice.

The Government no longer expects that they [Aborigines] will want to become like other Australians in all respects, nor that they should do so. The former policy of assimilation which assumed that Aborigines would choose to and eventually become indistinguishable from other Australians in their hopes, loyalties and lifestyle is no longer part of Australian Government policy.

Our aim is quite simply to remove the disadvantages generally faced by Aboriginal Australians in the fields of housing, health, education, job-training and employment opportunities and to make it possible for Aboriginal communities
and individuals to develop as they wish within the overall Australian society ... the importance of Aboriginal involvement and identity is paramount. (45)

Self-determination became the accepted government nomenclature for what was being attempted. In the course of the following years, as Aboriginal Affairs again passed to Liberal-Country Party Governments, companion terms like self-management or self-sufficiency appear. Much has been made of these terms as signifying a shift in ideology between Left and Conservative Governments (46). In fact, once assimilation was dropped as a policy aim, policy-making generally and administration in Aboriginal Affairs became less narrowly focused or predetermined. The key was to be, and remains to this day, the principle of consultation with the individuals and communities affected by a proposal. The question is less what constitutes the difference between the policy stance of the two governments as what both see as constituting effective consultation in any particular circumstance.

In fact, Aboriginal Affairs policy, is, at both the State and Federal levels, remarkably bi-partisan and free from major shifts in direction between administrations.

The high aspirations associated with the term self-determination were due to the exciting prospect, in the last year of the Whitlam administration, of Land Rights in the Northern Territory and (by extension, example, or the Commonwealth's overriding power) in the different States. The Northern Territory was a special case. Most of the
land there still had the status of Crown Land. The Aboriginal population was a high 25 per cent or so of the total population. This was a minority far too large to ignore, and, in fact, the electoral base of the Australian Labor Party there. Large numbers of communities still had traditional ties to the land, even to the point of living a largely traditional life and retaining elements of traditional belief.

The bi-partisanship of Commonwealth Aboriginal Affairs policy has rarely been as forcefully demonstrated as in the Fraser Government's passing, in 1977 of the former Whitlam administration's Northern Territory Aboriginal Land Rights Act. Once the Commonwealth had accomplished Land Rights legislation for Northern Territory Aborigines, the Land Rights movement quickly became the focus for further Aboriginal activism in the States, firstly in Queensland, where there were still reserves operating, but also in New South Wales where they had been transferred to a Lands Trust formed under a 1973 amendment to the 1969 Act.

Land Rights and self-determination have often been seen in almost interchangeable ways in New South Wales, the logic being something like the following:

- shame and dependency on whites is the Aboriginal condition
- overcoming this requires an act of self-reliance or self-determination
this act of self-determination cannot be done without adequate resources to replace those which now come from whites.

the resources should come from land as that is what counts as power in Australia and is the resource of which Aborigines were originally deprived.

land will support Aborigines individually and corporately and restore them, as far as possible to their rightful place.

The argument has been put forcefully on a number of occasions, including to the Keane Committee by Gary Foley.

We believe that the subject of Aboriginal alcoholism is a difficult area. In the organisations with which I work, in Melbourne, in the Victoria Aboriginal Health Service, we refuse to isolate Aboriginal alcoholics or to dry them out and merely return them to the situation which created the problem. We believe that the only meaningful course is to try to ease the pain of these people until some all embracing political solution emerges. I believe that the problem of Aboriginal alcoholism will not improve until such time as the Aboriginal communities are in full control of their own affairs through the establishment of land rights and the attainment of economic independence and self-sufficiency. We believe that will only happen when the Aboriginal people are able to have a strong identity as Aboriginal people and to walk in dignity and self-respect. That can only come through the political solution involving the establishment of Aboriginal land rights. Any effort aimed at overcoming Aboriginal alcoholism by merely sending those concerned to a fancy farm, drying them out and then returning them to their original environment is pointless and a waste of time. (47)

This argument of Foley and others like it form an important part of the context of Aboriginal-Government
relations in New South Wales in recent years. It should be apparent, however, that the possibility of Land Rights providing a stream of benefits essentially economic is a different proposition in the Northern Territory, where Aborigines stand to gain a significant proportion of the land and the income stream the land produces, than in New South Wales or Victoria where the proportion of land area still available as Crown land is miniscule (48).

Self-determination was perceived by many Aboriginal activists as a term which, with its cognate, Land Rights, was increasingly used to represent the total log of Aboriginal political claims.

First and foremost, it meant control of Aboriginal Affairs policy:

Aborigines must have control of Aboriginal Affairs from the top Parliamentary position down to the other positions of trust which are usually endowed to [sic] white men. Obviously this also entails that blacks must control the expenditure associated with Aboriginal Affairs. Aborigines are the only people who can develop Aboriginal potential, aspirations and resources. It is ridiculous and disadvantageous to have a white man or men in absolute control of Aborigines as is the position now. One only has to see the mess that whites have got Aborigines into recently and in the past to realise that it is time that we pushed for absolute control of our own affairs. It will only be then that blacks can determine their own potential and aspirations to suit their definition of development. (49)

The aim of this control was principally the elimination of dependency.

It is time for the implementation of the final policy, the policy of self-determination for
the Aboriginal race. This concept, as envisaged by Aboriginal people is not partisan in philosophy or based on a cult of elitism. It merely represents the opportunity for Aboriginals to realise their own potential, to rid themselves of the indignity of dependence and to prove their worth as members of the larger community. ... [It] implies independence, choice and freedom within that community and is essential for the fulfilment of psychological needs arising from man's social nature. (50)

The connotations of this term, however, especially its origins in the political struggle for nationhood, sometimes led local activists to identify Aboriginal self-determination with political sovereignty (which in turn left them open to accusations of advocating separate development or apartheid).

The concept of self-determination can be viewed as being in some respects analogous to sovereignty. The belated recognition of the right to self-determination is supportive of our claims to have our sovereign rights recognised. Likewise, land rights can be viewed as being analogous to sovereignty. True Aboriginal self-determination can only be achieved by the gaining of independence. By independence I am not referring just to legal independence but also to economic independence. Independence is what we are striving for. It is the very opposite of dependence which is that stage of social existence which Aborigines have been forced into. (51)

In examining the views put forward by Aborigines on the nature of self-determination, or even, from the evidence before the Keane Committee, the purpose of Land Rights, one is struck by the absence of specific achievable content in the political demands, especially when set against the nature of concrete Aboriginal needs. For example, self-determination seems to refer to a state of being which it is intended to end (dependency, shame) but
not a specific political program which is capable of being implemented.

Keane came to support the notion of self-determination as the necessary basis for policy, but in the form proposed by the Commonwealth Department of Aboriginal Affairs:

Self-determination means the scope for an Aboriginal group or community to make its own decisions about the direction in which it is to develop ... not necessarily [implementing] them with its own hands but employing the means necessary to implement the decisions which it comes to itself.

We would say this self-determination has to be within the economic, social and other norms and limitations of the community as a whole. In other words, it is not a licence. It is the freedom to operate within the community in a reasonably independent way. (52)

Self-determination, that is, as perceived by Government (Federal, and as adopted by Keane) has the following characteristics:

- it relates to a group or community (there is no notion of an Aboriginal nation)
- it concerns decision-making about community development
- it is constrained by the economic and social norms of the wider community (an alternative to these norms is thus, presumably ruled out)
- it must be "reasonable" (meet the expectations of the funding organisation).

Clearly this is a different agenda to the calls for political independence (Kirkbright, above) or even for control (Murray) quoted. Government and Aboriginal activists

42
were using the same language, but not, in all instances, giving it the same meaning.

In retrospect, white policy statements can be seen as filling a gap left by the Aborigines themselves, a gap which, to a large extent, remains in place. What, after all, are the decisions over which Aborigines want control? As far as expenditure of Commonwealth and State money goes in Aboriginal Affairs, the principal decisions concern spending on housing, welfare, health and education. Most decision-making from the perspective of Government policy-making is marginal, since the budget (both Federal and State) is never more than marginally negotiable, adjustable only in so far as "new" money (budgetary increments in the relevant year) is concerned. Decisions taken by local communities about new programs in housing, welfare, health and education, then, are the mundane, day-to-day grist of the mill. Debates about political sovereignty, for a people perceiving themselves as oppressed are, as far as the parameters of the debate have been set, irrelevant, even faintly ridiculous in the Australian political context. But the different levels at which the debate is conducted give a clue to the generally negative white interpretation of black community development or self-management. Whites, perhaps, view self-management, concretely expressed as the day-to-day conduct of business of Aboriginal enterprises or community groups, as the core of Aboriginal self-determination. Aborigines, on the other hand, may regard it as a
necessary (perhaps tiresome) preliminary to the real business of self-determination which is total control and zero accountability to whites. This will be examined in greater detail in subsequent chapters. It is raised here to indicate the different content given to the term self-determination, and possibly to Land Rights as well by Aborigines on the one hand and white policy-makers on the other. This difference in perception bears on the differing assessments of Government action by both parties.

Recapitulation

There are a number of points we are able to make at this stage and to use in later chapters as reference points in examining the evolution and effectiveness of Aboriginal Affairs policy in New South Wales today. These are:

a) The relationship of government instrumentalities to Aboriginal people has in many ways been one in which the latter have been objectified: not full, free agents in the developing social framework of Australia, but, in a sense, objects to control. Aborigines have been perceived, by government, more than anything else as a problem.

b) Government policy has involved phases which represented attempts at blanket solutions: the reserves system, assimilation and self-determination.

c) Aborigines have generally failed to develop the resources needed to end their dependency on government. Self-determination, even in the weak formulat-
ion of government, presumes forms of community life which do not commonly exist, and, given black-white history, could hardly be expected commonly to exist. The lack of these resources prevents Aborigines from realising their own political aims.

a) Aborigines as objects of policy
Aboriginal policy in New South Wales went through phases. Early humanitarian efforts of an ad hoc nature were designed to protect specific groups of Aborigines from specific occasions of harm. From about the middle of the nineteenth century onwards, the realisation grew that Aborigines in New South Wales (and possibly in Australia) were a doomed race, destined to wither away in the face of an advancing superior culture. The policy of protection, and the reserves which served it, were designed as much as anything else to ease the dying travail of the Aboriginal remnants. Whites seemed, from the slender evidence available to us, to have accepted this apparent disappearance of the Aborigines with some equanimity (53), such was the self-confidence of nineteenth century colonial expansionism and the myth of progress. The regime of the reserves was an extension, and a costly one, of the annual blanket-and-provisions handout of the colonial Governor. Although there was a vague intention, in the setting up of the reserves, that they should allow the Aborigines to be self-supporting, this was hardly ever the outcome, and when it was, such enterprise was
often crushed (54). One must conclude that the authorities were satisfied to see Aborigines reduced to a state of dependency, relying on the good graces of the reserve or station manager for rations, clothing and tobacco. The system developed beyond dependency, however. The removal of children from their parents became, after the 1901 amendment to the Act, standard practice (see Chapter Two). The powers of the manager extended to defining who might and who might not reside on the reserve - a power which became more potent as the degree of dependency on the reserves increased. Appeals to the humanitarian instincts of politicians and administrators met, as often as not, with arguments drawn from the myth of progress or a crude social Darwinism.

We invoke, and relentlessly fulfil the inexorable law of natural selection when exterminating the inferior Australian and Maori races ... the world is better off for it; and would be incalculably better still were we loyally to accept the lesson taught by nature and consistently apply the same principles to our conventional practices. (55)

Aborigines could hardly complain, if they were lucky to be alive.

The objectification of Aborigines continued through the period of assimilationist policy which, despite the 1961 Australian Aboriginal Affairs Council formulation encouraging them to choose it, in fact consisted of a series of measures designed to force Aborigines to melt away into the mainstream. This was reinforced by locking the stable door behind, as it were, i.e., revoking partially
or completely the reserves. In none of the practices associated with assimilationist policies of the State Governments is there any suggestion that the objects of policy might be subjects instead: that they might at least be consulted. Indeed the first demands that Aborigines be consulted came from country-based Aboriginal political organisations composed principally of ex-reserve dwellers who insisted that Aborigines might have a point of view, or a separate future (56).

b) Blanket solutions

Self-determination as a set of policies can be seen as an attempt to break with the past. It represented as well, however, an attempt to cling to the notion that Aboriginal Affairs could be addressed with all-embracing, or blanket solutions. Recent research (57) has revealed what was not appreciated in the mid 70s, that Aboriginal communities are so characterised by regional differences that no uniform solutions can be expected to achieve uniformly positive results; diverse community problems demand differing solutions.

The implicit assumption that all Aboriginal communities could be treated, to all intents and purposes, as a single corporate entity, even where the proposed policy has such positive connotations as self-determination, reflects the vestiges of the tendency to objectify the Aboriginal community. When finally the 'right' answer is found (do it yourselves), it is to become the basis of
future decision-making without reference to possible individual community differences.

One blanket solution would give way to another which might be perceived as less inhuman but which still failed to account adequately for differences between communities. Indeed, one result of this in the State administration was to be an inability on the part of communities to act in the self-directed, rational way this new policy expected of them. (See Chapter Four).

Aborigines have been consistently regarded as a problem. The government response, decade to decade, might have differed, even progressed, but the constant fascination of white policy-makers is the origin and implications of the Aboriginal problem.

To a certain extent, constant negative stereotyping has been internalised by the Aborigines themselves. This has had serious implications for the attempts of the New South Wales Government to incorporate Aborigines more effectively into the processes of decision-making. Once the individual realises the effects in his or her own life of the intervention of other (white) people's categorisations and liberates him/herself from them the result is often an unproductive anger which, in political terms, takes itself out in the constant resort to confrontation as the standard political weapon. The implications of this will be dealt with in Chapter Four, where the New
South Wales Government confronted a set of demands from Aboriginal activists which were, from the latter's point of view, simply un-negotiable, a position from which political compromise was not possible. Whether or not the institutional neurosis (58) of the reserves translated easily into the sort of political neurosis represented by the unwillingness to negotiate cannot be studied here. However, the available evidence suggests that this is a plausible hypothesis.

c) The failure to develop resources to end dependency on government

It was partly the internalisation of white attitudes by the blacks themselves which contributed to the lack of group goals for development in Aboriginal communities. Partly as well, it was the experience of being objects of a series of exogenous 'solutions', together with the objective experience of being confined on reserves. This resulted in 'assimilation' into the lowest rung of white society and reinforced the lack of group goals mentioned above.

The notions of community and community development are extremely fluid, as Plant Lesser and Taylor-Gooby have pointed out (59). They note, "The complex relationship between the evaluative and descriptive meaning of the word" (community) and conclude that, "It can be given a fixed definition against a particular fixed ideological or normative background ... Any theory developed within
the social sciences that makes use of such a concept is going to embody ideological/normative assumptions" (60).

And yet Aboriginal community aspirations need to be discussed as it is the terminology most frequently used by policy-makers as well as by Aboriginal activists themselves. To a certain extent the usage in Aboriginal Affairs is already rescued from the "ideological and normative" taint against which the authors warn, for the use is defined by historical experience. Development, in Aboriginal Affairs usage tends to imply the ending of dependency on government. It points to a state where Aboriginal communities (geographically defined) reach the state of corporate being where they can arrange their own housing needs, employment needs, education content and raise their children without recourse to outside (non-community resources), especially those of government. In this sense, community development and the ending of dependency are, in official rhetoric, practically synonymous. Unfortunately, it indicates as well that the notion of community development in Aboriginal circles tends to be negatively focused. One rarely finds (and in the literature, never) the link made between overt political demands (Land Rights, compensation) and the corporate development of the different Aboriginal communities. The link is not explicated, presumably, because it has not been made. The lack of a program for the future of Aboriginal communities is a long-term result of the original state of dependency into which Aboriginal relations
with the white system reduced those communities. The internalised attitudes of whites, the regime of the total institution, and, throughout the assimilationist period, the formal absence of an acknowledgement that Aboriginal communities even had a future qua community, all these must be taken as dampeners to the development of a collective strategy for the future as distinct from an aspiration to end the effects of the past, viz, dependency. Such a strategy for the future could normally have been expected to include explicit goals for cultural revival and retention, the future forms of welfare for Aboriginal people, the future development of former reserves and the strengthening of Aboriginal peak councils to develop and present Aboriginal viewpoints. It is a matter of historical fact that this has not occurred. (Of course, one must beware of what Hillery calls the "sin of pronounce- ment" (63): pronouncing on the traits which communities should have and then proceeding to look at the facts.

The above elements of Aboriginal corporate aspiration are given by the Aboriginal communities and community-based organisations themselves. What has been consistently lacking is the strategy to actualise the demands or wishes). The question of interest is how to explain this common failure of the collective will which, it will be argued in later chapters, effectively prevents the devolution of power to Aboriginal communities and community-based groups. The origins of this phenomenon are deeply rooted.
The importance of history

The development of Aboriginal Affairs policy in New South Wales cannot be understood without reference to Aboriginal history both as it transpired and as it is today perceived as having transpired (part of which constitutes what I have later called the folklore of persecution). Perhaps in other aspects of the government's administration of human services the historical aspect is less important. To understand, for example, how New South Wales Government services to the aging is evolving in New South Wales today it is interesting, but, one suspects, not crucial, to understand the history of such a set of policies. In Aboriginal Affairs administration, the personal and collective histories of the subjects of policy is crucial because it is that history of Aboriginal Affairs policy which in turn has generated the need for Aboriginal Affairs policy today. Much of current policy is directed at overcoming the results of past policy. Hardly a single report on Aboriginal Affairs in New South Wales has been published without an extensive historical introduction designed to argue the need for policy to accommodate historical fact to make up for the errors of the past. History is always the foundation of policy recommendations. Often, it is the total substance (64). History and policy here enjoy a uniquely intimate relationship. One derives from and feeds from the other. Historical recall sustains the sense of outrage and focuses on the need for compensation on the one part and a sense of guilt and a desire to recompense on
the other. The interplay of guilt and anger between subject and policy-maker is a unique feature of Aboriginal Affairs policy-making, one which is rarely alluded to but is always beneath the surface, informing recommendations and providing the impetus for their implementation. It is something remarked on by Aborigines themselves (see structured interviews) as the centrepiece of negotiations between government and Aborigines.

**Summary**

Humphrey McQueen has called racism the lynchpin of Australian nationalism (65), the thing which brought Australia together as a nation. As far as Aborigines go, and their place in the Australian consciousness, reflection on the past is automatically a reflection on dispossession and persecution. The notion of victimhood, a distinctive element in black-white relations in Australia, must be counted as a key element in the generation and direction of Aboriginal Affairs policy.

This distinctive pattern of relationship between whites and Aborigines was set from the earliest period of white colonisation in New South Wales. There was no attempt, as there was in some other parts of the world to recognise native rights to land or property. There was very little attempt on the part of the authorities or the populace in general to understand Aboriginal culture. Indeed, the basic spiritual relationship with the land and the nature of Aboriginal kinship systems are
comparatively recent discoveries. White occupation of New South Wales was carried out with particular barbarity and a common lack of respect for human life. Many of these early injustices were institutionalised in governmental policy towards Aborigines when it began to be formulated towards the end of the nineteenth century. White racism came early to assume a distinctive shape in New South Wales which partly explains the set of policies applied to Aborigines and partly explains, as well, the revulsion against it which is the modern day spur to legislative and administrative reform on behalf of Aborigines. Many whites in the early nineteenth century tended to regard Aborigines as barely human, a view certainly shared by some of the early explorers and most of the frontier squatters. A common attitude was that Aborigines were like foraging animals and whites behaved accordingly in clearing them from the land. The massacres of Aborigines apparently became more severe during the squatting boom of the 1830s-40s when the frontier of settlement got quite beyond the area within which the colonial government and its military could exert any effective control. By mid century, commentators were noting the impending demise of the race.

White racism and concern at the impending disappearance of the Aborigines both helped to give the Aborigines Protection Board (established 1883) its particular shape. The Board functioned both to protect Aborigines from marauding whites and especially to isolate the men from
liquor and the women from white men. It also functioned to keep Aborigines from areas they regarded as their homeland. It was part of what later came to be recognised as an instrument of land dispossession and in land dispossession was contained culture and identity dispossession. Aboriginal dependency, that much-noted characteristic of Aboriginal communities, can be traced to the total institutional nature of the reserves which were, over time, developed by the Aborigines Protection Board. And in Aboriginal dependency lies much of the cause of the current lack of resources for community development.

Under the Aborigines Protection Board, the dominant motif in black-white relations matured from Aborigines as quasi-animals to Aborigines as children. The long reign of the Aborigines Protection Board and its successor, the Aboriginal Affairs Welfare Board, saw Aborigines progressively reduced to a state of advanced dependency. From about the 1940s (and like so many aspects of Aboriginal social history its origins are not well documented) the notion of ending this dependency by assimilating Aborigines into an imagined mainstream of Australian society grew. Assimilation became both Commonwealth and State policy from the early 1950s. One of its fundamental aims was to assist in overcoming the disadvantages which Aboriginality brought with it. As it was assumed that the Aboriginal communities would disappear and that there would be no more need for the regime of the total institution, the revocation of reserves, which was in fact a
continual process from the early part of the century, accelerated. The remnants of reserves were handed over to the Aboriginal Lands Trust in 1973 and in turn to local communities in 1983.

Although the reserves were once far more extensive than the 400 ha they comprised in 1973, they were never a significant proportion of the land area of the State. They did assume local importance where particular pieces of land were occupied by Aborigines and wanted by farmers or local tourist or recreation interests (for example, the racecourse at Boggabilla and the golf course at Noosa Heads), and nearly all the reserves of significant market value were among the ones revoked. It is important to note, however, that the revocations are commonly perceived by Aborigines as the seizing of vast tracts of land of significant value to the community. It is this perception which gave the revocations such an importance in evidence before Keane and which sharpened Aboriginal opposition to the Aboriginal Land Rights Act (1983), an Act which failed to legislate for the return of revoked reserves as demanded. The perception of the role and extent of the reserves was important as a contributory factor in the folklore of persecution quite apart from their objective historical impact in recent times. The loss of reserves and the attempt to force assimilation are, by virtue of the fact that they happened recently, two of the key memories harboured by Aborigines in New South Wales today of their past relations with the New
South Wales Government. It will be argued later that it has proved a difficult legacy for the Government to contend with.

The hasty end of assimilation as Federal and then State policy in 1972 and its replacement with self-determination, self-management, self-reliance, etc, as the political leitmotif for Aboriginal Affairs policy unleashed a backlog of Aboriginal political demands. Over the following decade a number of important Land Rights Acts were passed by different legislatures and the size and pattern of Commonwealth resourcing for Aboriginal Affairs changed. Above all, the period following 1972 saw a complete surrender by all States, except Queensland, of any interest in Aboriginal Affairs. It became exclusively an area of Commonwealth social policy responsibility.

Given the very poor relationship between the New South Wales Government and the Aboriginal community, it is important to ask why the Government should currently want to resume legislative and administrative interest in this area at all. This question will be addressed in later chapters. Certainly, this move towards a reassertion of a State role in Aboriginal Affairs is not confined to New South Wales. All States now have some part of their public administration devoted to Aboriginal Affairs policy-making or service provision. It is the New South Wales experience which is examined in this paper, however, as it is in some respects the most important and
radical expression of renewed State interest. The Commonwealth and New South Wales now both have an effective interest in Aboriginal Affairs and each has the capacity to act as something of a corrective to the other.

In subsequent chapters the nature of New South Wales Government policy as it has emerged since 1981 will be examined. Of special interest are the origins of Government policy and current preoccupations in the Australian consciousness to which such policy is attempting to speak. I shall evaluate the effectiveness of this policy in terms of the needs of Aboriginal communities and the capacity of these Government measures, as they have turned out, to affect them.

White-Indian contact in the US: analog for the Australian experience

The uniqueness of the Australian experience of racism and its ongoing effects on the Aboriginal population in Australia should not disguise the similarity between it and the US experience. Indeed, at some points, the connections are very close despite the different histories of the European peoples on both continents, the different forms of government which evolved and the different patterns of white occupation (66).

The US Constitution gave the government the power to negotiate commerce with the Indian tribes, to make treaties and to protect Indian lands. Expanding frontier
agriculture, however, soon saw demands placed on the government for the removal of Indians from their lands and their transfer to more remote country by way of compensation. In the early stages of the relationship between tribes and the government, the principle of the right of the Indians to self-government was not questioned, and indeed, in a highly truncated form, has managed to survive as one of the principles which helps to determine the relationship to this day.

The Indians Removal Act was passed in 1830 (68) and resulted in the forced relocation of many tribes to areas not yet required for white occupation. These new lands, in turn, were largely taken from them in the following generation because of the needs of railway development along the Eastern seaboard.

Until 1849, Indian Affairs was part of the administrative responsibility of the Department of War. In that year it passed to the Department of the Interior as the US Congress struggled with the notion of absorbing Indian tribes more nearly fully into American life. The hoped-for peace did not come, however, and the period until the Civil War was marked by violent warfare on the frontier of settlement as tribe after tribe was forced to sign treaties confining them to reservations:

Between 1853 and 1856 alone, 52 gunpoint treaties were signed and an additional 179 million acres of land was acquired from the tribes. By (1871) the land on which native Americans subsisted had been reduced from lush areas of 2
billion acres to a largely sub-marginal 150 million acres in area, and the people had no
skills, capital or technology with which to
deal with the abrupt changes in their economic base. (69)

As in the Australian experience, the nineteenth century
saw the emergence of a reservation system which func-
tioned to confine the Indians to relatively small parcels
of land and leave the rest of the country free for occu-
pation by white settlers. There were, however, a number
of differences in the way these reservations emerged in
the US when compared to New South Wales. Firstly, in the
US the parcels of land tended to be bigger, notionally
adequate for a tribe, conceived as a 'nation', to exer-
cise self-government. Secondly, Indians were expected to
support themselves from the land (in fact, they rarely
did: many starved). In Australia, the reverse, with a
few exceptions, obtained (above) and the reserves func-
tioned as near-total institutions. Thirdly, the level of
government to which Indian 'nations' related was, in the
first instance, the Federal Government, while in New
South Wales it was the State Government. There were a
number of consequences of this, most obviously the
greater legislative interest of the US Congress in Indian
Affairs. It has also tended to give a particular flavour
to the debate about whether the Federal Government should
retain primary control or devolve it to the relevant
States (70).

As the Indian tribes tried to reconstruct a life for
themselves on the land left to them a number of character-
istics emerged which are familiar from the New South Wales experience. There was a rapid and seemingly irreversible slide into dependency. Federal Government funding for Indian Affairs soon required its own bureaucracy and the Indian Service, later the Bureau of Indian Affairs developed the same pariah status among US Indians as the Aborigines Welfare Board (and later, even, the Department of Aboriginal Affairs) were to in New South Wales. The experience of dependency has, for the US Indian, bred a similar struggle for self-determination, defined often within the US experience as economic independence within the US economic context (and anticipating the same material expectations as the typical American), supported by stable tribal government (71).

As in New South Wales, this quest for self-determination has grown out of the humiliation of being very poor in a society of people who, by and large, are not poor. Like their Australian counterparts, the US Indians are at the bottom rung of the economic ladder according to all economic indicators. Like their New South Wales counterparts, US Indians have the highest rates of unemployment in the country (72). Perhaps unlike their New South Wales counterparts, and as the Congressional evidence shows, Indian leadership has managed better to turn the catchphrases of self-determination into a believable, and in principle achievable, list of demands - better housing, education and, above all, more jobs.
Leadership of the Cheyenne River Reservation in evidence before the Senate (73) reported, in supporting Federal funding for the development of reservation lands, that their community had an average income that year (1982) of $1,900, less than a quarter of the US average per capita income and an unemployment rate in excess of 60 per cent. There is a close relationship between these figures and those which obtain for New South Wales.

The history of Federal-tribal relations also exhibits some important similarities to the New South Wales experience. 'Termination' is a term which is common in Indian Affairs parlance. It denotes the periodic attempt by the Federal Government to hand its power over Indian Affairs (and the administrative costs) to the respective States. Indian tribes have traditionally seen this attempt to terminate their relationship with the Federal Government as a threat to their rights, as State Governments have not been as forceful in the defence of Indian rights as the US Government. It is a policy threat not reflected in the New South Wales experience, except, perhaps, inversely, in the criticism of the Federal Government for not using its (presumed) overriding powers to force the New South Wales Government to accommodate Aboriginal demands for Land Rights. Apart from this, however, other phases of US policy do find an echo here. Assimilation, for instance, was the standard government position throughout the early part of this century and until ended by the Indian Reorganisation Act of 1934 (74). Self-
determination, another phase of policy taken up by the Government in New South Wales was made the keystone of US Government policy towards the tribes during the Nixon Administration and signed into law as the Indian Self-Determination and Public Education Act of 1975.

The notion of self-determination has tended to have greater significance in practice in the US because of the potential economic importance of much of the Indian reservation land. Self-determination derives its cutting edge from the actual possibility of economic self-reliance (75) of many Indian tribes, provided they can raise capital to develop the economic resources of their land. As in the New South Wales Act (76), Indian land is inalienable and hence cannot be mortgaged to raise development capital. Loans to Indian enterprise, then, as in Australia must be forthcoming from the Federal Government, which, as the policy has transmuted itself under the Reagan Administration, expects tribes to take care of their own needs essentially from their own resources. The Federal Government is prepared to assist in launching this process of self-sustained growth (77).

As in the New South Wales experience, it has proved far easier to destroy tribal governments than to recreate them. The American experience corresponds to that in New South Wales in that native corporate structures by which community development could be facilitated are often, in fact normally, very weak. Government policy may dictate
devolution of control: the realities of the community situation may make the realisation of this policy difficult or impossible in the short run, and in the long run possible only with an initial strengthening of these corporate structures to carry out the tasks asked of them (78).

Indian urban experience

One-third of US Indians live in off-reservation situations and are assimilated in one degree or another into the mainstream of the metropolis. Yet in many situations the yearning for identity reveals itself long after the process of identification with the dominant culture has apparently been completed. On the reservations, Indian culture had transmuted itself into something which is adapted to white ways but is, in many respects, (and in one or two instances, for example, the Pueblos of New Mexico, most respects) still recognisably different or Indian. Those who leave the reservation cut themselves off from kin and this developing distinct culture. As Eggan points out, however, (79) Indians have a penchant for recreating their culture away from where they have their roots.

... the Narragansetts ... once numbered several thousands in the mid 1650s and occupied most of present day Rhode Island. Today, the Narragansett tribe is not distinguishable by racial characteristics or by any aboriginal traits or values. But they have been able to maintain unity and group identity through a combination of institutions:
1 the tribal organisation and its meetings,
2 the annual powow and similar "ceremonial" undertakings and
3 the Indian Church and its management. Here, extremely acculturated individuals maintain themselves as an organised group to emphasise their Indian identity and to preserve a continuity with the past as they see it. (80)

The quest for identity and community among urbanised blacks in New South Wales is not dissimilar. A number of institutions help to weld the community together, especially in areas of significant Aboriginal population, like Redfern. Moreover, the group clearly has to desire to maintain an identity, to identify as Aboriginal and to establish a continuity with the past, which, in some respects is lost and irretrievable, but in another is a social construct exercising a powerful influence on what people do. In some respects the quest for identity may be more difficult in New South Wales. The American Indian reservations do, for all their poverty, offer the possibility of minimum economic support in a socially accepted setting for returning members. The former reserves in New South Wales offer no such attraction and, unlike the US reservations in recent years, have not been a magnet attracting Aborigines back to the country. The search for Aboriginal identity in New South Wales is carried on without that final place of belonging for many people, that final geographical locus where one indisputably belongs or which constitutes the foundation of one's identity.

The Aboriginal experience of white racism and its after-effects in the policies of successive governments in New
South Wales is not unique in every respect. There are important similarities in the experience of US Indians as far as both the history of contact with whites and the relationship with white governments go. Many of the problems besetting Aboriginal communities—unemployment, poverty, education, health—are qualitatively similar to those affecting Indian communities and for similar historical reasons. Moreover, the existential problems of meaning, identity and destiny expressed by Indian and Aboriginal leaders find echoes with each other. This thesis is not able to cover comprehensively the common elements in the experience of indigenous peoples with dominant and alien social structures and the way later generations of the dominant social class attempt to come to terms with that. There is enough evidence, however, that the Aboriginal case in New South Wales may be a particular case of a general tendency for indigenous peoples to experience in the twentieth century in a certain way the results of nineteenth century colonialist expansionism. It is telling that Land Rights struggles (albeit with great diversity of form) exist in New Zealand, Canada and South Africa as well as all the States of Australia. These were all places where an expanding British Empire, and more particularly the local legislature when self-government was given, came into contact with indigenous cultures with special relationships with the land, complex social structures and differing racial characteristics. These all proved a catalyst for white racism. The early experience of this
contact became embedded in the social and legal relationships between indigenous peoples and governments. Distinctive problems in the relationships between governments and indigenous peoples are, to a large extent, traceable back to the experience of early contact, early attitudes and early laws which became the bedrock of future policy and practice.
REFERENCES

1 For example, in New Zealand where the Treaty of Waitangi (1840) recognised prior native ownership.

2 The size of the Aboriginal population in 1788, and indeed in every period subsequent to that, including the present has been an area of scholarly debate for many years. Stevens' figure of 251,000 in 1788 (Stevens F., Black Australia, APCOL, Sydney, 1981, p.5) is lower than most others. The above figure more accurately represents the consensus.

3 This self-understanding is linked with the present role of the Dreaming ancestors who established the physical and social order and who are dynamically and trans-historically present to their totem descendants. (See Eliade, M., Australian Religions; and Introduction, Cornell University Press, London, 1973.)


6 Though Banks and Cook, both scientific men who could be expected to have at least an academic interest in the classification of the many human types they had encountered, did: see Yarwood, A.T. and Knowling, M.J., Race Relations in Australia: A History, Methuen, Sydney, 1982, p.31.

7 Including William Dampier, the seventeenth century explorer:
"the miserablest people in the world ... no houses ... they differ little from the brutes ... Little noses ... very unpleasing aspect ... no one grace-ful feature &c.&c."


10 Queensland Select Committee of the Legislative Council 1961, quoted Loos N., Invasion and Resistance: Aboriginal and European Relations on the


17 Loos, N., op.cit., p.22ff.


21 "Victoria, Votes and Proceedings 1858-9", p.12, quoted, Gale, G.P. and Brookman, A., op.cit., p.36.

22 There were sporadic attempts by various philanthropists, especially church people (but also governors of New South Wales) to establish reserves on an ad hoc basis prior to 1883. These had generally not thrived as their founders had hoped.


27 See Berliner, J.S., Economy, Society and Welfare: A Study in Social Economics, Praeger, NY, 1972 p.xv. "A society may be conceived as occupying a 'social space', the dimensions of which are the social characteristics that are salient in the context of that society's institutions. In some social arrangements being male rather than female makes a considerable difference with respect to certain outcomes, and under other arrangements it makes little difference. And so it is being young rather than old, rich rather than poor, tall rather than short, Hindu rather than Muslim. The dimensions of social space are those that make a difference in a given society with respect to some social outcome."


30 Robinson, F. and York, B., op.cit., p.100.


32 Loos, N., op.cit., Ch.2-3.


34 Rowley, C.D., op.cit., p.343.

35 Keane, Vol.I, p.44.

36 Gale, G.F. and Brookman, A., op.cit., p.62.


38 Department of Territories Press Release, 22 July 1965.


40 Pix., Sydney, 8 August 1953, p.7ff.

41 Bostock, W., op.cit.

46 For example, by Saders, op.cit.
48 But of unknown extent to the Crown Lands Department until a land register, now in the process of compilation is completed.
50 Hagan, J., The Relationship Between Aboriginal and Other Australians, address of the Chairperson of the National Aboriginal Conference to the Annual Conference on Community Relations, December 1980, Commissioner for Community Relations, Canberra, 1980.
51 Kirkbright, C., Land Rights in New South Wales: An Aboriginal Perspective, address to the SAANZ Conference, 26 August 1982.
53 With some remarkable exceptions, like the Rev. L. Threlkeld who identified the causes of their disappearance as introduced diseases (although even he lapses into identifying this as an act of God) and warfare with whites: Yarwood, A.T. and Knowling, M.J., op.cit., p.101.
54 Goodall, H., quoted, Sydney Morning Herald, 6 August 1983.
56 Bandler, F. (ed), op.cit.
58 Stevens, F., op.cit., p.23.
59 Plant, R., Lesser, H., Taylor-Gooby, P., Political Philosophy and Social Welfare: Essays on the

60 Ibid.

61 Ibid.

62 Except occasionally, as in the above quote of Poley, G. to the Select Committee: but even here there is no link - no mechanism is specified by which the granting of political demands actually makes possible the higher quality of life sought.


66 Much of the following is based on US Congressional evidence for the two oversight Committees of the US Congress, the Committee on Interior and Insular Affairs of the House of Representatives and the Senate Select Committee on Indian Affairs. Testimony before these two Committees (available through the US Embassy, Canberra) from 1979-82 is particularly important, as it covers the beginnings of the transition between the two administrations, and especially given the Reagan Administration's emphasis on Indian economic self-reliance. There is, throughout these years, a mass of data on current Indian perceptions of their own problems, their history and their demands on the US Government. Citation will be by house (Senate or House of Representatives-HR) date (of evidence before the respective Committee) and page number of the evidence.

67 HR, 26 June 1979, p.122.

68 Ibid.

69 Ibid.

70 Called 'terminationism' which reached its apogee in the terminationist phase of 1950-60 which has become a benchmark against which US Indian political leaders measure the integrity of Federal intentions: HR, 26 June 1979, p.3.

71 Senate, 26 February 1082, p.2.
72 Senate, 26 February 1982, p.4.
74 Senate, 29 April 1982, p.2.
75 Senate, 26 February 1982, p.2.
76 Senate, 26 February 1982, p.165.
77 Senate, 26 February 1982, p.165.
78 Senate, 29 April 1982, p.2ff, 31, 35.
Chapter Two

ABORIGINAL AFFAIRS POLICY: BACKGROUND

In this chapter we shall examine the recent rise of New South Wales Government policy towards Aboriginal people. The Report of the New South Wales Select Committee of the Legislative Assembly (Keane Report), Vol.I (1980) and Vol.II (1981), recommended a number of interventions by the State. The principal recommendation was the conferring of Land Rights on New South Wales Aborigines, which effectively denotes assistance with communal land purchase. Other reports were also recommended and became Party policy. The New South Wales Government set up a Ministry of Aboriginal Affairs (1981) to put these reforms into effect. By the time of the passage of the New South Wales Aboriginal Land Rights Act (1983), the State had again become a significant actor in Aboriginal Affairs policy-making.

The development of Aboriginal Affairs policy in New South Wales reflects, in many ways, the patchwork nature of the thinking behind policy formation. Theoretically, of course, welfare practice under a Labor Government should consist in the implementation of Labor Party policy as determined by the annual general conference. In fact, the existence of a Party policy on a particular initiative in Aboriginal Affairs has more often been a happy
coincidence discovered ex post facto than a determinant of such an initiative. Of the recent problems facing the Labor Left federally, none has been more irksome than the attempt to get the Federal platform on a number of priority issues implemented, for example, on uranium, Timor and welfare. This has been paralleled to some extent in New South Wales, where the Left of the State branch has had to do battle with an indifferent Cabinet on the question of Aboriginal rights, and especially Land Rights. The faint enthusiasm for the issues within the New South Wales Government is further weakened by the conviction that Aborigines are a Federal concern and belong at the bottom of the list of State priorities when funds are particularly short.

Although there has been an Aboriginal Affairs platform in each of the elections since 1976, the fullest statement on Aboriginal Affairs appeared in a 1981 Party platform (1) written in the wake of the Keane Report (2). The following is a summary of Labor policy appearing there with notes on the degree of implementation of these policies since then (3).

a) Teaching of Aboriginal history as a (compulsory?) part of primary school curriculum.

Comments: Advocated by AECG - not implemented as Education Department policy.

b) Special courses on Aboriginal culture at CAEs.

Comments: Some local initiatives only.
c) Crown land used as reserves (4) be handed over to and controlled by Aboriginal bodies.

Comments: Effected through the Aboriginal Land Rights Act, 1983.

d) Investigation into leasing and occupancy of former reserves (now alienated). These to be handed over where possible to local Aboriginal bodies.

Comments: On the contrary, the illegal alienation of former reserves was legalised by enabling legislation (Crown Lands [Validation of Revocations] Act, 1983) passed simultaneously with the Aboriginal Land rights Act.

e) Establishment of a New South Wales Aboriginal Land Commission as recommended by Keane to hear and grant land claims, to assist in the acquisition of Federal funds to develop such land, to assist Aborigines to prioritise and ensure action on their housing needs, to form a register of land claims.


f) Freezing of new mining leases over land claimed by the above Commission.

Comments: Claim model not implemented.

g) The granting of vacant Crown land to Aboriginal groups on a basis of need.

Comments: Partially implemented in the 1983 Act with heavy safeguards to enable the Minister
for Lands to refuse a claim: further, it has not been revealed in any of the literature on the subject that the extent of vacant Crown land in New South Wales is, and was in 1981, extremely scarce.

h) Setting up of Regional Aboriginal Land Councils to formulate land claims, control access to rivers, right of entry to Aboriginal land, minerals, timber and aquatic resources.


i) Marine resources to 10 kms from the sea.

Comments: Not granted.

j) Traditional hunting and fishing rights.

Comments: Not granted.

k) An enquiry to ascertain how best to preserve Aboriginal heritage.

Comments: No enquiry has been conducted.

l) Aboriginal Advisory Council to be made fully representative.

Comments: The Aboriginal Advisory Council was abolished by the 1983 Act.

m) The State Government to embark on a housing program to ensure Aborigines are acceptably housed by the Housing Commission.
Comments: Already implemented by the 1976 Commonwealth/State agreement.

n) State Government to respect the wishes of Aborigines with respect to the location and design of Housing Commission housing.

Comments: This has happened in an ad hoc way in one instance due to the personal intervention of the Deputy Premier and Minister for Public Works.

o) State Government to employ trained social workers to work with Aborigines being rehoused.

Comments: Presumably this means specially selected social workers for a specially targeted group - not carried out: YACS general service only is available.

p) State Government to encourage the establishment by Aboriginal Hostels Limited of hostel accommodation for students, young males and others.

Comments: Not implemented.

q) State Government to develop in cooperation with other departments, a housing policy which will train and which will equip them with skill and especially make apprenticeships available.

Comments: Carried out in one instance - Toomelah project 1983-84.

r) State Government to improve the accessibility of health services to Aborigines.

Comments: Implemented through the Aboriginal Health Worker Program.
s) State to allocate funds for community based medical services.

Comments: Specifically rejected as a State function in 1984.

t) State to direct attention to Aboriginal preventive health through the fluoridation of all water supplies and restriction of sale of low nutritional food in school canteens.

Comments: Not implemented.

u) State to attend to Aboriginal preventive health through the funding of Aboriginal controlled nutrition education programs for Aborigines.

Comments: Not implemented.

v) State to pay attention to particular health programs through the collection of Aboriginal health statistics.

Comments: Absence of same noted in the 1983 Aboriginal Health Task Force Report.

w) State to pay particular attention to Aboriginal health problems through special programs for specific childhood and adult diseases.

Comments: No special State programs funded.

x) State to pay attention to the particular health needs of Aborigines in the area of alcoholism but ensuring detoxification units are available in all hospitals.

Comments: Not implemented.

y) The Department of Health to ensure close cooperation with Aboriginal (community-based?) medical personnel.

Comments: Not implemented.
z) In employment, the promotion of Aboriginal employment through
   i) the identification of positions
   ii) special training
   iii) the extension of apprenticeships and
   iv) the use of Federal funds to employ Aborigines.
   **Comments:** A number of initiatives have been put in place to attempt to actualise these policies.

Since 1976, the first year of the Wran Government in New South Wales, there has been a growing body of Aboriginal Affairs policy within State Labor platforms. The (1982) wholesale adoption of the Keane Report as ALP policy is the most obvious example. These policies have been perceived by Labor in Government as having too high a price for total implementation. Indeed relatively few items of State Labor policy have been implemented. There have been, however, some important initiatives. These culminated in some explicit State Government policies, notably the establishment of a separate Ministry of Aboriginal Affairs and the enactment of the Aboriginal Land Rights Act, [1983]. What are the origins of such policies and what function do they perform in an area heavily dominated by Commonwealth responsibility?

**The Commonwealth Government**

From 1967, the Commonwealth Government gradually assumed the major responsibility in the area of Aboriginal
Affairs. It was a responsibility which it was slow to take up until 1972, and from 1972-75, one which was accepted and expanded with some gusto, leaving the Fraser Government of 1975-83 with the problem of trying to contain the budgetary growth of the creature and perhaps reduce it a little. The assumption of nearly all remaining State interest in the area by the Whitlam Government left the States free from 1972 onwards, to retreat from any effective interest in Aboriginal welfare and to leave the field open to a growing body of Federally funded government, semi-government and non-government organisations. The tussle between State and Federal Governments about the extent of respective funding responsibility is one of the high themes of Australian public policy. The interesting variation in respect of Aboriginal Affairs policy was the Commonwealth's eagerness to expand responsibility till 1975 and its eagerness to shed it after 1975.

Commonwealth administration in the area of Aboriginal Affairs comprises two principal agencies, the Department of Aboriginal Affairs, the Aboriginal Development Commission together with, until recently (June 1985) the National Aboriginal Conference, now abolished.

The Department was set up in 1972 under the Whitlam Administration, replacing the Office of Aboriginal Affairs which had handled the Commonwealth's interests in the matter since the successful passage of the 1967 Refer-
endum. Its headquarters are in Canberra and it is organised on a regional basis (New South Wales offices being at North Sydney, Queanbeyan, Wagga Wagga, Broken Hill, Dubbo, Bourke, Inverell, Lismore and Port Macquarie). The Department funds projects designed to bridge the gap in living standards between Aborigines and non-Aborigines. It does this in two ways: by funding Aboriginal organisations to provide services (health, education, community services, legal aid, etc), and by funding the State Government to direct specialist services to Aborigines (specially in New South Wales, welfare, education, health services and housing). Its New South Wales budget in 1983–84 was $14.7 million (5).

The Aboriginal Development Commission was set up as a statutory body in mid 1980. It rationalised a number of programs already in existence (the Aboriginal Land Fund Commission, the Aboriginal Loans Commission and the Aboriginal Enterprises Program) and a year after its establishment took over responsibility for housing grants for Aboriginal housing companies from the Department (6). Housing, the purchase of land and the development of properties for Aborigines is the set of priorities now commonly associated with the ADC.

The National Aboriginal Conference was (until its abolition in 1985) an elected Aboriginal organisation set up by the Fraser Government to recommend on Aboriginal policy. Its 36 members came from all States, including Tasmania.
and were elected for three year terms. It appears to have been established primarily to resolve the extremely difficult task of consultation, in that the Department has always been severely criticised for failing to consult with Aboriginal organisations to their satisfaction. The setting up of the NAC was apparently seen as a way of handing back the problem to Aborigines themselves. If the Commonwealth asked the NAC for advice, it would be for the NAC to consult in the most appropriate way it saw fit. Unfortunately for the Government, this small scale Westminster system did not capture the imagination of the bulk of Aboriginal people. Elections were not universally supported (7) and the existence of the NAC neither prevented Aboriginal organisations from making direct approaches to the Minister - nor vice versa. The organisation was given increased responsibilities for funding policy advice by the Federal Minister in 1983. Its budget was doubled to enable it to fill this role and it was made the subject of a review by H.C. Coombs - which review recommended such changes in the mode of representation to the Conference that the Government decided to abolish the organisation and replace it with another one. The relative importance of the three organisations in Aboriginal Affairs in New South Wales can be seen by comparing their respective budgets in 1983-84. This is set out below.

Department of Aboriginal Affairs 1983-84
Total Aboriginal Affairs budget - Australia - $207 m, of which:

83
DAA Program spending $123,833 m
ADC 57,319 m
NAC 7,430 m
Aboriginal Hostels 13,052 m
Institute of Aboriginal Studies 3,271 m
Other 2,095 m

This $123,833 m breaks down by States as follows:

New South Wales $14,671 m
Victoria (Tasmania) 5,988 m
Queensland 21,428 m
South Australia 20,426 m
Western Australia 29,881 m
Northern Territory 16,317 m
National 15,123 m

This $14,671 m spent in New South Wales breaks down by function as follows:

Health $3,884 m
Education 2,561 m
Employment .325 m
Social Support 2,287 m
CMS - General 1,067 m
APHIP 1,037 m
Culture/recreation .343 m
Legal Aid 2,126 m
Training 1.041 m (8)

Before comparing the enormous size of Federal expenditure in New South Wales, with the relatively modest spending of the New South Wales Government through its Ministry of Aboriginal Affairs and other agencies, one should note that the two Departments, Federal and State, do not provide the same services. Rather, functions of the State Ministry are seen as residual, providing services and advice where they are not available through the Commonwealth. The specific services which the State Ministry provides are:

- Attempting to ensure that State services (education, health and welfare particularly) are fully available to
Aborigines, that is, are utilised and utilisable by them.

- Helping Aborigines overcome their problems with State bureaucracy (for example, problems of fostering and adoption of Aboriginal children, problems of shortages of Aboriginal workers in specific fields, especially health and welfare).

- Initiating some State Government programs where possible. (Recent attempts include the devolution of responsibility in health to community-based groups and the establishment of an Aboriginal advisory committee on families and children).

The specific advice which the Ministry provides has been mainly in the areas of:

- Land Rights, where limited Government resources have had to be matched with heightened Aboriginal expectations and

- Commonwealth/State relations where expertise is needed in the subtle art of ensuring the continued flow of money from Canberra.

**State role in Aboriginal Affairs: Residual**

It was suggested above that the interest of the New South Wales Government in the question of Aboriginal Affairs was residual. The State acknowledges the Commonwealth as the chief initiator in the area and sets for itself the limited objective of assisting New South Wales Aborigines in having better access to the services provided by its own departments. In the case of the New South Wales
Ministry of Aboriginal Affairs, this model was made more complex in the public eye by the inclusion in its mandate of Land Rights legislation. It is likely, however, that the Ministry would have been set up regardless of the Government's wish to enact Land Rights legislation simply because of the extreme marginalisation of the Aboriginal population of New South Wales.

A number of studies since the Ministry was set up, confirm the impression of the Select Committee (Vol.II, Keane) that Aboriginal standards of life were significantly lower than modal non-Aboriginal standards. The following, especially should be noted.

1 The report to the Minister for Health, Hon. L.J. Brereton, of the New South Wales Task Force on Aboriginal Health which noted the persistence of appalling health conditions among New South Wales Aborigines, especially their lamentable mortality and morbidity experience.

2 Basic human needs benchmark survey of the Aboriginal population of New South Wales 1983-84 by Hall M. and Jonas W. which differentiated among city, town and former reserve dwellers and established the extent of unmet basic human needs in each.

3 Employment Opportunities for Aborigines in New South Wales, Report to the New South Wales Ministry of Aboriginal Affairs by Castle R. and others, which showed that Aborigines were up to seven times more likely to be unemployed than the general population.
These reports give much more substance to the largely anecdotal account of Keane and point to the need for a term which expresses more than poverty does in describing the life-chances and low degree of community integration which Aborigines still suffer in New South Wales. The term marginalisation is used here to express the type of poverty which Aborigines suffer. This was touched on in Chapter One and will be further explored in later chapters. It is a poverty of experience, culture and of social relationships with the wider society, as much as it is physical poverty. Indeed, the physical poverty may not be the most striking aspect as, in many instances, Aboriginal household income is quite high, the outcome of larger numbers on welfare, together with low housing costs. Marginalisation encompasses the idea of unwillingly being pushed to the economic and geographical limits of the wider society and forced by a set of social controls (some historical, some still active) to remain in self-perpetuating physical poverty. Marginalisation expresses the notion of being a victim.

The motives for action

The need to incorporate Aborigines more into the mainstream of New South Wales society was a goal closely identified with the Left (9) in New South Wales. Together with women's rights, discrimination and civil liberties, Aboriginal rights formed part of the Left's platform in Premier Wran's 1976 and subsequent Labor Governments. By the time the Government's first abbrev-
iated term was completed in 1978, Aboriginal Affairs had risen to somewhere near the top of the list of priorities and on 21 November 1978 it appointed a Committee of Enquiry to advise it on ways to contribute to the development of Aborigines' welfare in New South Wales, but without overlapping with Commonwealth responsibility. The Select Committee of the Legislative Assembly Upon Aborigines had the following terms of reference:

a) To enquire into the cause of socio-economic deprivations and disadvantages suffered by the Aboriginal citizens of New South Wales and to recommend action to eliminate those deprivations and disadvantages;

b) To examine and report on the general conditions under which Aborigines in this State live, with particular reference to housing, health, education, employment, welfare, cultural issues; and to make appropriate recommendations;

c) To enquire into and to make recommendations regarding Land Rights for New South Wales Aboriginal citizens;

d) To report on the effectiveness of current Commonwealth/State arrangements for Aboriginal matters.

It tabled its report in two parts, the first covering Land Rights, in 1980, the second covering welfare and related issues in 1981. These reports illustrate the re-awakening of interest in Aboriginal Affairs by the Government of New South Wales, an area which had been a Commonwealth preserve since 1972. It was a particular interest of the Left and remained an interest for the Government as long as the Left could continue to promote it.
The Report of the Select Committee

The first report of the Select Committee was on the subject of Land Rights (10). The list of recommendations is attached in the appendix. What follows is a brief discussion of the Select Committee's recommendations on Land Rights and a fuller discussion of the thrust of its second report on welfare and related matters. A full discussion of Land Rights will be reserved for the next chapter.

The Committee's recommendations on Land Rights were at least partially influenced by the operations of the Northern Territory Land Rights Act (1976) and the Pitjantjatjara Land Rights Act (1980) which, by the time the Committee began its proceedings, was a firm legislative proposal of the South Australian Government. Such Acts inevitably became part of the context in which New South Wales legislation was to be designed.

The Northern Territory Land Rights Act, however, was, by any measure, the most spectacular. It proposed a judicial regime whereby Aborigines could claim in law, areas of Crown land on the basis of their traditional ownership of that land. That the Act will eventually see up to half the Northern Territory actually owned freehold by the (by then) 15% of its population which is Aboriginal, speaks volumes for the scope and openness of the Act. That it was passed by an LCP Government in Canberra, must have been an added spur to the deliberations and recom-
mandations of the Select Committee which proposed a similar judicial mechanism for the settlement of New South Wales Aboriginal land claims. These claims could be made on the basis of need, compensation, long association or traditional right. A three-tiered structure of claimant bodies with a new court to decide on cases was proposed (see Chapter Four).

The second report of the Select Committee followed six months later in April 1981. In some ways, it is a more interesting document. Covering as it does the bread and butter issues on which the modal Aborigine is so deeply separated from the modal white, it passed up the opportunity to develop a vision of the new world which in the first report, Land Rights, was thought to be ushering in. Tellingly, it is published on inferior paper, sans photographs. The second report covers discussion and recommendations on the following:

- Housing
- Health
- Education
- Employment
- Welfare
- Culture
- Commonwealth/State relations

A full list of the recommendations of the second report also appears in the appendix. The real interest in these recommendations is that they outline an expanded role for the State in the provision of services for Aborigines. The following by no means exhaustive list indicates the new role expected of the State.
1 Causes of socio-economic deprivations and disadvantages

The first recommendation exhorts the New South Wales Government to recognise New South Wales Aborigines as a distinct group and to guarantee them the right to cultural integrity and self-determination.

A number of other recommendations relate to Government in general and could as easily be addressed to the Federal as to the New South Wales Government. Of particular interest, however, is the list of priority programs to be designed to enable New South Wales Aborigines to achieve "parity" with non-Aborigines in the fields of education, employment, health and housing. The Government is also exhorted to implement a public education program to combat negative stereotypes and to end discrimination.

Additionally, the examination of the South Australian Police Aboriginal Liaison Scheme is recommended for study.

2 Housing

The New South Wales Government is recommended to review the central agreement which governs the provision of housing finance for Aborigines in New South Wales - the Commonwealth/State Housing Arrangement (of September 1975).
3 Health

The State is recommended to draw up a set of policies to correct poor Aboriginal health.

Specifically, alcoholism and other serious health hazards should be systematically addressed.

State Government support for community controlled medical services is canvassed. Better training for health workers working with Aboriginal populations is proposed.

4 Education

A number of recommendations relate to the funding of pre-school facilities in Aboriginal communities. A specialised curriculum is proposed.

In primary and secondary education, the Government is recommended to investigate areas where remedial work needs to be carried out to compensate for educational disabilities caused by poverty.

History and Social Science curriculum changes are urged to incorporate an emphasis on Aboriginal history and contemporary culture.

Other recommendations for the State educational authorities relate to the appointment of teachers, in-service training, duty statements for the employment of
Aboriginal teacher assistants, curriculum consultants, and consultation with Aboriginal educational groups.

Special recommendations relate to TAFE programs and other adult education for the purpose of making education and skills training more accessible to mature aged Aborigines.

5 Employment
The New South Wales Government is recommended to "increase its participation" in employment creation schemes and, in particular, to extend its participation in public sector training for Aborigines through the National Employment and Training (NEAT) Scheme. Subsequently, the Federal Government designed a new program to boost public and private sector Aboriginal employment - the National Employment Strategy for Aborigines (NESA) which made it much easier for the State Government departments to play a role here.

A list of recommendations relates specifically to utilising the New South Wales Public Service and Local Government to create positions for Aborigines.

6 Welfare
The responsibility for the coordination of policies here is recommended to be vested in a single Minister.
Reforms to the way Aboriginal children are processed through courts are recommended.

A number of minor amendments to assist in supporting Aboriginal children in need are also proposed.

7 Culture
The (State) Heritage Commission, which had been proposed in Part 1 of the Report, is recommended to have responsibility for a number of the areas, including the maintenance of artifacts and the disposal of human remains. Funding for the preservation of languages and of oral history is proposed. An Aboriginal Archive is proposed.

A program of financial assistance from the State for the preservation of Aboriginal culture is recommended.

The Museum is recommended to be funded to acquire elements from private collections for public display.

The training of Aboriginal custodians by the Museum is proposed.

8 Communication
The New South Wales Government is to take a role in ensuring that Aborigines are trained for work in the media.

9 Commonwealth/State arrangement
Finally, the State is to seek the renegotiation of the
1975 Commonwealth/State agreement which sets out the areas which the Commonwealth and the State respectively are expected to fund. The State is specifically encouraged to "provide the means whereby Aboriginal communities will be enabled to set their own priorities in the funding of programs".

The importance of the above recommendations of the Second Report of the Select Committee lies in their creation of a new Aboriginal Affairs agenda for the New South Wales Government. The establishment of a special Ministry of Aboriginal Affairs by the Government in 1981 was precisely to implement both sections of the Report. I shall examine now the circumstances surrounding the establishment of the Ministry and identify its function and resources.

**Establishment and mandate of the Ministry of Aboriginal Affairs**

In an appendix to the letter to the Premier proposing an administrative structure for the newly announced Ministry of Aboriginal Affairs (11), the Minister and Attorney General proposed, and this proposal was accepted by the Premier, that the new Ministry have the following functions:

**Objectives**

- Development, promotion, evaluation and coordination of State policies and programs for the advancement and welfare of Aboriginal people;

95
- Assist in promoting self-management and self-sufficiency for the Aboriginal people;
- To investigate and report to the Government on matters pertaining to the Aboriginal people including such matters as legislative, administrative or other action necessary to promote the advancement and welfare of the Aboriginal people;
- Liaison with the Commonwealth Government on all matters relating to the Aboriginal people, and
- To promote greater understanding of and respect for Aboriginal culture.

Main functions
- Coordination of Government policy in relation to the Aboriginal people;
- Initiation and development of policies affecting Aboriginal people;
- Review and evaluation of policies and programs relating to Aboriginal people;
- Review and evaluation of Commonwealth/State arrangements relating to Aboriginal people;
- Draw attention to any duplication of effort or conflict of policy among Government departments, statutory authorities and agencies;
- Liaison with all State and Federal Government departments, statutory authorities and agencies whose activities relate to the responsibilities of the Ministry.
- Promotion, evaluation and coordination of State policies on Land Rights for Aborigines and sacred and significant sites.
- Provide administrative and other assistance to consultative, advisory and other groups involved with the welfare and advancement of Aboriginal people;
- Liaison and consultation with Aboriginal communities throughout the State;
- Service and administer the Aborigines Act, 1969, and the Aboriginal Lands Trust;
- Provide services for the Aboriginal Advisory Council;
- Carry out research into all matters affecting Aboriginal people and liaise with other bodies conducting research into Aboriginal matters;
- Participate with the Commonwealth and other organisations in the preparation of a viable Treaty of Commitment;
- Prepare and disseminate information on all matters relating to Aboriginal people, their culture and heritage;
- Promotion of cooperation, tolerance and understanding between the Aboriginal people and other Australians and assisting in eradicating racism and discrimination against the Aboriginal people.

Precisely why the term "Ministry" was selected or why in fact a separate administrative unit at all was selected for the implementation of the State Government's policies on Aboriginal Affairs is not clear.
The term "Department" had already been taken by the Federal authorities and had acquired odious connotations among the clientele. The Premier's Department wanted more of an administrative unit within one of the existing departments (Premier's or Youth and Community Services) and wished to avoid the creation of a new Government department at all. The acquisition of a further power base, with its attendant officers, office resources and potential for patronage was not a possibility the Minister could lightly forego. The arguments actually advanced were more refined: in his letter to Premier Wran, cited above, the Minister argues that in the Australian experience, the role of a Ministry is ambiguous:

First there are small Ministries which are "super-imposed" upon existing agencies and designed to play a coordinating role. Second, there are Ministries which are indistinguishable from normal departments. There is no definition in Australian Government practice which incorporates a view that a Ministry can be a unit or division of another unrelated department. (12)

Other arguments designed to ensure that the agency administering State policy be established as a separate entity, rather than as a division of an existing department are advanced including probable Aboriginal opposition at the breaking of an election commitment and the need to promote the objective of self-determination (an objective which would apparently be endangered if the agency were established within another department).
The Premier's reply to the Minister's letter (13) accepts his arguments for the establishment of a separate entity and approves the suggested objectives and functions naming the following as the priority areas among them:
1 Legislation for Land Rights.
2 Proposals on the future of Commonwealth/State relations.
3 Developing proposals arising from the Select Committee's recommendations.
4 The evaluation of policies and programs of the functional departments - education, health, housing, and Youth and Community Services.

Proposals 1, 2 and 4 are the three areas identified by the Select Committee as requiring urgent attention. Item 3, of course, covers all other areas of the Select Committee Report not covered in the other items. Clearly, the two volume Report of the Select Committee was to be the basis for the development of New South Wales Government policy through the agency of the Ministry of Aboriginal Affairs. The thrust of this policy was to meet what was perceived to be basic Aboriginal demands - Land Rights - in the expectation that this would contribute significantly to the satisfaction of other human needs. Land Rights and better coordination of Commonwealth programs and State programs (the latter from existing resources) were, between them, to constitute a new way of acting for the State, different from the discredited ways of acting of the Aborigines' Welfare Board, and ensuring that the
Commonwealth's funds were more responsive to distinctive State needs.

**Breadth of Ministry's mandate**

It has been suggested in this paper that the interest of the New South Wales Government in the matter of Aboriginal Affairs is residual, meaning that, since the chief actor is the Commonwealth, the actual role of the State in any one area concerned with Aboriginal Affairs tends to be to complement initiatives already under way. The above set of priority areas for the work of the Ministry of Aboriginal Affairs suggests that the scope of the New South Wales Government's interests is also broad.

The areas in which the Government seeks this residual intervention are extremely varied. Even without the entirely open third priority area of the Ministry (developing the proposals arising from the Report, including health, housing, welfare, employment, education, etc), the range within which the Ministry was expected to select its work was almost as broad as could be imagined given the range of Aboriginal needs. Items 2 and 4 between them, for example, cover all services provided by the Commonwealth and all services provided by the State including the funding of community-based organisations. Seemingly, the Government was prepared to accept the Report of the Select Committee as an agenda for action, regardless of the fact that the Report canvassed nearly the entire scope of Aboriginal needs and proposed
solutions, almost without reference to the real cost, the priority of need or rational time frame or alternative means of achieving priorities. The Government's endorsement of Keane must be taken as evidence of its good will. But its failure to select specific goals within the very general framework presented in Keane indicates partly that it was unable to identify new sources of money for the non-land needs and partly that relatively few people within the Government really believe that the set of Aboriginal problems is really soluble. The Ministry was, in effect, told to do what it could by way of squeezing more for Aborigines out of the existing State administration and to do so where it could.

The Ministry of Aboriginal Affairs: developing policy 1981 to 1984

In his book on policy-making, Carley argues that public sector policy-making is a complex outcome of both rational and political factors. In examining the determination of New South Wales Government policy in Aboriginal Affairs in the crucial years 1981 to 1984, the political determinates must be stressed, especially as so many of the outcomes were, in economic terms, non-rational.

Of the influence of politics on policy-making Carley says:

First of all policy making is about politics. And although no lengthy definition of politics is needed, it would be remiss not to at least skirt around the definition ... Some might say that all human interaction is politics. Bismark said that it was the art of the possible and
the Oxford dictionary calls it the science and art of government. Politics is certainly partisanship, meaning political parties, pressure groups, lobbying, public opinion and a power struggle for preferment, dominance, control, influence and position. Politics is also deciding the content of policy, the promotion of values and choosing among alternatives in an attempt to solve problems and improve human life ... Politics is policy making. (14)

It is not surprising that the determinates of policy were political - an outcome of the pressures exerted by a vocal leadership and the foothold within Aboriginal Affairs gained by the Left of the New South Wales Labor Party. The establishment of the Ministry was itself an initiative of the Left's most vocal and senior representative in the Cabinet (15). The senior staff of the Ministry were largely drawn from among Party members, while the bulk of consultation concerning the establishment of the Ministry and its early work was held with Aborigines who were city based and closely connected to the Labor Party, especially the Left.

Principal issues handled by the Ministry

It will be argued elsewhere that the Land Rights issue was perceived by the Government as the principal issue which the Ministry was expected to handle. It was argued above that the Ministry's mandate was very broad on its establishment. Once the Land Rights Act was in force and Land Rights mechanisms were established, the Ministry's energies were placed more and more into developing its role in terms of the Select Committee's Second Report (non land matters; welfare, education, health, housing).
The following section examines the principal areas where the Ministry became an actor in the formulation of public policy and the extent to which it was able to measure up to its coordination role.

Children's services

For many years significant and vocal sections of the New South Wales Aboriginal community have been expressing concern about State Government policy with respect to Aboriginal children. P. Read's study of the operations of the Aborigines Protection Board and its successor the Aborigines Welfare Board (16) reveals that something like one Aboriginal child in five was removed from his family between the years 1883 to 1969. A further study by the Aboriginal Children's Research Project, Aboriginal Children in Substitute Care, reveals that Aboriginal children continue to make up a disproportionate number of children in care.

A number of community-based Aboriginal groups have been lobbying with varying intensity over the past few years to establish a separate regime within the State's welfare administration for the special care of Aboriginal children requiring fostering or adoption. The groups, including the Aboriginal Children's Service, the Aboriginal Legal Service, the Aboriginal Children's Research Project and Link-up tend to argue that the Aboriginal community has a right to have the child placed within the Aboriginal community in preference to the non-Aboriginal
community, where the bulk of fostering and adoptions have been effected up to now. For instance:

In 1980, Aboriginal children comprised of [sic] approximately 15% of all children in substitute care, yet they were only around 1.5% of all children in New South Wales. At this rate, Aboriginal children are about 12 times more likely to be in substitute care compared to non-Aboriginal children ... Aboriginal children were over-represented in each mode of substitute care. This reinforces the picture of broad social pressures acting against Aboriginal communities ... The removal of Aboriginal children from their own communities can be seen as one of a series of specific responses by the dominant society to the disadvantages and powerlessness of the indigenous people in New South Wales. (17)

An examination of the literature on Aboriginal attitudes to fostering and adoption yields the following general observations.

1 Aboriginal groups, basing their position on what they assert is the modal Aboriginal position reject the notion that Aboriginal children should be fostered out or adopted into white families.

2 The group into which children should be fostered and adopted are the child's extended family or, failing that, into the Aboriginal community generally.

3 The rights of "the Aboriginal community" are paramount and discussion about the rights of the child has meaning only within this context.

4 Facilitating fostering and adoption should be by Aboriginal community organisations which are assumed to have the professional expertise to do this.

5 Additional funding from both State and Federal sources for these organisations is consistently advocated.
Pervading the whole of the above, of course, is the hazy notion of self-determination, which is used in this instance to express the right of a community to control its own children. Part of the problem of the State's bureaucracy in dealing with demands from the Aboriginal children's lobby has been the vagueness of the demands themselves. For instance, and perhaps most seriously, there is a lack of organisation in the single Aboriginal community-based organisation dealing with children's services. The disorganisation is physical (lack of plant, lack of adequate offices). The disorganisation also denotes political confusion (the service doubles as a Land Rights lobby group in much the same way as the Aboriginal Legal Service doubles as a children's services group). It (the disorganisation) is even ethical (overloaded case workers, lack of follow-up, undue interference in cases). The lack of organisation seems hardly to affect the vehemence with which the group lobbies for an exclusive control over Aboriginal children in care in the Sydney metropolitan area. The dissonance between strength of demands and manifest lack of capacity to handle the task is difficult for governmental policy-makers to recognise - hence the confusion amounting to vagueness which is evident in dealing with community-based groups in this area. The frustration is evident in the files of the Ministry.

It is of course one thing to defend, in principle, Aboriginal child care services which are community based and quite another to defend particular organisations as they currently operate. On-side practitioners who have no axe
to grind, indeed who are supportive of community based services are critical of the two largest Aboriginal agencies. There has been criticism of ACS that the case load for field staff tends to be above what is the accepted social work norms, which means that clients do not receive effective follow-up. Many clients are simply referred elsewhere, in which instance the need for the service is marginal. The North Coast Child Care Agency has come in for criticism basically on the grounds that its stated program (multi-faceted, multi-targeted family and child care) is barely achievable by even the largest and most professional of voluntary agencies. In both cases, some sort of evaluation is warranted to determine how best to support the work of the agencies by increasing their professionalisation (especially in view of the North Coast Child Care Agency's recent submission for $230,000, a prodigious budget for any child care agency). (18)

The Aboriginal Children's Research Project, during the years of its operations and in its report, had focused attention on the need for additional resources to be directed to Aboriginal community-based organisations to allow them to provide support services for Aboriginal children to prevent them from coming into care in such disproportionate numbers. That report (June 1981) proposed

- A network of community based Aboriginal children's services be developed so that all Aboriginal communities have access to such agencies.

- This network to be developed by the Aboriginal Children's services and Aboriginal communities, and be funded by Commonwealth and New South Wales Governments.

- The development of this regional network to begin as soon as possible by the funding of development/coordination workers within the Aboriginal Children's Service and other Aboriginal organisations.

Since the participation of elements of the Aboriginal community in the deliberations of the Aboriginal Child-
ren's Research Project Steering Committee was so signif-
icant (most of the Steering Committee being Aboriginal),
the level of expectations among key people working in
community-based organisations was high once their report
to the Government was published in July 1982. Within
this atmosphere of expectation the Ministry was expected
itself to form its own mind and to advise the Government
(specifically YACS and its own Minister) on the future
course of any funding it might wish to make available for
specifically Aboriginal child care projects.

The Ministry's capacity to affect the scope and direction
of funding for family and children's services, whether
provided direct by the Government or funded through
community-based services, was limited by the small role
played by other State agencies. As the briefing paper
noted above makes clear:

The Ministry's ability to exercise any control
over the direction of new initiatives is
limited by the relatively small role which the
Department of Youth and Community Services
plays in the area. (19)

In order to have greater leverage, the paper goes on to
argue for "a separate identifiable Aboriginal component
in the State's budget (which) should be used to lever
further funding from Federal sources".

Increasing budget shares, of course, normally require a
long-term strategy. In the interim, the Ministry decided
to take the key recommendation of the Aboriginal Child-
ren's Research Project and attempt to implement it.
Recommendation 16 of the Aboriginal Children's Research Project Report advocates the creation of an Aboriginal community-based committee to advise Government on policy objectives and resource development. It reads:

An Aboriginal Family and Child Welfare Resource Committee be established to coordinate and plan the allocation of all Government resources for Aboriginal Child and Family Welfare Programs; the Committee to comprise at least seven representatives of relevant Aboriginal organisations including at least three from non-Sydney communities, one representative of FACS, one representative from the New South Wales Ministry of Aboriginal Affairs, one representative from the Office of Child Care, one representative from the Department of Aboriginal Affairs; the Ministry of Aboriginal Affairs to be responsible for the establishment of this committee, its operations and the implementation of its decisions, and an annual report to include details of funding allocations to be published. (20)

This attempt to devolve responsibility for Aboriginal children's services to community-based groups was a considerably stronger recommendation than the set of recommendations on children's services in the Select Committee's Report (see appendix). Moreover, as it seemed to be a step in the direction of self-determination and since the Aboriginal Children's Research Project had circumscribed itself by directing its key recommendations to the Minister for Aboriginal Affairs, the Ministry advised the Minister to call such a Committee into existence and hand over to it the responsibility of advising him on both policy and funding (21). This was advised in June 1983 and approved by the Minister in April 1984 (22). To date, however, the Committee has not met, presumably because departmental guidelines on the foster-
ing and adoption of Aboriginal children are still in the process of preparation.

The strategy adopted by the Ministry, then, was to create a role for a community-based advisory group in the expectation that the Department of Youth and Community Services' budgetary increases for Aboriginal children's projects would follow, pari passu, with its advice. It is still too early to evaluate this strategy.

As pointed out above, however, the role of the State as far as funding goes is minor in Aboriginal family and children's services. The dominant role is played by the Commonwealth, especially the Office of Child Care of the Department of Social Security and the Department of Aboriginal Affairs, both of which fund Aboriginal community-based projects (the former favouring recurrent funding, the latter capital). The establishment of the Aboriginal Family Children's Advisory Committee (AFCAC) of itself does nothing to address the need identified by the Aboriginal Children's Research Project to shift decision-making in the direction of the Aboriginal community by the establishment of suitable structures. Presumably, the AFCAC will need to establish a role for itself in Federal funding or be content to advise merely on the allocation of that part of the YACS budget allocated to Aboriginal projects. As the former is so much more substantial, it is unlikely that the committee will be content with a limited role.
A further development which should be noted is the intention to use the identifiable Aboriginal budget, once it is established through the operations of AFCAC, to lever counterpart funding from the Federal Government. The allocation of funds by a State instrumentality is a powerful argument to use in approaching the Federal Government, as it is precisely the response sought initially by the Fraser Government and taken up by the Labor Government in 1983, viz, that in the funding of new initiatives for Aboriginal Affairs, the Commonwealth wishes to satisfy itself that the State was prepared to fund a proportion of the money. The argument could be used in reverse: if the State was prepared to fund a new initiative, the Commonwealth should be prepared to subsidise it (the precise argument used in the State's approach to the Commonwealth in July 1983 to justify its request for two for one funding from the Commonwealth for Land Rights purchases under the Aboriginal Land Rights Act, 1983).

The evaluation of this strategy will need to be undertaken once the AFCAC has attempted to lever the funds itself or the job has been attempted by the Ministry on its behalf.

**Health**

One of the recommendations (91.3) of the Select Committee on Health advises that "the methods of Ministerial support for medical services in Victoria be investigated".
A number of factors lie behind this cryptic insertion into the recommendations on community-based services. Principally and most importantly is the persistence of distinctive patterns of Aboriginal ill health and mortality among the Aboriginal population of each State (23). Second is the very positive experience by clients of community-based medical service in Victoria, New South Wales and the Northern Territory (24). Third, is the close cooperation between these community-controlled health services in Victoria and the Victorian Health Commission encouraged personally by the then Minister for Health, Mr Borthwick, in his agreement to implement the Report of the Victorian Government Working Party on Aboriginal Health (25).

An approach was made by representatives of the New South Wales community-controlled health services to the Ministry shortly after its establishment, seeking the implementation of "the Victorian model" of community-based service support which was proving financially so advantageous to the Victorian community-controlled health services. The resistances to the immediate duplication in New South Wales of the Victorian model were strong and came especially from some Health Commissioners, Aboriginal staff of the Health Department and rural medical practitioners once the scheme was initially broached. The Ministry adopted a tactic of establishing a Task Force of the chief interested parties - the Department of Aboriginal Affairs, the Ministry of Aboriginal
Affairs, State Department of Health, the Commonwealth Department of Health, the seven community-controlled health services - to bring down a report on the state of Aboriginal health in New South Wales, the resources available to meet the problem and any changes in the mix which were considered necessary. The proposal to establish a Task Force was suggested by the Ministry of Aboriginal Affairs to the State Minister for Health who duly commissioned such a Task Force with the membership and terms of reference advised by the Ministry.

The terms of reference; viz,

To investigate and make recommendations on
- the effectiveness of current arrangements in respect of Aboriginal health in New South Wales;
- possible variations in these arrangements;
- measures which would ensure greater Aboriginal control over the health resources which affect them,

especially the third one, reflect the operative model of the Ministry discussed elsewhere. This model seeks to apply the principle of devolution of control as the best means of achieving the broad objective of self-determination.

The third term of reference, of course, is not necessarily related to the other two, since "current arrangements" may or may not be effective regardless of the degree of community control. The terms of reference reflect two policy objectives,
a) to make Commonwealth and State objectives in Aboriginal health more effective, and

b) to devolve a measure of control to Aboriginal community based groups.

The Task Force was convened ten times by the Ministry over the period of October 1982 to August 1983. The Report (26) was sent to the Minister for Health at the end of 1983 and accepted by the New South Wales Government and the Commonwealth Government in May 1985. The Report contained twenty recommendations covering the following areas: monitoring Aboriginal health, the expansion of community-controlled health services, the establishment of an Aboriginal committee to advise both levels of Government on the deployment of funds for Aboriginal health, complementary restructuring of the Health Department’s Aboriginal Health unit and more specific recommendations on the individual Aboriginal health problems.

For our purposes, we need to note the strong emphasis put by the Task Force on community control. Aboriginal health in New South Wales became a particular concern to the Commonwealth Government in 1971 (27) when it began funding the State to provide, though the Health Department structures, an Aboriginal health program. Community health workers were funded to link Aborigines with existing primary and preventive programs on the (apparently well founded) assumption that Aboriginal ill health was a result not only of a particular pattern of morbidity, but
of failure to obtain access to existing services. Linking Aborigines with the services became the model of the community health worker, a model later to be duplicated in welfare with the Aboriginal community worker program. Simultaneously, with the setting up of the Aboriginal Health unit in New South Wales, the Aboriginal Medical Service, the first community-controlled medical service, was set up as a shopfront primary health care clinic which was later to receive Commonwealth funding, but which initially relied on voluntary support.

The principle of community control represented by the establishment of the Aboriginal Medical Service was an important model for later emulation both in health and welfare services. The importance was in the experience that Aboriginal communities or boards could exercise control over the provision of a service even though they lacked the professional training to provide the service themselves. The Aboriginal Medical Service Board contained no Aboriginal doctors but the Board controlled the service through its power to direct the work of the (white) professionals it hired. The key element in the model was the ability of the (Aboriginal) committee to achieve an effective consensus. Maintaining this consensus is the key to survival for community-controlled services; the Aboriginal-controlled health services which have not survived in New South Wales have been characterised by the inability on the part of the committee to maintain agreement on aims and procedures.
The thrust of the Task Force Report, then, was in the direction of greater community control. The State was asked to surrender its $2.1 million (1983-84) of Commonwealth funds directed to its own Aboriginal health program and redirect this money to community-controlled health services to allow them to expand, to multiply and to provide a greater range of services. The selection of which services should be funded would, in the Task Force’s recommendations, also be an Aboriginal decision, since the Aboriginal Health Resources Committee which was to be set up was Aboriginal - even if with bureaucratic representation. The Task Force argues (or more accurately, asserts) that the argument in favour of an expanded role for community-controlled health services is their greater ability to deliver effective health service.

The advantages of an Aboriginal-controlled health service include:

- Control by Aborigines of resources, staff and the services they provide;
- A much greater degree of acceptance among Aboriginal communities than their local alternatives and hence a higher utilisation rate than these non-Aboriginal local alternatives;
- A high degree of familiarity with common health problems of Aboriginal communities;
- A demonstrated commitment to the Aboriginal client (on average, unemployed, poor, etc) and a better understand-
ing of the common health problems associated with his or her economic status;
- A greater degree of flexibility and initiative characteristic of community-controlled groups. (28)

In fact, the Minutes of the meetings of the Task Force reveal (29) that control was the key issue argued, not efficiency. Community-controlled health services aimed to wrest some of the power (represented by funding) from the Health Department's own Aboriginal Health Program. The issue of who should control the funding was in fact so important that no real assessment of the relative cost efficiency of that funding when delivered through State-controlled or community-controlled agencies was able to be made.

The measured tones of the Task Force Report's recommendations hide to a large extent, the real issues they were resolving, which were less the relative efficiency of different models of service delivery than the extent to which two competing power sources would be able to re-arrange the resources available to them. In the event they split it 50/50 with the Health Department yielding the Commonwealth's $2.1 million and recommending that the State pay from its own budget for the lost resources to allow for a continuation (in modified form) of its own Aboriginal Health Program. The Ministry of Aboriginal Affairs could have its community control if the State Government was prepared to pay for it. These conditions
were agreed to by the New South Wales Cabinet in May 1985 and implementation of the expanded community-controlled program began.

**Housing**

The Select Committee's observations on housing for Aborigines in New South Wales are extensive, covering 100 pages of a 450-page report, but the recommendations made are brief, confined as they are to exhorting the Housing Commission to examine its conscience (30). The question of Aboriginal housing is especially complex and one suspects that the sub-committee shied away from it precisely because of the difficulties in coming to grips with the nature of the problem, let alone the practicalities of making recommendations in such a complex area.

The Select Committee faced a situation in 1980 where the bulk of Aboriginal people were unemployed (31) and hence in need of some type of welfare housing. The most important provider of welfare housing was the Housing Commission which allocates $12.3 million per annum (1983-84) (32) of Commonwealth money to its Aboriginal Housing Program. The Aboriginal Development Commission allocates a further $8.1 million mainly to Aboriginal Housing Cooperatives. The rest of the Aboriginal population is housed in New South Wales either through the private rental market (especially in Sydney), or on former reserves which were owned and managed in 1980 by the
Aboriginal Lands Trust (abolished by the Aboriginal Land Rights Act, 1983).

Up to half the New South Wales Aboriginal population has been rehoused since 1970 (33). For many of the remainder, however, housing conditions are among the worst in the State, specially on the former reserves. The following extract from the sub-committee report on the former reserve lands is instructive.

- During its visit to Wilcannia, the committee visited an area known as "the Mallee". About 200 residents live on the Mallee in recently built brick dwellings or transportable houses. 119 others, however, live in 17 temporary sheds, three self-built dwellings and one caravan.

- Your committee observed deplorable accommodation at three major centres in the North West: Bourke, Brewarrina and Walgett. We were advised that 200 - 300 live on the Bourke reserve. We noted that the accommodation on the reserve consists mainly of shanties constructed of galvanised iron.

- Your committee saw that the "Dodge City" reserve at West Brewarrina consisted of 24 homes, all except one of which were in bad state of disrepair and in many of which the external walls had been holed.

- The Dewhurst Street camp at Walgett was observed by the committee to consist of about 15 galvanised iron shanty dwellings in an open grassed area. The committee was told that 150 people lived at Gingie reserve near Walgett. The accommodation appeared at be particularly poor shanty homes that were badly damaged. (34)

The absolute need for housing is still high. The Aboriginal Development Commission Needs Survey carried out for the annual meeting of the Australian Aboriginal Affairs Council in 1983 estimated that a total of 3,093
homes and 484 other housing units at a total cost of $212 million were required by the Aboriginal population as of mid 1983. The special problem represented by this, as indicated above, is that the bulk of clients for such housing are unemployed and hence unable to contribute substantially to the cost of building such housing.

Since the provision of finance for Aboriginal housing is at the initiative of the Federal Government - apart from the small proportion of Aboriginal housing needs satisfied by the Aboriginal Development Commission - the potential role of the Ministry was found to be limited to suggesting a reorientation of Housing Commission policies. An initiative of the Ministry in November 1983 (35), suggested to the Minister for Housing that a proportion of the State contribution to welfare housing funds be set aside for Aboriginal housing and that a proportion of vacancies be allocated to Aboriginal clients.

The rationale behind this was the view of the Ministry that each of the service providing departments should have an Aboriginal component in its budget. If Aborigines were 2.2 per cent of applicants for housing, they should be allocated 2.2 per cent of the vacancies. Likewise, given that 7.8 per cent of Commonwealth welfare housing expenditure was earmarked for Aboriginal housing, the State should allocate counterpart funds of 7.8 per cent from its contribution.
The matter has not to date been resolved, which itself is a telling clue to the political sensitivity of the housing area of New South Wales politics. The Housing Commission's reply to the Ministry's initiative did not address at all the question of the need for a State contribution to welfare housing, merely restating that Aborigines were in receipt of a disproportionate quantity of the available (Commonwealth) funds already.

The only other significant initiative of the Ministry in the area of housing was the promotion of "self-management" of the former reserves. The reserves were degazetted in 1974 and turned over to the Aboriginal Lands Trust. When this body was dissolved by the Aboriginal Land Rights Act in 1983 the title to the properties devolved upon the local communities, where a committee of management was charged with the tasks of collecting rent from the members of the cooperative, making necessary repairs, applying for funds (36) to build new housing and paying rates. Self-management of former reserves is seen as a contribution to Aboriginal self-determination. However, reality falls short of the ideal in a number of important aspects, especially in the inability of local management committees to collect rent. Outstanding rates throughout New South Wales in June 1983 totalled in excess of $250,000 (37) as the habit of non-payment of local rates caught on. Whatever else self-management achieved, it did not contribute overtly to the integration of Aboriginal communities into the mainstream
of country life (witness the response to the non-payment of rates by local councils) (38). Nor did it force a higher level of community competence in the cooperatives. Implications for the success of land rights legislation are ominous and will be examined in a later section.

Support for community-based services

In the ideology of self-determination, the handing over of control to community-based organisations to the maximum extent possible stands as an acceptable (to the Government) proxy for political autonomy. The Ministry's policy was soon established as the building-up of community-based organisations and facilitating this operation in more and more areas.

The question for Government, especially given a policy of self-determination, must be, not whether, but how to shift responsibility to community-based groups. In the absence of sufficient data and relying on principle, one must assume that the next step lies in examining how best to resource community-based groups to strengthen them administratively to play the wider role they wanted ... Given that Government policy is self-determination and ... the best current expression of this is deployment of money through community-based groups, then the latter's inability to develop their services should encourage from Government a response which amounts to empowerment aimed at enabling them to fulfil the role: a new strategy in fact of resourcing them in the area of skills development with a view to a more important role in the area. (39)

The Ministry's support for greater Aboriginal input to children's services, for Aboriginal community-controlled health services and for self-management of former reserves are clear examples of the premise that going even some way down the road to self-determination must be
counted as positive even where it falls short of expressed political demand.

**Summary**

The establishment of the Ministry of Aboriginal Affairs in 1981 represented a resurgence of interest by the New South Wales Government in the question of Aboriginal Affairs as it affected the State. Apart from Land Rights legislation, the Ministry's mandate to monitor and suggest amendments to the practices of the functional departments was to form the basis of its future actions. In children's services, health and housing, varying success was achieved in shifting control nearer to the communities affected. The creation of the Aboriginal Family and Children's Advisory Committee gave Aboriginal community-controlled services some insight in advising on the disposal of funds for Aboriginal children and on policy. In health, the establishment of the Aboriginal Health Resources Committee (a key recommendation of the Task Force) represented a significant degree of handing over of advisory power and control of funds to representatives of community-based health clinics. In housing, the achievement of self-management - the only significant reform achieved by the Ministry in this area - actualised its concern to see powers devolved, in this case the power of management over former reserves.

The attempt to stimulate departments into a response to Aboriginal Affairs questions was able to be roughly
evaluated by observing the size of the Aboriginal budget allocations which resulted. In Health, Youth and Community Services (children's services) and other departments this was accompanied by a complementary effort to bolster the power of community-based groups. In the current terminology this would "empower" them to take greater control over Government resources earmarked for the use of their clients.
REFERENCES


3 Recommendations which are long-term goals without any strategy envisaged by the Report have been deleted.

4 In fact, reserve lands had all been degazetted in 1974.

5 Department of Aboriginal Affairs, How Aboriginal Affairs spends its money, unpublished paper of DAA, NSW Regional Office, 1984.

6 Which represents only a proportion of the total housing resources available each year to Aborigines. The bulk comes direct from the Commonwealth to the New South Wales Housing Commission which conducts its own Aboriginal housing program. The relative sizes in 1983-84 were: Housing Commission $12.0 M; ADC, $8.0 M.

7 Support ranged from a high of about 60 per cent of eligible voters voting in the Northern Territory to a low of less than 20 per cent in New South Wales (Report to the July 1983 Meeting of the AAAC).

8 Department of Aboriginal Affairs, How Aboriginal Affairs spends its money, unpublished paper of DAA, NSW Regional Office, 1984.

9 See Bandler, F. (ed), The Time was ripe, Alternative Publishing Co-op Ltd, Sydney, 1983: Reflections by activists in the 1950s where it is shown that there was a strong link even in these early days, between the movement for Aboriginal rights and the Communist Party.

10 Actually a misnomer; the 'rights' in Land Rights refers to the right to ownership of title deeds to reserves. In the expanded usage current in New South Wales it refers to this plus assisted access to non-reserve land and to former reserve land.


12 Ibid.


Frank Walker.


File F447 of the Ministry of Aboriginal Affairs.

Ministry Policy on Services for Aboriginal Families and Children, F447.

Aboriginal Family and Children's Project, op.cit., p.(x).

File F251, Ministry of Aboriginal Affairs.

Ibid.

See, for example,
- Royal Australian College of Ophthalmologists, National Trachoma and Eye Health Program Report, RACO, Sydney, 1980;
- Osborne, P.O., The Other Australia; the crisis in Aboriginal health, Occasional Monograph No.2, Department of Political Science, University of Tasmania, 1982.

See for example,


27 New South Wales Task Force Report, p.29.


29 Minutes of the Meetings of the New South Wales Task Force on Aboriginal Health, Ministry of Aboriginal Affairs, especially February - August 1983.


33 Department of Aboriginal Affairs sources: private communication.

34 Keane, Vol.II, p.44f.

35 Secretary to Minister, file P1046.

36 Mainly to the Aboriginal Development Commission.

37 F382, June meeting of the Regional Priorities Committee.

38 Which resulted in the issuing of a press release by the Regional Priorities Committee on the urgent matter of unpaid rates.

39 See F447, paper on Ministry Policy on Services for Aboriginal Families and Children.
RECOMMENDATIONS OF THE KEANE COMMITTEE

Volume I

LAND RIGHTS

List of Recommendations

BASES OF ABORIGINAL LAND RIGHTS CLAIMS (sec. 4)

That claims to land for New South Wales Aborigines be founded on any or all of the following bases:

(a) needs;
(b) compensation;
(c) long association;
(d) traditional rights.

PROCESSING OF LAND CLAIMS—THE ORGANIZATIONS AND METHOD (sec. 5)

1. That the Aborigines Act, 1969, be repealed and replaced with an Aboriginal Land Rights Act and an Aboriginal Land and Development Commission Act.

ABORIGINAL COMMUNITY COUNCILS

2. Aboriginal Community Councils be established as bodies corporate.

Composition

3. Membership of Aboriginal Community Councils be as determined by the Aboriginal people.

Functions

4. Aboriginal Community Councils shall—
(a) hold title to local Aboriginal land;
(b) give effect to the wishes of the members with respect to management, use and control of lands and community enterprises;
(c) protect the interests of Aboriginal people in the locality in relation to the management, use and control of lands;
(d) negotiate with persons desiring to use, occupy or gain access to any part of Aboriginal lands;
(e) make applications to Aboriginal Regional Land Councils for the acquisition of land;
(f) acquire the management and control of sacred sites and sites of significance;
(g) conciliate or ultimately determine disputes between individuals or groups in relation to land;
(h) determine rights or qualifications for membership of the Aboriginal Community Council;
(i) submit annual audited accounts to the relevant Aboriginal Regional Land Council.

Powers

5. Aboriginal Community Councils shall have power to—
   (a) sue and be sued;
   (b) enter into contracts;
   (c) employ and dismiss staff;
   (d) receive and pay moneys;
   (e) hold title to real property;
   (f) negotiate for encumbrance or alienation of land;
   (g) determine the rules relating to—
       (i) the conduct of meetings;
       (ii) the administration of powers;
       (iii) the issuing of permits of entry or access to the land;
       (iv) such other matters as may be expedient or necessary;
   (h) determine the composition, functions and administration of governing bodies or executive committees and their method of appointment.

ABORIGINAL REGIONAL LAND COUNCILS

6. There be established a number of regions within New South Wales, as determined by the Aboriginal people of New South Wales.

7. There be established, as a statutory body, an Aboriginal Regional Land Council for each region.

8. Each Aboriginal Regional Land Council have a secretariat.

Composition

9. Each Aboriginal Regional Land Council comprise representatives of Aboriginal Community Councils within its region.

Functions

10. Each Aboriginal Regional Land Council shall—
    (a) compile and maintain a register of all Aboriginal Community Councils within its region;
    (b) consider and if endorsed, assist preparation of claims to land or for compensation by Aboriginal Community Councils;
    (c) lodge and present claims for land or compensation on behalf of Aboriginal Community Councils to the Aboriginal Land and Compensations Tribunal;
    (d) apply to the Aboriginal Land and Development Commission on behalf of Aboriginal Community Councils for financial and other assistance in the preparation of claims for land or compensation and in the development of economic or other enterprises by the Aboriginal Community Councils;
(c) consider any proposal for encumbrance or alienation of land by an Aboriginal Community Council and if satisfied that—
   (i) the terms and conditions are fair, equitable and appropriate,
   (ii) all the members of the Aboriginal Community Council understand and agree to the proposal,
   approve the proposal for presentation to the Aboriginal Land and Compensation Tribunal.
(f) provide such further assistance as is required from time to time by Aboriginal Community Councils;
(g) ascertain the wishes and opinions of Aboriginal Community Councils in respect of all matters pertaining to land and compensation and to seek, where practicable to give effect to those wishes, in accordance with the best interests of the Aboriginal Community Councils;
(h) determine disputes between individuals, groups and Aboriginal Community Councils, relating to land and compensation claims;
(i) present an annual report to Parliament;
(j) submit annual accounts for audit by the Auditor-General.

Powers

11. Aboriginal Regional Land Councils shall have power to—
   (a) sue and be sued;
   (b) employ and dismiss staff;
   (c) receive and pay money;
   (d) hold title to real property;
   (e) keep all proper records and accounts;
   (f) enter into contracts;
   (g) determine the rules relating to the conduct of meetings; the administration of powers and duties of the Aboriginal Regional Land Council and such other matters as may be necessary or expedient;
   (h) determine the composition, functions and administration of governing bodies or executive committees and their method of appointment.

ABORIGINAL LAND AND COMPENSATION TRIBUNAL

12. The Aboriginal Land Rights Act provide for the establishment of an Aboriginal Land and Compensation Tribunal.

Composition

13. The Tribunal shall—
   (a) consist of five members, one of whom shall be the President;
(b) have as President a Justice of the Supreme Court, preferably with a knowledge of Aboriginal culture;
(c) have two Aboriginal members, representative of the Aboriginal people of New South Wales, elected or appointed by the Aboriginal community;
(d) have two members with an extensive knowledge of either Aboriginal culture, anthropology, ecology or land use, appointed by the Minister in consultation with Aboriginal organizations.

Functions

14. The Tribunal shall—
(a) hear and determine contested Aboriginal claims for land;
(b) hear and determine claims for compensation;
(c) conciliate wherever possible and if necessary arbitrate between Aboriginal claimants, and others with disputing interests in respect of matters arising from Aboriginal claims to land;
(d) preside over re-negotiation in respect of lands previously set aside as reserves for Aborigines which have since been alienated;
(e) hear and determine claims for other rights recommended by the Committee in relation to land;
(f) hear and determine disputes between an Aboriginal Community Council and an Aboriginal Regional Land Council, concerning a decision or action of the Aboriginal Regional Land Council;
(g) hear and determine grievances of an Aboriginal Regional Land Council concerning a decision or action of the Aboriginal Land and Development Commission;
(h) present an annual report to Parliament.

Powers

15. The Tribunal shall have power to—
(a) make decisions binding on all parties, the Government and the Aboriginal Land and Development Commission;
(b) subpoena in respect of witnesses, documents, books, papers, records and other evidence relevant to the issues being resolved;
(c) impose penalties for contempt;
(d) consult with appropriate persons;
(e) undertake private research into a claim.

ABORIGINAL LAND AND DEVELOPMENT COMMISSION

16. The Aboriginal Land and Development Commission Act establish a statutory body to be known as the Aboriginal Land and Development Commission.
17. The Aboriginal Land and Development Commission have a secretariat.

Composition

18. The Aboriginal Land and Development Commission shall be an Aboriginal body elected by the Aborigines of New South Wales and each Aboriginal Regional Land Council shall provide representatives.

Functions

19. The Commission shall—

(a) provide funding to Aboriginal Regional Land Councils for the preparation and submission of claims to the Aboriginal Land and Compensation Tribunal;

(b) provide funding and management expertise to Aboriginal Community Councils for the establishment and development of local community programmes and commercial enterprises approved by Aboriginal Regional Land Councils;

(c) purchase for a fair and reasonable price, on the open market, for Aboriginal Community Councils such lands as are approved for purchase by an Aboriginal Regional Land Council;

(d) obtain advice on prospective land purchases;

(e) provide for the transfer of titles to lands purchased or otherwise acquired to the appropriate Aboriginal Community Council;

(f) take action to implement the decisions of the Aboriginal Land and Compensation Tribunal;

(g) present an annual report to Parliament;

(h) submit annual accounts for audit by the Auditor-General.

Powers

19. The Aboriginal Land and Development Commission shall have power to—

(a) sue and be sued;

(b) employ and dismiss staff;

(c) receive and pay money;

(d) hold title to property;

(e) transfer title to real property;

(f) enter into contracts;

(g) keep all proper records and accounts;

(h) determine rules relating to the conduct of meetings, the administration of powers and duties of the Commission and such other matters as may be necessary or expedient;

(i) make grants, loans and investments of money to and on behalf of the Aboriginal people of New South Wales.
TYPES OF INTERESTS IN LAND (Sec. 6)

1. With respect to the types of interests in land to be conferred upon Aboriginal communities—
   (a) title to land be vested in Aboriginal Community Councils incorporated and registered pursuant to New South Wales Aboriginal land rights legislation;
   (b) title to land be an estate in fee simple restricted so as to preclude alienation or encumbrment except where approval for such alienation or encumbrment has been obtained from the Aboriginal Land and Compensation Tribunal;
   (c) all proposals for encumbrment or alienation of land be forwarded by the Aboriginal Community Council to the Aboriginal Regional Land Council for approval before presentation to the Aboriginal Land and Compensation Tribunal.
   (d) approval for a proposed encumbrment or alienation of land shall not be given by the Aboriginal Regional Land Council unless it is satisfied that—
      (i) the terms and conditions of the proposal are fair, equitable and appropriate, and
      (ii) all the members of the Aboriginal Community Council understand and agree to the proposal.

2. Additional safeguards in land rights legislation to provide penalties for deceit, fraud, or exercise of undue influence by persons seeking to acquire an interest or estate in Aboriginal land.

3. Where appropriate, easements be negotiated through the processes of the Aboriginal Land and Compensation Tribunal to give Aborigines access to areas of traditional significance.

4. In the event of a failure to negotiate an agreement for the creation of an easement, the Aboriginal Land and Compensation Tribunal may direct that an easement be created to ensure Aborigines have access to sites of traditional or sacred significance.

5. That Aboriginal rights of hunting, fishing or gathering traditional foods for domestic purposes be included in land rights legislation.

6. Where rights of access for hunting, fishing or gathering traditional foods for domestic purposes are claimed over privately occupied land, the Aboriginal Land and Compensation Tribunal shall not arbitrate upon the claim unless it is satisfied that attempts have been made by the occupier and the Aborigines concerned to reach private agreement as to the granting of such access and the terms and conditions under which it is given.

7. (a) Title to land vested in the Aboriginal Community Councils include the subsurface estate in the land.

   (b) A provision similar to section 10t (2) of the Aborigines Act, 1969 preventing exploration and exploitation of Aboriginal lands by other persons be included in land rights legislation.
ABORIGINAL LAND HOLDING BODIES (Sec. 7)

1. The new method for incorporating community land owners be similar to that proposed by the Pitjantjatjara Land Rights Bill (South Australia), 1978.

2. The system of incorporation for Aboriginal land-holding bodies be flexible so as to allow Aborigines the right to:
   (a) determine methods of decision-making;
   (b) determine membership;
   (c) allow registration simply and quickly for the purpose of being a land holding group.

3. Aboriginal bodies corporate for land holding purposes be subject only to the provisions of such legislation and not subject to any provisions or regulations of the Companies Act, 1961, the Co-operation Act, 1924, or other similar legislation.

FUNDING OF ABORIGINAL LAND RIGHTS (Sec. 8)

1. That funding for the Aboriginal Land and Development Commission be paid from Consolidated Revenue at the fixed rate of 7.5 per cent of State land tax revenues per year for 14 years from the commencement of funding.

2. That the Aboriginal Land and Development Commission use 50 per cent of the funds allocated in the first 14 years on immediate project funding and administrative costs and pay the remaining 50 per cent into a Statutory Interest Deposit Account as a Capital Investment Fund.

3. That funding for the Aboriginal Land and Development Commission be paid from Consolidated Revenue at the rate of 3.75 per cent of land tax revenue in year 15 after commencement of funding and cease altogether in year 16.

4. That the Aboriginal Land and Development Commission use all of the funds allocated in year 15 after the commencement of funding for immediate project funding and administrative costs.

5. That in years following year 15 after the commencement of funding, 50 per cent of the interest earned by the Capital Investment Fund be used for immediate project funding and administrative costs and the remaining 50 per cent be left in the Capital Investment Account.

LOCAL GOVERNMENT LAND USE AND PLANNING CONSIDERATIONS (Sec. 9)

1. That all land owned by Aboriginal communities be ratable but that liability for the rates and charges in respect of that land be the responsibility of the Aboriginal Land and Development Commission.

2. That the Aboriginal Land and Development Commission have power to recover from Aboriginal Community Councils all or part of the rates and charges paid on their behalf.
3. That land owned by Aboriginal communities be governed by special planning provisions of the Planning and Environment Commission which would permit Aboriginal communities to develop projects that may otherwise be contrary to local planning ordinances, provided such projects were of special importance to the Aboriginal community and did not adversely affect adjoining residents.

4. That where Aboriginal owned land is likely to be affected by the zoning or development of adjacent areas the following process be followed:

(a) notice be served by the relevant local or State government authority, or private developer, upon the local Aboriginal Regional Land Council of details of the proposed development immediately upon submission of any proposal likely to affect an Aboriginal community's enjoyment of their land;

(b) Aboriginal opinions be heard in respect of the proposed development;

(c) if the issues are unresolved, a final determination be made by the Planning and Environment Commission.

LAND RIGHTS AND LAND USE (Sec. 10)

That land be designated by the Government in appropriate areas for use by Aboriginal citizens who would have the care, control and management of such areas for the benefit of all citizens of New South Wales.

IMPORTANT OF SACRED AND SIGNIFICANT SITES (Sec. 13)

That the New South Wales Parliament accept that Aboriginal people are entitled to recognition of their sacred and significant sites.

PROTECTION AND RECORDING OF SACRED AND SIGNIFICANT SITES (Sec. 14)

1. Where an Aboriginal Community Council identifies a site as sacred or significant, that shall be prima facie evidence of that fact unless otherwise determined by the Aboriginal Land and Compensation Tribunal.

2. Aboriginal Community Councils, where practicable, have responsibility for protection, maintenance and general management of sacred sites and sites of significance.

ABORIGINAL HERITAGE COMMISSION

3. An Aboriginal Heritage Commission be established as a statutory body to consist of Aboriginal persons elected or appointed by the Aborigines of New South Wales.
Functions

4. The Aboriginal Heritage Commission shall:

(a) record and maintain a register of Aboriginal sacred sites and sites of significance in New South Wales;

(b) where an Aboriginal Community Council is unwilling or unable to take responsibility for protection, maintenance and general management of sites, assume these functions;

(c) advise on and provide funding for protection and maintenance of sites under community control;

(d) determine protective and maintenance measures in respect of sites under Commission control;

(e) investigate proposals pertaining to Aboriginal sacred or significant sites and relics;

(f) liaise with the National Parks and Wildlife Service during the initial period for transfer of functions to the Commission with respect to sites, and negotiate with the Service for the transfer of personnel, records and other relevant material presently utilized in the Aboriginal and Historic Resources Section of the National Parks and Wildlife Service;

(g) report annually to Parliament;

(h) submit annual accounts for audit by the Auditor-General.

Powers

5. The Aboriginal Heritage Commission shall have power to—

(a) exercise discretion presently exercised by the Director of the National Parks and Wildlife Service under section 8 (7) of the National Parks and Wildlife Act, 1974;

(b) sue and be sued;

(c) employ and dismiss staff;

(d) receive and pay money;

(e) hold title to real property;

(f) transfer title to real property;

(g) keep proper records of accounts;

(h) determine rules relating to the conduct of meetings, the administration of powers and duties and such other matters as may be necessary or expedient;

LEGISLATION

6. The legislation establishing the Aboriginal Heritage Commission shall—

(a) acknowledge the cultural revival occurring throughout Aboriginal Australia, particularly as it affects this State;

(b) ensure that the people with responsibility for sites have complete control of those sites;
(c) provide that persons who have no right in Aboriginal law to enter sacred sites or sites of significance are prevented from so doing without permission from the controlling body;

(d) provide that where other interests are involved in or around places having significance to Aborigines there be close consultation between those interests, the Aboriginal Heritage Commission and the organization in control of the site;

(e) provide that where land, claimed by the Aboriginal people to be sacred or significant becomes the subject of a development proposal, such proposal shall be suspended immediately an Aboriginal Regional Land Council lodges a claim with the Aboriginal Land and Compensation Tribunal on behalf of the Aborigines concerned. The development proposals may not proceed whilst such claims are being determined by the Tribunal.

7. Pending introduction of the recommended appropriate legislation, the Government take all necessary measures to prevent, within appropriate time limits, development of land regarded as sacred or significant by the Aboriginal people.

TITLE TO SITES (Sec. 15)

1. Title to sacred sites and sites of significance be vested in the local Aboriginal Community Council but if there be no Council able and willing to hold the title, such title be vested in the Aboriginal Heritage Commission.

2. The purchase, acquisition by agreement or recommendation for acquisition by resumption, of or in respect of any sites, be made by the Aboriginal Heritage Commission. Acquisition by resumption be made in accordance with the Public Works Act, 1912.

3. Land acquired pursuant to section 145 of the National Parks and Wildlife Act, 1974, be transferred to Aboriginal Community Councils on the recommendation of the Commission or to the Aboriginal Heritage Commission.

4. The Governor be empowered to resume sites (and where necessary easements for access) located upon privately owned land, for the purpose of transferring those sites and easements to the Aboriginal Community Councils or the Aboriginal Heritage Commission.

5. Title to sites comprise an estate in fee simple, restricted by a provision to preclude sale, mortgage, lease or commercial development other than as a tourist attraction.

PARLIAMENTARY STANDING COMMITTEE UPON ABORIGINES (Sec. 16)

That a Standing Committee of the Legislative Assembly upon Aborigines be formed to monitor and report upon the implementation of policies in Aboriginal affairs.
ABORIGINAL CONSIDERATION OF COMMITTEE RECOMMENDATIONS (Sec. 17)

That the necessary funds and facilities be made available to the Aboriginal people of New South Wales to enable them to meet in local, regional and State conferences for the purpose of discussing the recommendations of the Select Committee and advising the Government of their decisions.
RECOMMENDATIONS OF THE KEANE COMMITTEE - Volume II

LIST OF RECOMMENDATIONS

CAUSES OF SOCIO-ECONOMIC DEPRIVATIONS AND DISADVANTAGES (sec. 2)

1. The New South Wales Parliament recognise the Aboriginal citizens of New South Wales as a distinct and viable cultural group within the New South Wales community and guarantee them the rights -

   (a) to retain their own heritage, customs, languages and institutions as they may wish;

   (b) of self-determination in respect of their social, economic, political and cultural affairs.

2. Aborigines be enabled to participate fully in the formulation of any Government policies and programmes likely to change the existing nature and structure of their communities.

3. Aborigines be entitled, as a dispossessed and underprivileged section of the community, to special assistance in promoting their social, cultural, economic, political and educational development.

4. Government policies affecting Aboriginal people be comprehensively reviewed, and revised to accord with the concept of Aboriginal self-determination.

5. Government departments and instrumentalities implementing policies affecting Aboriginal people, be staffed, as far as possible, by Aborigines.

6. The Government compile a list of priority programmes designed to achieve parity for Aborigines with other New South Wales citizens, in the fields of education, employment, health and housing.

7. The Government initiate and implement an educational and media programme formulated to combat discrimination and racism.

8. The Government study the South Australian Police-Aboriginal Liaison Scheme with a view to implementing a similar scheme in this State.

HOUSING NEEDS - 1980 (sec. 11)

That an investigation be carried out to ascertain why the Housing Commission is seen by so many Aboriginal families as unable to fulfill their housing needs and appropriate remedial action be taken.

OVERVIEW (sec. 14)

1. The Australian Government and the New South Wales Government should conclude arrangements directly with the recommended Aboriginal Land and Development Commission for provision of housing and services.

2. Responsibility for the management of Aboriginal housing, including rent and tenancy policies, devolve upon bodies determined by the Aboriginal people, and that the Commonwealth/State Housing Agreement be amended accordingly.
3. Urgent representations be made by the State Government for special funding to be financed on a joint Commonwealth/State basis to undertake a comprehensive repair and renewal programme as requested by the Aboriginal Lands Trust.

CAUSES OF ABORIGINAL ILL-HEALTH (sec. 15)

1. Long term research programmes be implemented to reveal the extent and pattern of Aboriginal ill-health in New South Wales.

2. Formal State policies on Aboriginal health be drawn up in close consultation with Aboriginal people and on the basis of self-determination.

INCIDENCE OF ABORIGINAL ILL-HEALTH (sec. 16)

That in consultation with Aboriginal Medical Services, the Government implement an urgent programme of health care to raise the health of Aboriginal people to the level of the general community.

ENVIRONMENTAL HEALTH PROBLEMS (sec. 17)

1. Authorities with responsibility for health-related facilities take the initiative by visiting Aboriginal communities to ensure that adequate services are provided.

2. An immediate investigation be instigated to determine the possible incidence of asbestosis among the Aboriginal community at Barmulul.

3. An investigation take place concerning the possibility of Aboriginal workers having been adversely affected by aerial spraying of crops in the Wee Waa and Narrabri areas.

SPECIFIC HEALTH PROBLEMS (sec. 18)

1. Facilities for treating alcoholism be provided as an urgent priority for both men and women in the main rural centres of population, as well as in the metropolitan area.

2. As part of the urgent general programme of health as recommended in Section 16, particular attention be paid to primary and preventive services in eye, ear and dental health.

ABORIGINAL MEDICAL SERVICES (sec. 19)

1. Aboriginal Medical Services be given financial, professional and administrative support by government medical services.

2. The Government support the establishment of Aboriginal Medical Services where desired by Aboriginal communities.

3. The methods of ministerial support for medical services in Victoria be investigated.
MEDICAL TRAINING AND EDUCATION (sec. 20)

1. Assistance by way of scholarships be made available and publicised to Aborigines wishing to pursue studies in the health field.

2. Educational institutions providing medical training be encouraged to:
   (i) sympathetically revise entrance qualifications for Aboriginal students;
   (ii) place more emphasis on Aboriginal health problems.

3. Courses on Aboriginal health and social problems be readily available to already qualified health personnel working in or moving for the first time to an area with a high Aboriginal population.

PRE-SCHOOL EDUCATION (sec. 22)

1. Pre-school facilities be established in Aboriginal communities.

2. Pre-school centres for Aboriginal children receive sufficient aid to enable each centre to provide a full pre-school education.

3. Assistance be given to Aboriginal communities or groups who wish to take full responsibility for the administration of a pre-school centre.

4. Additional training be available to qualified pre-school teachers to equip them to work with Aboriginal children.

5. Scholarships be provided for Aborigines to be trained as teachers for Aboriginal pre-school centres.

6. Assistance, possibly through bridging courses, be made available to mature age Aboriginal students who wish to become teachers in Aboriginal pre-school centres.

7. Specialised curriculum be designed to meet the needs of Aboriginal pre-school centres.

8. Aboriginal pre-school centres encourage parents to participate in their children's education.

9. Aboriginal people, through such groups as the Aboriginal Education Council, be consulted regarding development of Aboriginal pre-school centres.

10. Pre-school education be provided free of charge.
PRIMARY AND SECONDARY EDUCATION (sec. 23)

1. Research be undertaken to determine the need for special programmes to compensate for poverty-caused disabilities that prevent Aboriginal children obtaining the full benefit of the normal school curriculum.

2. Remedial programmes in basic skills catering specifically for Aboriginal students be conducted in all schools with a substantial Aboriginal enrolment.

3. History and social science curricula in primary and secondary schools reflect and emphasise the traditional and contemporary Aboriginal situation throughout Australia.

4. Assistance and encouragement be given to Aboriginal students commencing in Year 7 to proceed to year 10 and for those students demonstrating potential, to proceed to year 12.

5. Assistance and encouragement be given to Aborigines of both school leaving and mature age, wishing to become school teachers.

6. Institutions providing teacher training be encouraged to include in their pre-service and post-graduate courses a section on Aboriginal studies.

7. Teachers working in or appointed to schools with a high proportion of Aboriginal pupils, be required to attend or have attended in-service or post-graduate courses in Aboriginal studies.

8. An increased number of Aboriginal home-school co-ordinators and Aboriginal teaching assistants be appointed to all schools with a substantial Aboriginal enrolment.

9. A duty statement for Aboriginal teaching assistants be compiled and circulated to all schools where these assistants are employed.

10. Aboriginal teacher assistants be employed on a permanent basis.

11. Curriculum consultants in Aboriginal studies be employed at appropriate regional offices of the Department of Education.

12. Aboriginal people, through groups such as the New South Wales Aboriginal Education Consultative Group and the National Aboriginal Education Council be consulted on all aspects of Aboriginal education policy and planning.

POST SECONDARY EDUCATION (sec. 24)

1. The special T.A.F.E. courses for Aborigines be extended to appropriate additional centres.

2. Preparatory courses and tutorial services be provided where appropriate at centres where there are Aboriginal communities.

3. In-service courses in Aboriginal education and vocational training needs be provided for T.A.F.E. teachers at centres throughout the State.

4. Teaching positions in T.A.F.E. be reviewed with a view to employing Aborigines wherever appropriate as positions become vacant.
5. Support services such as tutoring, counselling and vocational guidance should be provided at centres where T.A.F.E. courses are conducted for Aborigines.

6. Research into Aboriginal needs for post-secondary education be undertaken.

7. Encouragement and assistance be given to Aborigines who show potential for tertiary studies with provision for "mature-age" Aboriginal students.

8. Programmes be developed by T.A.F.E. which will enable Aborigines to acquire the technical and administrative knowledge and skills necessary for managing community enterprises.


ADULT EDUCATION (sec. 25)

1. Appropriate adult education programmes be provided at all centres where there is a substantial Aboriginal population.

2. Research and investigation be undertaken to ascertain ways in which adult education might be more widely and effectively employed to assist Aborigines.

3. Special adult education programmes for Aborigines be provided dealing with basic skills in literacy and numeracy, vocational skills, parent education, legal matters, social services, group leadership and Aboriginal affairs.

4. Encouragement and assistance be given to mature age Aborigines who wish to qualify as Adult Education Officers.

5. A public education programme be implemented to inform the general community on Aboriginal affairs and to seek support for measures to promote Aboriginal advancement.

EMPLOYMENT SCHEMES (sec. 27)

1. The New South Wales Government increase its participation in employment creation schemes.

2. The New South Wales Government consult with the Commonwealth Government with a view to:

   (a) extending N.E.A.T. public sector training to local government;

   (b) expanding current employment creation schemes to include programmes which provide employment independently of training.

PUBLIC SECTOR EMPLOYMENT (sec. 28)

1. Where possible, Aborigines be employed to deliver services to Aboriginal people.

2. Annual surveys of Aborigines employed in public service departments and statutory authorities be undertaken.

3. Aborigines employed to deliver services to Aboriginal people be offered permanent status.

4. Aboriginal trainees under the N.E.A.T./N.E.S.A. schemes be employed only where it may reasonably be expected that employment will follow training.
5. A programme to train Aboriginal employees in managerial and administrative skills be implemented.

6. Government departments and authorities be encouraged, and if necessary required, to employ Aboriginal apprentices.

7. Arrangements be made to allow those Aboriginal apprentices living away from home to return home at reasonable intervals during the course of their apprenticeships.

8. Aboriginal apprentice liaison officers be appointed.

9. Pre-trade and pre-vocational courses be offered to those Aborigines who have not obtained the requisite educational standard and who are desirous of becoming tradespeople.

10. Apprenticeship entry requirements be made more flexible.

11. Government funded institutions, such as hospitals, be encouraged, and if necessary required, to employ and train Aborigines.

12. Local government be encouraged, and if necessary required, to employ Aborigines in proportion to the percentage of the local population which they represent.

13. Annual surveys of Aborigines employed in government funded institutions and local government be undertaken. Employment subsidies be granted to local government authorities only where suitable training accompanies employment. Otherwise any funding to alleviate unemployment in country areas be paid directly to Aboriginal communities.

PRIVATE SECTOR EMPLOYMENT (sect. 29)

1. The New South Wales Government participate in further media campaigns to overcome employer prejudice against Aborigines.

2. Media campaigns be undertaken on a regular basis, with emphasis upon follow-up research and counselling.

TECHNICAL AND FURTHER EDUCATION (sect. 30)

1. T.A.F.E. courses designed to assist Aborigines be decentralised to the greatest extent possible to reduce the need for relocation during training.

2. Where training courses extend for more than twelve weeks, arrangements be made to allow Aboriginal trainees living away from home to return home at reasonable intervals during the training period.

3. The New South Wales Government seek to co-operate with the Federal Government and Aboriginal Hostels Ltd. in the provision of accommodation at hostels for visiting relatives of residents.
ABORIGINAL ENTERPRISES (sec. 31)

1. Funding for Aboriginal affairs should, wherever possible, be channelled through Aboriginal-run organizations and enterprises.

2. Training in administration and community development be provided through Aboriginal organizations with the co-operation of the Department of Technical and Further Education.

WELFARE (sec. 32)

1. Responsibility for co-ordination of policies in Aboriginal affairs and their implementation vest in one State Minister.

2. The minister responsible for Aboriginal affairs ensure that Aboriginal communities are consulted and involved in the delivery of welfare services.

3. Where Aboriginal children are before the court relatives and appropriate Aboriginal organizations have the right to be heard in the proceedings.

4. Where it is necessary to place Aboriginal children in welfare institutions, it be as close as possible to their home communities.

5. Visits by parents and relatives to Aboriginal children in welfare institutions be encouraged by those institutions.

6. Free travel be made available for the immediate family to visit Aboriginal children in welfare institutions.

7. An Aboriginal Funeral Assistance Scheme be established to provide:

   (i) costs of transporting deceased Aborigines to the burial place nominated by the family;

   (ii) costs of burial of destitute Aborigines;

   (iii) that responsibility for burial arrangements vest in the relatives of the deceased.

ABORIGINAL CULTURE TODAY (sec. 34)

1. Aboriginal Community Councils be empowered to claim responsibility for disposal of Aboriginal skeletal material and human remains.

2. The proposed Aboriginal Heritage Commission:

   (a) provide technical assistance and funding to Aboriginal Community Councils for the maintenance of artefacts for which Aboriginal Community Councils exercise responsibility;

   (b) liaise, at an Aboriginal Community Council's request with research, cultural and funding organizations to obtain technical assistance and funding for the maintenance of artefacts for which Aboriginal Community Councils exercise responsibility; and

   (c) liaise, at an Aboriginal Community Council's request, with State and local government concerning the disposal of skeletal material and human remains.

3. Funds be available to Aboriginal Community Councils wishing to institute preservation programmes for Aboriginal oral histories and languages.

144
4. (a) Aboriginal Community Councils be empowered
to claim responsibility for any Aboriginal
artefact on the basis that the artefact is
sacred or significant to the local community.

(b) A claim by an Aboriginal Community Council
that an artefact is sacred or significant
to the local community be prima facie
evidence of the fact.

ABORIGINAL CULTURE AND RESEARCH (sec. 36)

1. The proposed Aboriginal Heritage Commission
have power to arbitrate in disputes arising between an
Aboriginal Community Council and researchers undertaking
research reasonably of concern to that community.

2. An archive be established within the proposed
Aboriginal Heritage Commission as a central repository for
records of significance to the Aboriginal people of New
South Wales.

FINANCIAL ASSISTANCE TO ABORIGINAL ARTISTS AND CULTURAL
ORGANIZATIONS (sec. 37)

1. Financial assistance for Aboriginal cultural
activities be reviewed for compensate for the inadequacy
of past and present State funding.

2. Aborigines in general be made aware of the
existence of and method of application for cultural
grants and other forms of cultural assistance available
in New South Wales.

3. Bodies funding Aboriginal cultural activities
be made aware of the need to develop Aboriginal administrative
expertise and the consequent need to institute appropriate
training programmes.

4. Funds be provided to the Australian Museum to
retrieve Aboriginal material culture held by private
collectors and overseas museums for display in local museums
and cultural centres.

5. Provision be made for permanent employment of
Aboriginal assistants in the Australian Museum.

6. Provision be made for the Australian Museum to
provide training and experience for Aboriginal custodians
of local museums and cultural centres.

7. The Art Gallery of New South Wales play an
expanded role in collection and display of contemporary
and traditional Aboriginal art.

8. More Aboriginal art, both traditional and
contemporary be purchased and exhibited in public buildings.

COMMUNICATION (sec. 38)

1. The State Government approach the Commonwealth
Government to discuss the need for Aborigines to be specially
catered for on radio and television to assist in increasing
knowledge of traditional and contemporary Aboriginal culture.

2. Radio and television stations be approached to
gain their co-operation and support for the presentation of
programmes which will not only be designed for and by Aboriginal
people but which will help to inform and educate the whole
community.
3. An appropriate Aboriginal body be funded to enable the production of tapes, cassettes and printed material on Aboriginal culture for use in the general media.

COMMONWEALTH/STATE ARRANGEMENTS (sec. 39)

That the Government:

1. Seek to re-negotiate the 1975 Agreement with the Commonwealth Government.

2. Provide support for those projects which have proved successful and are supported by the Aboriginal people.

3. Provide the means whereby Aboriginal communities will be enabled to set their own priorities in the funding of projects.
Chapter Three

LAND RIGHTS

A significant development in New South Wales Government policy in respect of Aborigines is the development of Land Rights legislation. In some respects, as this chapter will show, it is complementary to other initiatives undertaken by the Government in respect of Aboriginal welfare. In other respects, it has its own objectives, not linked to existing services but parallel to them, perhaps reinforcing their effects or perhaps (given limited funds and near unlimited ends) detracting from them. This chapter examines the evolution of the Act and assesses its impact especially in the light of the high expectations which were initially put upon the Act by both Aborigines and their non-Aboriginal supporters.

Aborigines and the land: post 1788

The peculiar and life sustaining relationship between Aborigines and the land has been well documented (1). Land was both the economic and the religious basis of Aboriginal life. It was the element which most imparted meaning to Aboriginal life and without this basis, Aboriginal theology and hence community could not survive. The immediate result of the European occupation of the Eastern seaboard after 1788 was the progressive
devastation of tribe after tribe of Aboriginal people (2), firstly by sickness, then by dispersal and annihilation by pastoralists (3). By the end of the nineteenth century, the Aboriginal population of New South Wales was a scattered remnant hovering on the margins of country towns or surviving in pockets in the bush, confused, fragmented and desperate.

A number of institutions had been established throughout the nineteenth century for the care and education of selected groups of Aborigines (4), but apart from the significant though underfunded efforts of church groups, the first systematic attempt to deal with the by now manifest problem of Aboriginal poverty was the establishment in 1883 of the Aborigines' Protection Board.

The Aborigines' Protection Board (5) established and operated Crown reserves (6) for the support of Aborigines (7). These reserves were generally large, were all in the country and aimed to bring together the remnants of the Aboriginal race and remove them from the harmful influence of white vice, especially alcohol and prostitution. Accordingly, they were eventually made off-limits to whites. There must have been a wide diversity in the life experiences of inmates on the different reserves. But on the larger reserves (or "stations"), the regime of the total institution was near complete with their own rewards, punishments, statements of duties, and manager who doubled as a teacher.
Gradually, a system began to emerge where Aborigines no longer had the wherewithal to follow a traditional lifestyle - which would have required unhindered use of the land - but where they were not even partially integrated into white society. There are few parallels to this; the American Indian in some parts of the US perhaps, but here the regime of the treaty - a formal commitment between the tribe and the Federal Government - was generally in force and this guaranteed some mitigation of the harshness of the conditions imposed upon the indigenous peoples by expansionary colonialism (8).

The physical and cultural poverty of the reserves and stations was a foretaste of things to come, as the inmates invariably graduated into the lowest rung of the employment ladder. Given the low standard of education attained by reserve inmates, it remained objectively unlikely that they would ever significantly improve their economic position in society. The reserves, then, although contributing to the physical survival of the Aboriginal race, set the conditions for the state of impoverishment in which Aborigines found themselves once they began to integrate themselves into the general community (9).

In 1909 the New South Wales Government passed a law - the Aborigines' Protection Act - which gave the Board some power in controlling the movement of Aborigines. Aborigines could be expelled from reserves and transients
could be ordered to move. A far-reaching amendment to the Act in 1915 gave the Board the power to remove Aboriginal children from their parents.

By 1915, then, the Aborigines' Protection Board had laid the conditions for a pattern of life for Aborigines which was to persist until mid-century and whose effects in some ways are still being worked out today.

These were:

1. Formal acknowledgement of the dispossession of land by congregating Aborigines together on reserves.
2. The separation of Aborigines from white society.
3. The failure to educate them or to fit them for more than the meanest employment in general society.
4. The regime of the station manager and his set of rewards and punishments.
5. Physical and cultural poverty.
6. Control over the movement of Aboriginal adults.
7. The threat of removal of children from their parents.

(10)

Professor A.P. Elkin, the noted anthropologist and policy adviser to government on Aboriginal Affairs, coined the term "intelligent parasitism" to characterise the relationship between the declining Aboriginal tribes and the government authorities and pastoralists who had, in most respects, taken over control of their lives.
Intelligent parasitism implied coming to terms with white occupation, recognising that Aborigines could not win against force-of-arms or the force of the law courts and therefore adapting to an environment in which whites were the chief actors. Intelligent parasitism induced different mutations in Aboriginal culture, from significant traditional cultural retention in the North of Australia, where settlement was sparse, to a modus vivendi which left them demoralised and dominated in the more settled States (11). It was the ability to adapt to overwhelmingly superior force which, in Elkin's view, allowed Aborigines to survive in the environment of government protection which was thrust on them towards the end of the nineteenth century and whose hold was tightened throughout the early decades of the twentieth century.

This concept has been attacked by more recent researchers (12), especially in the light of evidence that Aborigines were able to manage small enterprises and to survive in the workforce until the former were quashed and the latter rendered inoperative by forced compliance with the reserve system. Whatever the final judgement on Elkin, one of his lasting contributions was to point out that white attitudes to Aborigines underlay the determination of Government policy towards them. These attitudes were that Aborigines were dying out because of contact with a superior civilisation and could only survive if isolated from contact with whites.
As early as 1843 some sentimental regret was expressed for the tribal remnants. A writer in that year wrote in the New South Wales Magazine: "I wish to see our means applied to rendering the current of events by which the grave is closing on our sable brethren, smooth and regular". "Smooth the Dying Pillow" became the comfortable rationalisation to justify the passing of a "stone age people" confronted by civilisation. Gradually, however, people in the growing cities and large towns, who knew nothing of frontier conditions, realised that the Aboriginal problem was not simply an expression of some sociological or biological laws. They heard of atrocities on the frontier. They saw the pitiable plight of tribal remnants and of mixed-bloods on the outskirts of towns. They were disturbed. The Aborigines would surely be protected and treated benevolently. The Aborigines were indeed, human. Here was an additional reason for showing them kindness. But nothing more could be done, as the failure of earlier civilising and missionary efforts had shown.

Consequently, policies of protection were drawn up and put into operation in State after State, with the object of protecting the Aborigines from abuses and of providing the remnants around towns with some rations, blankets and medicine. These policies were negative. The underlying theme was that the Aborigines were inevitably doomed to pass away, even on the stations. The only hopeful note struck during all the years of protection was that if groups could be kept on inviolable reserves and left to themselves (missionaries and anthropologists possibly being admitted), they would continue in their wonted way and so survive. (13)

However offensive the term intelligent parasitism may be to people, including anthropologists today, it gives a valuable clue to the life experience of several generations of Aborigines this century and to the sorts of memories they and their children carry into the milieu of the Land Rights movement. For a key word in the debate on Land Rights has been compensation: compensation not just for the land of which Aborigines were dispossessed

152
(that is unable to be compensated for) but for the shame and self-hatred and incapacity to act which the regime of the Aborigines' Protection Board encouraged. As Kevin Gilbert says of whites in authority:

Their view of Aborigines as the most miserable people on earth was seared into Aboriginal thinking because they now controlled the provisions that allowed blacks to continue to exist at all. Independence from them was not possible. White people's devaluation of life, religion, culture and personality caused the thinking about self and race that I believe is the key to modern Aboriginal thinking ... Aboriginal Australians underwent a rape of the soul so profound that the blight continues in the minds of most blacks today. It is the psychological blight, more than anything else, that causes the conditions that we see on reserves and missions and it is repeated down the generations. (14)

The experience of Aborigines under the regime of the Aborigines' Protection Board and parallel organisations is only now being written and there is a dearth of information on the topic. Certainly, reflection on recent Aboriginal history generates much anger among Aboriginal leadership - perhaps more than reflection on the initial dispossession of the land. The dearth of information on the historical facts as distinct from the folklore of persecution means a dearth of information on the origins of the Land Rights movement itself (15). From the slender information available, however, it is reasonably clear that poverty and consequent economic need were more important factors in Aboriginal demands for communal rights to the titles of reserves (which is where the "rights" in Land Rights originates) than
considerations of culture, tradition or religious need. The importance of this point will be examined later. For the moment it needs to be noted that the overwhelming perception of both white and Aboriginal activists in the 1940s and 1950s when the Land Rights movement coalesced, was for Aborigines to have some title to land for both housing and economic enterprises.

The current emphasis on the \textit{spiritual} significance of land is more recent: it represents resurgent cultural factors read back into the early experience of the movement to add weight to the argument and, one might speculate, to take political advantage of liberal white ignorance of the real force of traditional culture in contemporary Aboriginal life. For example, Lorna Lippman's account of the Land Rights movement (16) slips easily (17) from the first Aboriginal protests in New South Wales in 1938 (where, incidentally, the demands were for equality before the law and social programs for economic betterment) to the Gurindji's protest at Wave Hill Station in 1966. The intervening 28 years and the shift from an urban to a traditional Aboriginal setting are unremarked on but treated as if two aspects of precisely the same question. In fact this is too simple. The Land Rights question, as it emerged in New South Wales, came from a sub-culture which was predominantly settled, partially urbanised, long detribalised, becoming incorporated into the (at least seasonal) workforce and having experienced for two generations the paternalistic
regime of the Aborigines' Protection Board. In the Northern Territory, however, traditional elements were, from the first, important, so important indeed that they became the foundation of the Northern Territory Aboriginal Land Rights Act of 1976 in which traditional ownership was established as the basis in law of possession.

The heady successes of the Northern Territory's struggle, and indeed of the South Australian experience as well, reflected their influence into New South Wales when, both the Pitjantjatjara and Northern Territory Acts having been passed, the New South Wales Select Committee Upon Aborigines tabled its first report on Land Rights.

The first Report: Land Rights for New South Wales

In attempting to gain an insight into why the Aboriginal Land Rights Act (1983) fell, in the eyes of the activists, so far short of the expectations raised by the Keane Committee's First Report, it needs to be realised that the Keane Committee's recommendations were based on a judicial model. It was envisaged, indeed recommended, that Aborigines should be given right in law to claim land belonging to others - Crown or private land holders - and to establish that claim in a Court of Law with terms and conditions of compensation to be settled by the court. The model for this was presumably the Northern Territory Aboriginal Land Rights Act (1976) which gave traditional owners the right to freehold title where they could establish traditional occupancy. Even then, how-
ever, New South Wales communities could only claim unalienated Crown land. In the New South Wales model, as proposed by Keane, any land was claimable and on grounds wider than in the Northern Territory. The bases (18) in law for these claims were to be any of the following: needs, compensation, long association or traditional rights. Need denotes, in Keane, an uncertain mix of economic and social need - the need especially for a base upon which to establish an income-producing asset, especially in the situation where Aboriginal communities could look forward to remaining outside the workforce.

The Minutes of evidence reveal a conviction among many of the witnesses that access to land would provide the communities with an economic base, almost as a proxy for being in the workforce, or, as the Report itself puts it:

> Aboriginal people in the urban environment may also need land for the establishment of economic and social enterprises such as factories, neighbourhood/community centres, pre-schools, etc. (19)

Much of the Second Report of Keane, of course, goes on to establish the depth of Aboriginal need as it actually existed. The Report does not anywhere demonstrate the gap between the size of the Aboriginal community's needs and the chief means recommended for alleviating them - Land Rights. With a judicial model for the settlement of claims, this lacuna perhaps makes sense: Aborigines would have a right to claim land to the extent of their needs. In a situation where the judicial model was
replaced by a non-judicial model (open market purchases, for example) a limit would be placed on the extent to which Land Rights could satisfy need by the size of a Land Rights budget. Here was the kernel for Aboriginal opposition to the bill as it was eventually proposed.

Other bases recommended in Keane for the granting (by the court) of a Land Rights claim were, compensation, long association or traditional right. In the matter of compensation, the committee envisaged a sum of money to compensate for dispossession and cultural destruction (20). This destruction of traditional culture which Keane wishes to compensate Aborigines for is presumably the origin of the other social problems which Aborigines face. It would have been fascinating to have deliberated with the committee on how such a loss could be compensated for. Unfortunately, this is not possible and the reader of the Report is left with the impression that the history of Aboriginal-white relations in New South Wales can be squared in some way, admittedly inadequately, through the payment of money. This was to be in addition to land rights:

The provision of adequate compensation complementary to land rights would enable a people with a distinct past to maintain their separate identity in the future. (21)

That the bill as finally proposed should equate the compensation fund with the Land Rights themselves, in that one was to be used to purchase the other, was a sleight-
of-hand which did not go unnoticed by Aboriginal activists at the time.

The third basis was long association, by which the Committee meant to allow rights of ownership to tribal remnants uprooted in the past (22). The final basis was traditional right which denoted continual habitation by a tribal remnant of a particular area of land, notwithstanding the modifications which surviving Aborigines have had to make to their social structures. (23)

In discussing the place of the four recommended bases for the granting of Land Rights in the history of the Report it should be stressed again that what the Report was premised on was a judicial model, whereby Aborigines could argue their case before a tribunal and lay claim, in principle, to any area of land. The frequent quotes lifted from the Report of the Woodward Commission which led to the establishment of Land Rights in the Northern Territory suggests that Keane imagined that its task was to duplicate, with modifications for New South Wales variables, the legislation, highly favourable as it was for Aborigines, which was passed in the Northern Territory in 1976. Keane certainly refers to none of the constraints which would logically have been expected in making this shift, notably the shortage of vacant Crown land, the public opposition to the resumption of privately owned land and the massive budget which the full implementation of the Report would have necessitated. Before proceeding to an examination of those
constraints, it is necessary to examine briefly the process by which the Keane Committee operated. Its lack of political realism was the obverse side of its extensive community consultation and its positive bias towards the community, on whose behalf it made its recommendations.

Processes of the Keane Committee (24)
The Committee first met in November 1978 with M.F. Keane as Chairman. It met on 81 occasions in all and was serviced by a secretariat of five. In February 1979, the Committee decided to concentrate initially on the question of Land Rights. This was the origin of its two-part Report, the first of which dealt exclusively with Land Rights and sacred sites. The Committee advertised for submissions. It received 117 written submissions and examined 145 witnesses in sworn evidence. Additionally, and perhaps, crucially, it undertook extensive field trips to Aboriginal communities throughout the State, notably:

1 Sydney (La Perouse, Redfern, St Marys)
2 South Coast (Wallaga Lake, Nowra, Roseby Park)
3 South West (Griffith, Dareton, Balranald, Cummeragunga, Albury)
4 Canberra
5 West (Dubbo, Alectown, Peak Hill, Narromine, Warren, Cowra, Condobolin, Murrin Bridge, Wilcannia)
6 North West (Moree, Narrabri, Wee Waa, Bourke, Brewarrina, Walgett)
7 North Coast (Kempsey, Bellbrook, Kinchela, Hat head, South West Rocks, Bowraville, Bellwood, Coffs Harbour, Maclean, Cabbage Tree Island, Lismore, Box Ridge, Tabulam, Baryulgil)

8 Central Coast (Swansea, Mt Sugarloaf, Brogue, Brisbane Water, Gosford).

The Committee visited as well, tribal communities in South Australia and the Northern Territory and drew on published overseas material, notably from the US, Canada and New Zealand.

The Report was 124 pages long. Of these, 24 were devoted to the history of black-white contact in New South Wales, 10 to the justification of Land Rights, six to the bases upon which Land Rights should be granted by the court and the other 55 pages (after introduction and synopsis) to the administrative details of the judicial system recommended. The core of the Report, the justification of Land Rights took up only eight per cent of the total Report. This is not, of course, an indication of superficiality in the Report, but it does go to the heart of what were the chief problems encountered when the Report was translated into a bill - the fact that the Report argued scantily for Land Rights and for the diversion of funds from alternative uses. It asserted on the basis of the initial assertions of those it consulted:

Having heard extensive evidence from both black and white witnesses we are convinced that the issue of "land rights" is of paramount importance to the Aboriginal citizens of New South Wales. The common thread that wove together
verbal and written evidence was the overwhelming desire of the Aboriginal people that their claim for land be recognised, (25)

without attempting to balance the assertions with counter arguments which might have questioned the alleged centrality of the Land Rights issue and which might have at least provided the Government with a workable policy at a feasible cost.

The recommendations

The recommendations of the Keane Committee on Land Rights are set out in full in the appendix to Chapter Two. What was envisaged was a three-tiered body with community councils representing the basic land holding entity, holding corporate title on behalf of its members who would constitute an identifiable community. These community councils were to be grouped into regional councils to take account of the inter-regional differences or variables identified by the Report. The Regional Councils were to be constituted from the community councils and to have a secretariat. The Regional Land Council (RALC) was to be the body providing expertise to the local community council (LALC). It would, through the offices of its secretariat, perform a number of important functions on behalf of LALCs, including the preparation of claims for land and for compensation. It was also to assist LALCs in applying for funds for their development and generally to constitute the body which provided the expertise for the delivery of parcels of land to LALCs. In turn, the RALCs were to elect members to a third tier, the
Aboriginal Land and Development Commission (ALDC) whose functions were to include:
- the funding of RALCs;
- the actual purchase of land where appropriate;
- the conveyancing of land.

Although apparently at the top of a three-tiered pyramid, the ALDC was not envisaged as the locus of supreme power in the Land Rights regime. This was to be located at the RALCs, the ALDC having the sorts of functions most efficiently carried out by a central organisation. Basic decision-making and the oversight of LALCs was to remain the prerogative of the regions.

Parallel to this three-tiered pyramid was the judicial organisation which was to hear and settle claims: the Aboriginal Land and Compensation Tribunal (ALCT) (26). This Tribunal was to be nothing if not on-side, comprising a President (a Justice of the Supreme Court, preferably with a knowledge of Aboriginal culture), two Aboriginal members elected or appointed (!) by the Aboriginal community and two other (presumably non-Aboriginal ?) members expert in Aboriginal culture, anthropology, ecology or land use appointed by the Minister. This presumably unbiased court was to hear and determine claims for land compensation. It would have all the normal powers of a court.

The Report recommended that Aboriginal interests in land be devolved onto LALCs (27), that it be freehold but that
its alienation be rendered exceptionally difficult, to prevent the frittering away of gains made. Proposals to alienate or encumber land would need to go through the relevant RALC for approval. The latter would examine whether the terms and conditions of such encumberment or alienation were fair and whether the proposal had the universal consent of the LALC members.

It might be thought that this proposal to make land virtually inalienable (since all members of an LALC would need to consent to it) would undercut the needs basis for the granting of Land Rights. How can land satisfy economic need, for example, if it cannot be negotiated? In fact, and rather surprisingly, the justification for Land Rights which the Report outlines in Chapter 3 was based overwhelmingly on compensation for past injustice rather than present economic need and the capacity of Land Rights to satisfy it. In its third chapter, the Report quoted with approval Federal ALP's submission (28) claiming Land Rights for an Aboriginal "cultural base". It quotes the Australian Democrats' submission seeking Land Rights as a matter of "historic justice". It quoted in a positive context, the opinion of H.C. Coombs that Land Rights was a matter of basic compensatory injustice (29) and the Catholic Commission for Justice and Peace that land had a spiritual character and that the return of areas of it would have psychological and cultural importance. It concluded thus:
It is the committee's considered opinion that the granting of "land rights" to New South Wales Aborigines should be regarded as an act of elementary justice and some atonement for the holocaust that almost destroyed Aboriginal society. (30)

Land Rights, in other words, was to be basically compensation for past injustices. It is here that we have a clue to the extremely generous recommendations of the Report. A Report which urged Land Rights on the basis of present Aboriginal poverty and the capacity of Land Rights to alleviate that would have been forced to come to terms with quantifiable data, especially in terms of the costs and benefits of alternatives to land transfers. On the other hand, where Land Rights were conceived as compensation for what the Report itself described as a "holocaust" (31) the specification of a monetary upper limit seemed almost obscene. That the land and compensation formula was to be transmuted into the land as compensation formula of the bill when the Report was translated into legislative reality was, in the Government's eyes, a politically necessary compromise forced on it by the Keane Committee's unwillingness or inability to specify a final price for Land Rights. Further, the compensation-for-past-injustice basis for the Land Rights formula almost necessitated the cumbersome judicial model which Keane proposed. How else does one reasonably settle questions of justice save in a court? If the judicial model were scrapped, as indeed it finally was, the tendency would be to downplay the compensatory
elements of the legislation and with them the open-ended funding hinted at in the Keane Report.

**Consultation**

In the course of the hearings of the Select Committee, most of the significant concentrations of Aborigines in rural New South Wales were visited, as indicated above. Once the Report was tabled in Parliament, however, (13 August 1980) further consultations were planned prior to the Government deciding which moves it would make. On 11 November 1980, the New South Wales Government announced the appointment of a working party to consult with Aboriginal communities about the acceptability to them of the recommendations of the Keane Committee. The working party comprised the Chairman of the Aboriginal Advisory Committee, the Coordinator of the Task Force which had served the Keane Committee, two appointees of the Premier's Department (one of whom was Aboriginal), and an appointee of the Department of Youth and Community services. The working party in turn appointed an Aboriginal Land Issues Field Force (TALIFF) to travel New South Wales and consult directly with those affected. The TALIFF divided the State into eight areas (32) and each member consulted Aborigines within that area over a period of two months, after which they were debriefed in plenary and from their diaries. A composite report was prepared and a minority report accompanied it to the Premier. The majority duly disowned the minority report (33) and the TALIFF was disbanded having declared the
venture a success. The TALIFF's methodology was simply to explain point by point the recommendations of Keane and take a head count among the Aboriginal community on them. On this criterion, of course, the vast majority of people interviewed (95 per cent according to the Report of the working party) were in favour of legislation establishing Land Rights. The strength of desire on aspects of the Keane Committee is expressed numerically in the Report of the working party. There is no mention of whether the categories are mutually exclusive but they are worth drawing attention to if only to show how low some of the percentages are.

<table>
<thead>
<tr>
<th>Proposal of the Keane Committee</th>
<th>Percent in favour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sacred secret sites the most important</td>
<td>24.4</td>
</tr>
<tr>
<td>Aborigines should have sole responsibility for the protection of sacred sites</td>
<td>6</td>
</tr>
<tr>
<td>Land needed &quot;for use&quot;</td>
<td>15.5</td>
</tr>
<tr>
<td>Land needed for hunting, fishing</td>
<td>12</td>
</tr>
<tr>
<td>Land needed for cropping</td>
<td>9</td>
</tr>
<tr>
<td>Land needed for pasture</td>
<td>6</td>
</tr>
<tr>
<td>Land needed to revitalise cultural base of Aboriginal society</td>
<td>4</td>
</tr>
<tr>
<td>Land needed for camping</td>
<td>4.5</td>
</tr>
<tr>
<td>Aborigines should have all the alienated plus unalienated Crown land</td>
<td>7</td>
</tr>
<tr>
<td>Aborigines should have all the land which was reserved at one time for them</td>
<td>4</td>
</tr>
</tbody>
</table>
Proposal of the Keane Committee | Percent in favour
---|---
Want compensation | 17 (34)
Housing a priority for Land Rights | 16

When all the uses for which land could be claimed are added in the working party's report, they come to well over 100%, so it must be assumed from the entirely ambiguous data which the TALIFF has provided that each respondent could list multiple uses for the land they so strongly requested. The above figures, then, reveal some interesting shortfalls in the expected strength of demand for land on selected criteria, especially a low 4 per cent who see land rights as the basis for Aboriginal cultural survival and less than 25 per cent who assert the primary importance of sacred/secret sites. More tellingly, the 15.5 per cent who want to "use" the land stands in contradiction to the 27 per cent who want to hunt, fish, crop or graze. Unfortunately, the documentation which exists does not allow us to unravel the ambiguities of this complex exercise in consultation. Another part of the TALIFF report describes the debriefing of the field force members. It reported:

Almost no-one the Field Force visited had heard of the [Keane] report [or] been approached by the Select Committee. When they saw the report they could not read it, or understand it and grasp it; (35)

this despite the 49 places to which visits had been made for "formal and informal discussion" with Aboriginal groups (36). Clearly there are serious implications for the notion of consultation with Aboriginal communities
when a major consultative effort like the Keane Committee can be claimed to have reached practically no-one when a follow-up consultation exercise evaluates it. The implications of this claim of Aboriginal groups not to have been consulted and the values underpinning the notion of consultation will be examined in a later chapter.

The Report: responses of government departments

The TALIFF established to its own satisfaction that the recommendations of the Keane Committee were acceptable to the Aboriginal community of New South Wales. The question of what would happen if legislation significantly different from that proposed by Keane was enacted had not been discussed either by Keane or by TALIFF. In retrospect, the Government's unpreparedness for the storm of protest which broke over the Aboriginal Land Rights Bill when it was released is understandable in terms of the unrealistically high level of expectations raised by the Report itself.

Before examining that, however, we shall analyse the recommendations themselves in terms of their economic achievability and their political advisability. Fortunately, a body of data is available on this in the form of departmental responses to the Report which were called for by the Premier after the Report had been tabled and while the TALIFF was undertaking its program of consultation.
Responses of the government departments

On 11 November 1980, the Premier circularised Ministers of the Government in relation to the first Report of the Select Committee. He sought to gain from the departments a considered response to the proposals in Keane and especially to discover how these proposals would impinge upon the operations of current policy in each department (37). There was a wide range of responses to the Report, some highly supportive, some opposed, depending mainly on predictable vested interest in the department. Notable responses were:

**Local Government:** the response of the Department of Local Government contained six objections, viz:

- the lack of any specified mechanism for LALCs to maintain continuing dialogue with Local Government;
- no specification of the potential role of Local Government in the provision of services;
- a possible separation of Local Government services for the general versus the Aboriginal community;
- the possible havoc for local planning of the recommended power of Aborigines to determine the existence of a sacred site;
- the danger involved in allowing LALCs to circumvent local planning requirements as recommended by Keane;
- administrative problems in allowing Aborigines to fish and hunt where others could not.
Police: the Police Minister was concerned with the maintenance of order when Aborigines had the right to refuse entrance to land.

Mineral Resources: The Minister, as would be expected from one whose department was intimately linked to the development of mining ventures, expressed concern about:
- the diminution of areas of land within New South Wales potentially available for mining;
- the possible restriction of access by Aborigines to land owned by a LALC;
- the implications for mining of a grant of freehold title;
- the consequences of the exemptions from the requirements of planning and environment legislation;
- the extensive power proposed for the ALDC;
- open ended nature of claims for compensation;
- the lack of definition in the recommendation on sacred sites.

Tourism: the Minister for Tourism thought that the question of the extent of tourist development on sacred sites had not been addressed and that if land was to be set aside as sacred sites, then regulated visitation should be possible from the public, a suggestion which ignored the strongly argued case made by Aboriginal Land Rights activists for land on the basis of its spiritual (and hence non-commercial) significance.
The Forestry Commission: the Minister, expressing the concerns of officers, was predictably concerned about the potential effect of legislation on the development of the woodchip and forestry industry. Predictably, because of the serious confrontation it had been party to in the Mumbulla Mountain case, where the Commission had lost in opposing a locally based Aboriginal anti-woodchip group attempting to salvage part of the Mountain. The latter claimed the existence on the Mountain of sacred sites which it wanted protected. By June 1979 they had won the case and the logging operations were suspended after the intervention of the Premier.

The Department of Fisheries in their response was opposed to legislation which might allow greater rights to Aborigines to fish than were already granted to them, viz, their exemption from inland water licensing laws and the provisions of the Oyster Farm Act.

The Soil Conservation Service was concerned that Aborigines might not (as the Report had so boldly asserted) (38) manage the land in an environmentally responsible manner. It raised too, the question of rural productivity and the need to ensure it was not endangered.

The Housing Commission was concerned that Aborigines should not be allowed to claim land in which it (the Housing Commission) was interested.
Support

There was, on the other hand, some support for the Keane proposals. The Department of Health thought the recommendations were both comprehensive and appropriate and advocated their acceptance, while the Minister for Youth and Community Services was "substantially in agreement with all the recommendations". Other minor bodies, like the Australian Museum and the Public Service Board were positive about the capacity of the recommendations if put into effect, to complement the work they themselves were doing.

The response of the Treasurer was, in some ways, the most predictable of all: the State could not afford it. It was, however, a response of considerable weight and logic and deserves close attention.

The Treasurer pointed out that the four bases proposed by Keane for the granting of Land Rights by the Court were extremely broad and would set up situations in conflict with land owners.

The Report understandably seeks to place claims by Aborigines in a special category with a pronounced inference that such claims should be adopted almost as a right. (39)

The question of the corresponding rights of others is then raised as a matter of distributive justice. The Treasurer pointed out as well the bias which Keane would build into the proposed Tribunal with its pro Aboriginal president, its two Aboriginal representatives and its two
other members with a knowledge of Aboriginal culture, anthropology, etc. The next difficult question raised in the Treasury response concerns the kernel of the Land Rights question in New South Wales: the continuing relationship between Aborigines and the land.

The Treasury recognises that [Keane] has attempted to remedy circumstances which it describes as cutting off Aboriginal people 'from the most crucial economic and social factor in their lives' (40). However, [Keane] itself recognises that 'the fragmentation and dispersal of Aboriginal communities resulting from the early and the prolonged impact of white colonisation has shattered nearly all of the traditional Aboriginal communities'. The committee also noted 'most Aborigines of New South Wales have lost their association with traditional lands because of forced dispersal through the State as a result of colonisation'. (41)

To underline the point, the Treasury pointed out that 40 per cent of Aboriginal people in New South Wales lived in Sydney. Having pointed to the logical inconsistencies in the Report in calling for land as distinct from housing, welfare and other social supports, the Treasury response came to the heart of the matter for it: funding. Basically there was no justification for the quantum suggested (7.5 per cent of land tax for 15 years) and it was too large for the State to take on, given the relatively slender resources available to it. Besides, it was a Commonwealth responsibility and should be referred to them.

The particular pleadings of different departments were understandable in terms of the departmental imperative to defend defined territory from initiatives which might
endanger funding or responsibilities. But the Treasury response raised questions of an order which were fundamental and yet which were not dealt with at any depth by Keane, especially:
- the actual relationship between New South Wales Aborigines and the land which would make the granting of land a more useful allocation of resources than any other use;
- the justification of the 7.5 per cent of land tax as the flow of resources to finance land rights rather than any other figure;
- the potential role of the Commonwealth in the funding of Land Rights in New South Wales, or more precisely, the leverage which could have been applied to the Commonwealth in consideration of the generous sum of money Keane was proposing the State spend in what had been since 1967, essentially a Federal area of responsibility.

The responses of the Government departments were handed over to the newly formed Ministry of Aboriginal Affairs without comment, to influence in whichever way the Ministry chose, the policy outcomes for its first priority – the drawing up of Land Rights legislation. The fact that the Premier, in setting up the Ministry, had indicated that Keane was to be the basis for the drawing up of proposals (42), tended to cut the ground from beneath the stronger criticism which had come in from the different ministries, especially the Treasury. Nothing
on file indicates that these criticisms were ignored. Nothing, however, indicates they were effectively dealt with in the drawing up of the legislative proposals.

By early 1982, it had become politically imperative to confront the issue of Land Rights. The election speech prior to the September 1981 elections had promised Land Rights, the setting up of a Ministry to accomplish this and the early handing over of title to former reserves to the local communities. The strongest argument for Land Rights was the First Report of the Select Committee itself. But its reasons for giving Land Rights priority over alternative uses for such funds was based on the assertions of people who spoke to it.

No study, by the time the Ministry was set up, had been commissioned to assess whether the assertions of Aboriginal leadership about what Aborigines thought, were in fact true reflections of the latter's priorities in the area. By 1981, the notion of Land Rights had become an idee fixe in the minds of the ALP. The only question open for discussion was how. In the event, as indicated above, Frank Walker's arguments for the creation of a separate administration were accepted and the Ministry of Aboriginal Affairs was set up with the mandate to tell the Government how to put Land Rights into effect (43).

There were a number of factors behind the force of this political imperative to Land Rights in New South Wales.
Clearly, the perception of what was real, in terms of Aboriginal demands, played a key role in the formulation of policy. This perception was essentially as contained in Keane. Later studies were to show that Land Rights were low on the scale of basic human needs as perceived by Aborigines themselves. By September 1981, however, the Government had reached a point where it could not safely retreat on the question. The most basic force making for this imperative, as indicated above, was Keane itself. And its most basic data were a set of assertions of Aboriginal leadership. Consultation, basic then to Aboriginal policy, as it is now, comprised, from an examination of Keane, dialogue with Aboriginal leadership whose assertions became accepted fact regarding the demands of the community as a whole. The extreme inter-regional variations in the Aboriginal community in New South Wales were not recognised by Keane (44) and a chimera of unity was given to a situation which was characterised, in part, by deep divisions concerning priorities and methods.

Even without Keane, however, there would still have been forces which influenced powerfully the declaration of Government policy on Land Rights. These came from within the Labor Party and the influence at State conference of the Aboriginal Affairs Committee. It consistently advocated Land Rights, and when Keane was tabled in Parliament, consistently advocated it as the necessary embodiment of its recommendations. With the establishment of
the Ministry, further force was added to the political imperative and the Government had thoroughly locked itself into a future Aboriginal Land Rights Act.

In making Keane the basis of the Ministry's mandate, however, the natural consequence followed that interested parties (especially the leadership) assumed that the most substantial recommendations of Keane would be put into effect. That the fundamental proposals of Keane were bypassed and an alternative structure put in its place may well have been the necessary corollary of budgetary constraint. It becomes understandable, however, that the myth arose (especially where the processes making for the formulation of policy in Government were not well understood) of a "betrayal" of Keane and hence of the Aboriginal people for whom the Report was claimed to speak. The very processes of consultation by which the Ministry of Aboriginal Affairs sought to test each departure from Keane became another hint to those consulted that a "betrayal" was at hand. Keane, with its massive concessions to the assertions of the Aboriginal leadership, had assumed an almost totemic character - the only accurate Report on Aboriginal conditions and aspirations ever produced by a white Government.

Any Government organisation which had been required to put Keane into effect would have had to cut it down to political and budgetary size. The fact that this apparent paring down of Keane's robust recommendations was
done by a newly created mainly-Aboriginal Ministry did not cushion the view felt by Aboriginal leadership and its white supporters. Indeed, it may have made the cleavage worse. The refusal of Aboriginal leadership to countenance compromise led to an unwillingness to discuss the feasibility of it. This, in turn, soured the flavour of such consultations as did take place, especially as in reality, very little was negotiable because of financial stringency. This distancing of the new Government department from the key actors in the Aboriginal community eventually became unbridgeable. For the moment, though, I shall examine the policy-making mechanism of the Ministry of Aboriginal Affairs as it worked towards the Aboriginal Land Rights Act throughout 1982 and 1983.

Ministry of Aboriginal Affairs processes for the formulation of policy

Throughout 1982, formulation of policy by the Ministry of Aboriginal Affairs was directed principally at that covering Land Rights legislation. The Ministry had among its staff a community liaison unit, the function of which was to consult with Aboriginal communities and to gain their views on proposed Government legislation. The Ministry already had the learning experiences of the Keane Report and that of TALIFF to draw on. Nevertheless, discussion of impending legislation on Land Rights was the subject of consultation with a number of communities and especially Aboriginal leadership throughout the year.
Two major Statewide consultations deserve particular attention. The first was by way of a discussion paper on options for Land Rights which was prepared by the Ministry and distributed to Aboriginal communities in July 1982 (45). The document raised for the first time with Aboriginal communities the proposals to substitute an open market purchase system for Keane’s judicial model and the fulfilling of the tribunal functions of Keane by the existing Land and Environment Court, instead of a new body. The document also canvassed the proposal to introduce a simplified and cheaper two-tiered model for the land councils, rather than the three-tiered model favoured by Keane. The number of responses to the paper which were distributed to every known Aboriginal community and organisation in New South Wales, was relatively small, though the strength of response was often strong. There was little evidence of any willingness to accept the two-tier model, participation being preferred to economic rationality. In the absence of support for the two-tiered model, the Keane proposal was substituted and power again proposed to lie essentially with the RALCs. The Ministry’s need to defend itself against charges of undermining Keane was strong, especially in an environment where very few of the constituents had any knowledge of the precise proposals of Keane or the relative merits of any alternatives to them. The Ministry described the Keane proposals as a "base-line" (46) for the formulation of Land Rights legislation, a delicate periphrasis which, in any event, seemed to go over the heads of the constit-
uency since, even at the time of the passage of the Act, there was little awareness in Aboriginal communities of the scope or direction of the original Keane proposals.

A second major effort at community consultation, this time a meeting, took place in August 1982 when 150 representatives of Aboriginal communities and organisations in New South Wales were brought to Sydney to discuss the points which, by this time, were being concretely proposed for Land Rights legislation. The successful conclusion of this exercise left the Ministry free to devote its energies to the preparation of a Green Paper outlining the type of Bill the Government proposed to put through Parliament. From the perspective of the Ministry, by the time the Green Paper was being written — itself an exercise in consultation — the previous four years had seen the appointment and functioning of the Select Committee and its extensive program of community consultation, the TALIFF process which took a further six months to complete, the informal consultations on Land Rights undertaken by the Ministry through its own community liaison section, the circulation of a discussion paper to all interested Aboriginal parties and the major consultative exercise in Sydney bring together Aboriginal representatives from the whole State. That the chief criticism of the Land Rights Bill which eventually emerged should be that it was the product of insufficient consultation (47) was, to Ministry staff, baffling, especially as the Bill was vulnerable on so many other
grounds. The question it immediately raises, however, is the role of consultation in Aboriginal policy-making. It may well be the case that no amount of consultation is sufficient where the end product represents some form of political compromise. It may be the case, too, that the means by which a political compromise is arrived at is as much a determinant of final agreement as the terms of the settlement itself. Aboriginal grievances were strongly held and the very notion of a "settlement" quite unhelpful.

The process of consultation, which in this instance was essentially an attempt to see a political compromise, needed a method which was tailored to the delicacy of the task. The experience was that the method used was not equal to the task, for the "compromise" as incorporated in the Bill which went before Cabinet and the House had the support of not a single Aboriginal community leader in New South Wales.

Consultation and policy: the Cabinet Minute of 15 November 1982

Soon after the Ministry was established, a Land Rights policy committee came into existence (February 1982). The policy committee comprised the Minister and three of his personal staff and the Secretary of the Ministry, together with the Deputy, the two Assistant Secretaries and the Chief Policy and Research Officer. The function of the policy committee was to put the wide ranging and
untested recommendations of Keane into a form which could be adopted by Cabinet for translation into legislation. The document towards which the policy committee worked was to be financially possible and administratively efficient.

Policy, in the context of the Cabinet Minute on Land Rights, meant the paring down of Keane's "shopping list" to manageable proportions. Since the Report had such wide acceptance in Aboriginal communities (or was perceived to, which resulted in the same outcomes), the challenge in preparing the paper was to retain enough of Keane to make it identifiable while, at the same time, dispensing with the parts of it which were politically impossible.

The chief questions discussed by the policy committee over the four months during which it met were: the future of the Aboriginal Lands Trust, the administrative arrangements for the three-tiered structure of land councils proposed by Keane and endorsed by the committee, the funding of Land Rights, the future of Aboriginal housing and the question of sacred and significant sites. Details on all these points needed to be argued in Cabinet. The Minutes of the policy committee meeting reveal significant disagreements with the basic thrust of some of the Keane recommendations, notably:

- the impossibility of devolving responsibility for housing to local housing associations because of the
absence of suitable structures (48).
- the political impossibility of the judicial model recommended by Keane whereby any land, in principle, could be the subject of a claim (49).
- the desirability of the National Parks and Wildlife Service remaining responsible for the identification and protection of sacred sites rather than giving these functions to one or other of the land councils (50).

The proposed changes were thought to be so serious that a consultation with Aboriginal leaders in New South Wales was arranged on 20 August 1982 to gauge their reactions (above). About 150 Aborigines from different parts of New South Wales came to the meeting, which was hosted by the Minister. The meeting was closed and no summary of the discussions was issued. On the basis of it, however, the Cabinet Minute was finalised and presented to Cabinet on 15 November 1982.

By the time Cabinet came to consider the Cabinet Minute presented to it by the Minister, the recommendations of Keane had undergone some significant changes. Most notable was the abandoning of the judicial model and its replacement by a system of open market purchases funded by what was, in Keane, the compensation fund. To augment these purchases, limited access to Crown land (or "vacant Crown land" as restrictively defined) was to be allowed. The much vaunted bases for the granting of land to Aboriginal communities by a court became transmuted to the bases by which a LALC could claim monies from the
RALC whose decisions were, of course, strongly circumscribed by the availability of funding and whose natural inclinations would be to allocate money on a simple per capita basis in any case.

Also absent from the document which went to Cabinet was any proposal on sacred sites, the issues surrounding one (Mumbulla Mountain) of which had been a cause celebre in the early days of Keane. Heritage legislation was deferred for the consideration of the proposed NSWALC.

Housing, placed as it was by the policy committee in the too-hard basket, was not referred to. This important topic was deferred for possible future consideration.

The proposals contained in the Cabinet Minute were approved by the Cabinet, together with the proposal put forward by the Minister for Lands to validate the illegal revocation by the Government of various former Aboriginal reserves (51).

The proposals agreed to by the Government then became incorporated into a Green Paper issued in December 1982 for public discussion. The Green Paper:
- confirmed that the Government intended to set aside 7.5 per cent of land tax revenue per annum for Aboriginal Land Rights;
- confirmed that land held by the Aboriginal Lands Trust (the remnants of former reserves) would be transferred
to Local Aboriginal Land Councils set up under the Act;
- announced the terms under which Aborigines could claim
  Crown land;
- announced that there would be no claims to private land
  under the Act;
- defined the title under which the Aboriginal Land
  Councils would hold land;
- defined the mineral rights which would be vested in
  Local Aboriginal Land Councils.

The Green Paper was distributed to the communities in the
weeks following to enable the "exhaustive program of
consultation" to which the Minister in his press release
referred. Why there was a need for further consultation,
or what such additional consultation could achieve, was
not mentioned. What, in retrospect, was not realised,
was the political cost of not consulting further as the
Victorian Government did in near-identical circumstances
a year later. In fact, the proposals contained in the
Green Paper happened to represent all that the Cabinet
was disposed to agree to. Further consultation could
only, and in fact did, expose the gap between Keane and
the legislation. Nor did the Green Paper explain, for
obvious reasons, that this was the most that was politi-
cally possible at that stage of history. The Paper was
criticised as a consequence by a number of groups which
could reasonably have been expected to support legislat-
ive proposals (52).
As noted above, the decision-making processes were too far advanced at the time of the issuing of the Green Paper to allow for reaction to the proposals to alter the proposals themselves. The two Bills, the Aboriginal Land Rights Bill and the Crown Lands (Validation of Revocations) Bill were tabled in Parliament on 24 March 1983 and were quickly passed. The Acts received royal assent in May 1983 and commenced operation on June 10.

The Aboriginal Land Rights Act: intention and assumptions

The justification for the Aboriginal Land Rights Act of 1983 is summarised at length in the Minister's speech on introducing the Bill to Parliament (53). The speech follows broadly the introduction to the previously issued Green Paper and argues strongly the following points:
- Aborigines are the most disadvantaged group in the community;
- Aborigines were the prior owners of New South Wales;
- Dispossession of land is the principal cause of Aboriginal poverty;
- The present Bill would not satisfy all Aboriginal demands but must be seen as supplementary to forthcoming Commonwealth legislation.

The Minister endorsed the view of the Keane Committee that:

Land Rights could ... in our times, lay the basis for improving Aboriginal self-sufficiency and economic well being, (54)
and made this a theme of his introductory remarks.

These remarks and the tone of the Green Paper which preceded it raised the vision of significant acquisition of land by Aboriginal communities. This land was to be the basis of a cultural revival and to provide an economic base for Aborigines to overcome their dependency on welfare. As the Minister said,

Land Rights has a dual purpose - cultural and economic. Some lands, with traditional significance to Aborigines, will retain a cultural and a spiritual significance. Other land will be developed as commercial ventures designed to improve living standards. (55)

Apart from the approximately four square kilometres which were to be transferred to communities from the defunct Aboriginal Lands Trust - the remnants of former reserves - the means by which these land transfers were to be made were open market purchases and the surrender by the Crown Lands Office of Crown Land not required for an "essential public purpose". The latter provision is intentionally vague and includes public purpose requirements actual and potential. Furthermore, the Minister for Lands was given the right to decide which land was and which land was not required now or in the future for an essential public purpose. Effectively, the Minister for Lands was given veto power over public land transfers to Local Aboriginal Land Councils. As far as private land acquisition went, the Act was to fund the Land Councils in the way recommended by Keane, viz, 7.5 per cent of State land tax for 15 years at a 1984 rate of about $13 million per annum.
(56). Undoubtedly, the Government saw this settlement as generous. Certainly it made New South Wales the only State legislating for Land Rights from sources other than Crown lands. The money divided, however, into about $188 per head per annum for New South Wales' approximately 40,000 Aborigines when allowance is made for the compulsory investment by the New South Wales Aboriginal Land Council of half that sum. Moreover, this $188 per head did not account for the administrative costs of the New South Wales Aboriginal Land Council and the RALCs, which were to be met from the same fund. Policy committee Minutes indicate that these costs were estimated at about $600,000 per annum, which would indicate a figure of about $170 per head per annum. This $170 per head per annum was to be the Government's principal means of acting on behalf of Aborigines in their attempts to overcome poverty and dependency. Yet it was to purchase land in that State of the Commonwealth where 1984 prices were the highest - and likely to remain so for some years - and where, incidentally, the land tax revenues were not likely to keep pace with inflation (57). Land prices were expected to rise and receipts under the Act to fall from an already low base.

Clearly, even the compounding by a Local Aboriginal Land Council of this sum would contribute little to the establishment of an Aboriginal economic base. It might be argued that these resources were merely supplementary. But when it is realised that the majority of Aborigines
in New South Wales are unemployed and likely, given their low level of skills to remain so (58), they are resources that would mainly be supplementary to welfare payments. Land Rights cannot provide an alternative to the paid employment Aborigines cannot find or remain in because the level of resource is far too low. Indeed the first distribution of funds from the New South Wales Aboriginal Land Council in 1984 saw the average LALC receive $30,000 for the purchase of land (59), hardly sufficient to buy even one serviced building block in the average country town.

If Aboriginal Land Rights could not in fact, at least on the basis of the present level of State funding, fulfil the purpose outlined for them in the Minister's opening speech, what welfare purpose did they serve? Perhaps the most tangible result of the 1983 Aboriginal Land Rights Act in terms of community development was the establishment of a large network of LALCs linked by regional Councils and cemented through these to the NSWALC. These Councils were able to perform a unifying function in that anyone seeking to benefit from the Act must belong to one. Potentially there must be community development gains for communities of people notoriously faction-ridden and disunited. The functioning of the Councils will certainly require an increase in the general level of community skills (60). Whether a higher level of skills emerges naturally from the operations of the Councils remains to be seen but the possibility cannot be
dismissed entirely. On the other hand the Act clearly assumed the capacity of LALCs to act rationally and in the interests of the community. From the experience of the community-run housing companies (61), however, neither assumption is necessarily warranted, certainly not without a corresponding investment in human skills training. The Act could, from one perspective, be seen as imposed for purely ideological reasons on communities unfamiliar with and uncommitted to the principles of voluntarism - principles which are, nonetheless, the fundamental assumptions of the Act.

Summary

The impact of the Aboriginal Land Rights Act on the most significant problems besetting the Aboriginal community in New South Wales is not likely to be great, not at least until the level of funding is increased and a high level of accountability of the LALCs made more assured. The Act hardly affects housing for instance, as funding for that will continue to come principally through the Housing Commission utilising Commonwealth funds. The Act will not affect employment, as was pointed out above, since there are no sums specifically allocated for the economic development of parcels of land. The Act will not affect welfare much because income support from the Commonwealth will continue to be the most typical way of ensuring household support, Land Rights or not. Moreover, the sums of money involved are far too low to have any appreciable effect on the general standard of living,
even in the long run. The Act is unlikely to positively affect Aboriginal education standards precisely because it does not affect all the above, and education here tends to be a variable dependent on the physical quality of life (housing, nutrition, etc). The Act is unlikely to affect Aboriginal culture and the factors contributing to its survival, because it will not allow the purchase of significant enough parcels of land for a wholesale (or even a modest) reorientation of lifestyle to occur. And even if it did allow for large-scale land purchases, this, by itself, would not ensure such a reorientation.

On the positive side, the Act may, as was suggested above, contribute to the building-up of community awareness and competence, but this is perhaps a modest gain, given that the Act presumes them in the first place. There is, moreover, the telling point that the New South Wales Government is the only government which has so far legislated for Land Rights and actually made significant sums of money available on a regular basis to effect them. On this score, at least, the Government can defend its own integrity. The difficulty, however, is that these considerable sums of money do have alternative uses which might, more realistically, have addressed the fundamental problems of the Aboriginal community.

The notion of Land Rights generally holds a highly significant place in the politics of Aboriginal Affairs, and Aboriginal Affairs, redolent as they are with the
cumulative guilt of the Australian psyche, hold an important niche in the political consciousness of the community as a whole. It is well, in conclusion, to ask why the notion of Land Rights in New South Wales should assume the importance it did for Aboriginal communities which, in the main, do not even supplement their diet with traditional foods, who do not hunt, do not move within the ambit of a traditional spirituality and which are predominantly urbanised. Originally the operative demands in the Land Rights question concerned the ownership of reserves, but by the time such ownership became politically feasible there was hardly any reserve land left (62). Moreover, the Aborigines living today on former reserve lands seem to be the worst off, according to a variety of indicators, including levels of education and rate of employment (63). That is, even where land is owned by Aboriginal communities that fact does not denote higher standards of living. The original demand for ownership of the title to reserves was changed, apparently under the influence of developments in the Northern Territory in the late 60s, to demands for the acquisition of land (revoked reserves especially) which had significance to a local community (former missions, graveyards). In the early and mid 70s, the demand for control of sacred and significant sites arose. As many of these were under the control either of the Forestry Commission or the National Parks and Wildlife Service, conflict with the Government became inevitable. Keane covers all the main types of claims under his four bases
but gave surprisingly little attention to that one which might have had the most weight - land as an economic resource.

The Aboriginal population of New South Wales suffers highly disproportionate rates of unemployment (64) and, as was pointed out above, never enjoyed anything like full employment, even in times of very low unemployment. Land could well have been provided as one of a number of types of resources needed to develop an alternative to membership of the workforce for significant numbers of Aborigines. If Aborigines could not find work, they could at least outgrow dependency under subsidised alternative lifestyles. This possibility has never been pursued, either by Aboriginal leadership or as part of Government policy, partly perhaps because of the weakness of Aboriginal community development and the low state of evolution of notions of voluntary association among Aboriginal groups in New South Wales. It may partly be due, as well, to other (non-economic) notions of Land Rights which have overtaken it.

One of these notions is the very generally and, despite Keane's long chapter on the history of black-white relations, unfocused notion of land as compensation. Why it should be land and not, say, the equivalent sum of money deployed as a development fund, is not covered in Keane except by reference to unsupported arguments about the special relationship between New South Wales Aborigines
and land. Again, one suspects that notions with a certain validity in parts of the Northern Territory and North of Western Australia have been lifted to support, in New South Wales, a set of conclusions already arrived at by the committee.

The human motivations of the Keane committee are, perhaps fortunately, beyond easy retrieval. What is manifest, however, is the enormous gaps in argument which appear in the document, gaps which were carried through in the framing of the Act itself. I have already alluded to the failure to argue on the basis of possible alternative uses of the considerable sums of money involved. Other gaps include:

- the failure in both Keane and the Act to specify mechanisms by which disunited, isolated and inexperienced communities are to develop sufficient skills and even motivation to make the structures of the Aboriginal Land Rights Act work. These structures are especially needed at the local level;

- the failure to trace precisely what the nature of the "special relationship" with the land was in New South Wales;

- the failure to ensure that money allocated for the purchase of land should be used for that purpose in an environment where a further policy aim was the promotion of self-determination (which loosely translates as minimum accountability);
- the failure in the Act to allocate resources to complement those set aside for land purchase and allow the development of land purchased. One suspects that the Act assumes that the mere possession of land, and not its economic development to enable it to produce income, is a sufficient intent.

It is, of course, no challenge to take an Act of Parliament and to find faults. What is notable, though, is that gaps pointed to above tend to nullify the purpose of the Act and to reduce it to an exercise in symbolism whose real aim is to allay white guilt, especially among those pockets of the ALP which argued so vociferously for such an Act.
REFERENCES

1 See, for example, Berndt, R.M. and Berndt, C.H., The World of the First Australians, Lansdowne Press, Sydney, 1964 (revised 1981), Ch.viii, Ch.xi.


4 For example, Macquarie's School at Parramatta and the Reserve at Blacktown (Select Committee Report, Vol.II, p.171.)

5 Despite the long history of the Board, the records relating to it are not extensive. An archives search reveals extensive gaps in the record.

6 So called because they were excised and "reserved" from sale to the public.

7 Some reserves were already established when the Aborigines Protection Board was set up.

8 Eggan, F., op.cit.

9 See Bandler, F. and Fox, L., The Time was Ripe, APCOL, Sydney, 1983 for an Aboriginal insight into this set of problems.


12 Most recently by Heather Goodall, historian of the Aborigines Protection Board. Her thesis is unpublished but a summary is contained in the Sydney Morning Herald, 6 August 1983.


Though parts of the story are beginning to be told in oral histories, see for example, Bandler, F., *The Time was Ripe*, APCOL, Sydney, 1983.


Select Committee Report, Vol.I, p.64.


Ibid.

Select Committee Report, Vol.I, p.64.


Select Committee Report, Vol.I, Ch.1, p.21ff.


The title of which emphasises the fact that land and money as compensation were to constitute a two-part legislative package.

Itself a shift from then current practice where former reserves were held by the Aboriginal Lands Trust on behalf of all New South Wales Aborigines.


Ibid.

Ibid.


Majority report; the Aboriginal land issues field force (TALIFF), undated, unpublished paper. Premier's Department; appendix.

"Comment on Mr Cavanagh's Minority Report", unpublished paper, Premier's Department.

The Chairman of the Working Party adds here that the weakness of this demand is explicable in terms of interviewees not realising that compensation should be sought in the event of a claim not being granted, TALIFF Report, p.3, *op.cit.*


Responses are contained in Ministry of Aboriginal Affairs file P1024, Select Committee Report: Responses.

Select Committee Report, Vol.I, p.104, Sections 10.9, 10.10, 10.11.

File P1024, Ministry of Aboriginal Affairs.

That is, land.

File P1024, Ministry of Aboriginal Affairs.


We shall return later to the question of the real priority of Land Rights in the minds of New South Wales Aborigines. It should be noted for the moment that a study done for the Ministry of Aboriginal Affairs in 1983 established that Land Rights was of low priority on the scale of basic human needs, which raises in sharp profile the question of how in touch Aboriginal leadership was with Aboriginal opinion.

Or certainly not alluded to.

Ministry of Aboriginal Affairs: some proposals for Aboriginal Land Rights in New South Wales.

Ibid.

See for example, the criticism of the bill, when it was tabled in Parliament, by Elizabeth Kirby (Australian Democrat): Hansard, Legislative Council, 30 March 1983ff.

Policy Committee Minutes, 21 July 1982.

Ibid.

Policy Committee Minutes, 27 July 1982.

All Crown land reserved for Aborigines was vested in the Aborigines Protection Board in 1909. At various times until the establishment of the Aboriginal Lands Trust in 1969, reserves surplus to the Board's requirements were disposed of. The State Crown Solicitor in 1909 was of the opinion that these revocations were legal under the Crown Lands Consolidation Act. The Crown Solicitor in 1978 was of the opinion that they were illegal in that land in the hands of the Board was no longer Crown land within the meaning of the Act and could not be revoked. All purported revocations then were invalid. Enabling legislation to validate these
revocations had been planned from the first meeting of the Policy Committee.

52 Including Aboriginal barrister, Bob Bellear, who, in a press statement issued at the time of the release of the Green Paper termed the document an example of "gross contempt for the State ALP platform", and the legislation itself "yet another injustice".


54 Ibid.

55 Ibid.

56 Ibid.

57 Treasurer to Premier, op.cit.


59 Private communication, Executive Officer, New South Wales Aboriginal Land Council.

60 In 1984, the Ministry commissioned a research study to examine how some of these community development needs could be met by Government.

61 See: Ministry of Aboriginal Affairs, 491; Ministry of Aboriginal Affairs, 1046.

62 The records offer only fragmentary evidence but according to Keane, even the much-reduced land holdings of the Aborigines Welfare Board in 1940 totalled 16,000 acres. This had been reduced to just over 6,000 acres by 1963. Select Committee Report, Vol.I, p.44.

63 Hall, M. and Jonas, W., op.cit.

64 Castle, R., et al, op.cit.
Chapter Four

THE OPERATIONS OF THE ABORIGINAL LAND RIGHTS ACT (1983)

In this chapter I shall examine the intentions of the Aboriginal Land Rights Act (1983) and the evidence available at this stage of its operation for evaluating how successful it is in delivering a stream of benefits to Aboriginal communities. The Act is the centrepiece of New South Wales Government action in respect of Aborigines but, as will be demonstrated, it is premised on a deeply flawed notion of the strength of Aboriginal community life. The Act has produced some benefits, although most of these are intangible.

Structures set up under the Act

The Aboriginal Land Rights Act sets up a number of structures to operate the Act. These are:

Local Aboriginal Land Councils, consisting of at least ten people who have applied, in writing, to the Registrar to be so constituted. Each Local Aboriginal Land Council (LALC) is a body corporate and must meet at least quarterly. The LALC's function is to acquire and hold land on behalf of the members.

Regional Aboriginal Land Councils, consisting of two elected members from each Local Aboriginal Land Council
in the region covered by the Regional Council (RALC).
The functions of the RALC are to facilitate the
acquisition and management of land by member LALCs and
funding the land needs of LALCs, as they think fit.

*New South Wales Aboriginal Land Council*, consisting of
members elected from RALCs. The New South Wales
Aboriginal Land Council (NSWALC) administers funds
allocated under the Act, directing them to RALCs under
terms and conditions it thinks appropriate. The NSWALC
may also make claims for vacant Crown land. It may do
this on its own behalf or on behalf of a LALC.

*Registrar of the Aboriginal Land Rights Act*, who is
appointed by the Minister and whose chief function is to
register LALCs as they come into existence and ensure
that land claims are sent to the Minister for Crown
Lands.

*Intentions of the Act*
There are a number of intentions behind the Aboriginal
Land Rights Act which need to be appreciated in making an
assessment of progress in implementing it. These are
covered in the second reading speech of the Minister (24
March 1983).

*Compensation:* The Act is designed to compensate
Aborigines for the loss of land resulting from colonisation. This is alluded to in the introductory section of
the Act where prior ownership by Aborigines is acknowledged. The Minister reiterated the Keane recommendations and the importance they placed on

the need to return significant parts of the State back to their Aboriginal inhabitants, as a form of compensation ... (1)

Spiritual Attachment: The Act also presumes a strong spiritual link between the Aboriginal and the land, which is basic to Aboriginal religion. The Minister's speech accepted that sacred sites needed to be protected through new legislation but announced that action would be deferred on this until the New South Wales Aboriginal Land Council was established (2).

Economic Need: Land Rights, according to the Minister, were also to

lay the basis for improving Aboriginal self sufficiency and economic well-being. (3)

This was to be achieved by the setting up of mechanisms to ensure that an equitable and a viable amount of land is returned to Aborigines. (4)

The operations of the Act, said the Minister, would ensure that

purchase on the open market and claims upon unused Crown land (would) vastly increase the amount of land owned by Aborigines in this State. (5)

Given that the heritage intentions of the New South Wales Land Rights legislation were to be covered in a separate Act, the intention of this Act can be summarised as compensation through the provision of land as an economic
resource. The income stream produced by Land Rights or, alternatively, the welfare resources made available through it, is the standard against which its effectiveness is to be judged. The possession of land which produced no income would not qualify as compensation within the terms, either of Keane or the Minister's second reading speech. Rather, it is land of a certain quality, viz, productive of resources which improve the quality of life, especially income, direct or imputed (for example, land for housing).

Structures: The structures through which payments are made and distributed can be represented as follows:

New South Wales Aboriginal Land Council (NSWALC)

Regional Aboriginal Land Councils (RALC) (RALC) (RALC) (RALC)

Local Aboriginal Land Councils (LALC) (LALC) (LALC) (LALC)

Payments are made to the NSWALC from the Treasury to the extent of 7.5 per cent of annual land tax. Half this sum is invested by the NSWALC and half is made available for distribution (less administrative expenses of the NSWALC) to RALCs, who, at the moment, are free to distribute it to LALCs according to any acceptable formula. The formula decided on by the NSWALC for the distribution of money to RALCs is calculated on the basis of the number
of LALCs in each region, rather than on the basis of need or population.

Distribution: Three distributions of money for the purchase of land have been made so far by the NSWALC. They have been split as follows:

<table>
<thead>
<tr>
<th>RALC</th>
<th>March 84</th>
<th>July 84</th>
<th>Feb 85</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Metropolitan</td>
<td>93,750</td>
<td>88,200</td>
<td>300,000</td>
</tr>
<tr>
<td>North Coast</td>
<td>343,750</td>
<td>323,400</td>
<td>747,117</td>
</tr>
<tr>
<td>Far South Coast</td>
<td>218,750</td>
<td>235,200</td>
<td>498,078</td>
</tr>
<tr>
<td>Central Coast</td>
<td>250,000</td>
<td>294,000</td>
<td>560,338</td>
</tr>
<tr>
<td>North Western</td>
<td>468,750</td>
<td>411,600</td>
<td>871,637</td>
</tr>
<tr>
<td>New England</td>
<td>312,500</td>
<td>321,550</td>
<td>747,117</td>
</tr>
<tr>
<td>South Coast</td>
<td>93,750</td>
<td>88,200</td>
<td>300,000</td>
</tr>
<tr>
<td>Central</td>
<td>218,750</td>
<td>262,520</td>
<td>622,598</td>
</tr>
<tr>
<td>Wiradjuri</td>
<td>656,250</td>
<td>470,400</td>
<td>933,897</td>
</tr>
<tr>
<td>Western</td>
<td>250,000</td>
<td>294,000</td>
<td>498,078</td>
</tr>
<tr>
<td>La Perouse</td>
<td>31,250</td>
<td>29,400</td>
<td>-</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2,937,500</td>
<td>2,818,470</td>
<td>6,701,159</td>
</tr>
</tbody>
</table>

At this point the RALC has the power under the Act to exert considerable influence over the disposal of the money to LALCs. They have the power, inter alia, to

- examine requests for the purchase of land made by LALCs with a view to funding them;
- assist LALCs in the purchase of private land;
- consult LALCs about land needs and put their wishes into effect;
- hold land.

As it has transpired, most of the RALCs have simply distributed the money available to constituent LALCs without regard to specific community needs within their area and without exercising their option of vetting applications
for funds. There have been some exceptions. The Far West RALC has kept its payments in interest bearing deposits at the bank (except for their proportion demanded by and given to the Balranald LALC). With this money they have taken an option to purchase Weinteriga Station on the Darling River. The Far South Coast RALC, too, has decided to consolidate its land purchases, making constituent LALCs shareholders in the land bought. Fraud charges have recently been brought against committee members in respect of this retained money. Elsewhere, by and large, the money has been distributed in small lots to LALCs.

The principal functions of a LALC under the Act (S.12) are
- to hold land;
- to purchase land;
- to manage land in accordance with the wishes of members;
- to decide mining questions on its land;
- to deliberate on the leasing or the change of use of its land;
- to claim Crown land;
- to repair and build Aboriginal housing.

The Act envisages the acquisition and management of land as the central function of a LALC. The first and second distributions of money from the RALCs, however, demonstrate clearly that this function is not being carried out. For example
- of the $12 million distributed in 1984-5, NSWALC knows of no land which has been purchased by or on behalf of a LALC with the possible exception of a property in Orange (which may, however, have been leased) and one pending on the Darling (Weinteriga Station);
- some LALCs have placed their allocations in interest bearing deposits;
- others (the majority, according to NSWALC) have utilised the funding to set up an administrative structure (salary, office, vehicle). This, of course, has consumed the money available for land purchase;
- some of the money spent by LALCs has been used for purchases not connected, even by way of administrative overheads, with land (example: - Walcha: money apparently misappropriated;
  - Leeton: money "lent" to members of the LALC;
  - Tamworth: At least some of the money spent for recreation).

Not only has the money, which has been spent so far, not resulted in the purchase of significant parcels of land (with the sole exception of Weinteriga Station) as envisaged in the Act, under the present arrangement and with the present mode of accountability, the purchase of land (except in the two RALCs which have withheld distribution) in the future is unlikely, since there is now an administrative structure at the LALC level which will have first claim on funds.
For the Act to achieve its aim, at least one of a number of conditions will need to be met, viz:

a) imposition of conditions by NSWALC and/or RALCs on grants;
b) additional funds to be made available;
c) better accountability of LALCs to RALCs and of RALCs to NSWALC;
d) decentralisation of land purchase arrangements to the RALCs to remove any need for any administrative structure for LALCs.

a) **Imposition of conditions**

The NSWALC has the power to impose conditions on the RALCs attached to the receipt of money. So far, the NSWALC has not exercised this prerogative. To impose conditions, the NSWALC would need to satisfy itself that this was the best way available of ensuring that LALCs disposed of their money in the way intended by the Act. It may not be the best way, as both RALCs and LALCs would object to any move from the NSWALC which consolidated its position at the expense of the other two tiers.

The bulk of the money going to LALCs is, at the moment, being spent on administration. It is claimed by some LALC members that once the structures are set up, the future allocations can be spent as intended, viz, on land. An analysis of the administrative expenses reveals that this is unlikely. The expense of hiring an office and (full-time) personnel, often with a car, consumes the
bulk of the $30,000 per payment currently flowing to
LALCs. The Executive Officer of the NSWALC explains that
most of these Local Councils represent groups of
Aboriginal people who have never had guaranteed funds for
community organisation purposes before. The allocation
of these (Land Rights) funds enables them to conduct an
office for a number of (unspecified) tasks relating to
the community's interests.

The clear implication of the Act is that LALCs will
operate as voluntary organisations, using their spare
time human resources to acquire the land they want to
hold in common by purchasing it or claiming it from the
Crown Lands Office. The model for this is any number of
non-Aboriginal organisations which operate on the
principle of voluntarism (pre-school committees, Scouts
Associations, Rotary Clubs, Parents and Citizens Groups).
What was not foreseen (and not discussed as a possibility
in the Policy Committee Meetings, March - September 1982)
was that the LALCs would need to be funded for adminis-
trative overheads. It was considered that RALCs would
require some administrative support, and acknowledged
that the NSWALC would need a well funded office, but the
likelihood that administrative costs, at the most basic
level, would consume nearly all the money available for
land purchase was not anticipated in any discussions
leading up to the design of the Bill.
The question of administrative costs at the local level is not the full problem either. The RALCs themselves have still not satisfied their own administrative requirements, as they themselves define them. The North West Regional Land Council, for example, claims (6) that each of the 14 LALCs within its area needs four full-time officers (manager, 2 research officers, typist, part-time bookkeeper) and that the RALC itself requires the services of a solicitor, a coordinator, 2 research officers, a secretary/typist and a part-time bookkeeper. As these office requirements would cost in excess of 200% of the current allocation to the region, clearly some brake on the expectations of communities, at both the regional and local level needs to be applied.

b) **The making available of additional funds**

There is a common opinion among Aboriginal staff of organisations active in Land Rights that a significant extra allocation of money could be forthcoming from either the New South Wales Government or the Commonwealth Government. Perhaps the origin of this view is F.J. Walker's address (above) to the House where he spoke of the Act as a "first step" (7) or "springboard" from which a more satisfactory allocation of resources could be built up later. In any event, some of the cutting edge could be taken off the criticism of high administrative overheads by the observation that LALCs and RALCs may be gearing up for the expenditure, in future, of significantly greater amounts of money.
Apart from the question of why possible future increased allocations should require a bigger administrative structure now, the question still remains why LALCs require any administrative funds. There may be a need if, in the future, the control of housing within the area of the LALC is devolved upon the LALC itself, but this would be one of the few occasions on which scarce Land Rights resources could possibly be justified for salary expenses.

The question of future Federal allocations of money to LALCs to supplement the funds made available by the State Government is one which the State Minister is pursuing. At the moment, the prospects are not hopeful, as the Commonwealth's own funds are stretched and it is committed to funding a Land Rights Act of its own. The Commonwealth's commitment to Land Rights legislation is weak and sustained more by the personal involvement of the Federal Minister (C. Holding) than by the ALP platform. Indeed, the Commonwealth may be attempting to withdraw from the commitment and leave it to the States. Certainly any legislation it now brings forward (The Age, 20 October 1984) will not be uniform and, following strong representations from Western Australia (West Australian, 20 October 1984) will not carry a mining veto for affected Aboriginal communities. Given Commonwealth sensitivities to State legislation on Land Rights, it can be expected that any legislation it brings forward can only consolidate (perhaps by way of supplementary fund-
ing) the existing Land Council structure in New South Wales. But the question of allocating them some portion of the money which may be available under the proposed Act would be a hard fought issue. The Department’s own structure is, in the first instance, a more likely candidate for the slender funds which may be forthcoming.

The Aboriginal Development Commission may fund in the future some of the expenses of a particular LALC. General funding for land purchase is not a possibility.

The outlook for the Land Councils for additional funding in the future is not hopeful. As Ministry documentation makes clear (F434) there is no likelihood of additional funds from the State above what has been allocated by the Act. The most likely outcome is the present level of resourcing for the next couple of years, after which there might be some modification of Federal attitudes. The realistic constraints within which the Councils have to operate, then, are the ones which prevail at the moment. Given that resources will be constant in the intermediate term, one question which arises is how to dis-establish the administrative structures at the local level which have been built up and which are consuming a disproportionate quantity of funding. There are some political difficulties involved in attempting to remove funding for administration at the local level, difficulties which RALCs may not be willing to deal with.
c) **Better accountability of LALCs to RALCs and RALCs to NSWALC**

Accountability has to do with ensuring effective use of money which comes from a public source. In the case of Land Rights money, the allocation of resources may well have contributed to the establishment and functioning of appropriate processes: the question of accountability is one which is concerned about the relationship between processes and outcomes - how effective are the organisations set up under the Act in delivering the services intended under the Act.

According to NSWALC, the LALCs see the funding they receive through the Act as permanent funding for the general administrative requirements of the community, rather than as rigorously earmarked for a specific purpose. This tendency to apply grants to areas the community sees as having the highest immediate priority, rather than the area for which the funding was provided, is quite common among Aboriginal community-based groups and has often been remarked upon by both the Department of Aboriginal Affairs and the Department of Youth and Community Services. In this case it will need to militate against efforts the RALCs might make to force the LALCs into greater accountability. LALCs might already have an administrative structure they will be unwilling to dismantle, or the community might have different priorities on which it wishes to spend the money (buses, recreational gear). The prospects for
successfully exhorting the LALCs to utilise the money specifically and solely for the purchase of land must be considered slight. This can best and perhaps only be achieved by means of a direction given by the RALC backed up by the willingness of the RALC to spend the money on the LALCs behalf and withholding the money from the local level. Where the RALC itself is unable to do this, the NSWALC may need to address itself to the same question, of forcing the RALC to discipline its LALC members by withholding, either totally or selectively, funds from it until satisfied with the level of local accountability.

The NSWALC actually realises (8) the extent of the accountability problem. They are relying on successive future Auditors' Reports to shock the RALCs into exercising more control over the disposal of funds. This solution rests on the weak assumption that the defects in accountability are an outcome of inadequate information. The evidence is, however, that the information is good and that both RALCs and LALCs realise the fact that money earmarked for land is being spent for general community development purposes. A more realistic solution would need to come to terms with the following:

- LALCs have a different sense of priorities than those underlying the Aboriginal Land Rights Act (1983). This is borne out by the Hall and Jonas study (9) and is being reflected in practice, in the way the Act is being implemented.
There is no evidence that an exercise in awareness raising will in itself result in any permanent change in the expenditure patterns of any of the tiers of Land Councils. From the experience of Government departments, Federal and State, with Aboriginal community-based organisations in the past, a more likely outcome is that Aboriginal communities will continue to utilise funds from whatever source, however earmarked, with as great a latitude as they can. In terms of total community development, of course, this may not be a bad thing. In terms of the Act, however, it will mean that the rate of acquisition of land will be very slow.

Better lines of accountability, if they are to happen, will need to be imposed from the top. It is probable that RALCs (the middle tier of the Land Rights hierarchy) will be less successful in imposing conditions on LALCs (the bottom tier) than would the NSWALC (the top body) be in imposing conditions directly on RALCs and indirectly on LALCs.

Accountability would need to be premised on the intention of the Act. The purchase or claiming of land would need to be placed in a position of central overriding importance while other priorities on which the community might prefer to spend its money would need to be bypassed. This latter could most effectively be done where responsibility for spending decisions were as centralised as possible.
d) **The centralisation of land purchase arrangements**

Land purchase, the central intention of the Act, could be carried out either by the relevant RALC or the NSWALC. This would be contrary to the spirit of the Act, where, following Keane, it is assumed

a) that land acquisition is the main priority for local community needs;

b) local communities are best qualified to carry out their own land acquisition.

In the first year of operation of the Act, no land was actually purchased. Moreover, in a closed seminar for staff (23 October 1984) of the Ministry, the Aboriginal Cultural and Training Institute revealed that its assessment of the operations of Local Councils was that they lacked even the most basic knowledge of how to go about applying the funds they had been granted to actually acquire land: the lack of relevant skills could hardly be more complete. Given these, both the above assumptions seem doubtful. Hence, the need for the land acquisition to take place at the local level also needs to be questioned.

One of the RALCs (Far South Coast) has already decided to centralise in the region the acquisition of land, in order to buy significant acreages in which all the LALCs will be shareholders.

It has been able to separate the principles of local ownership and efficient use of funds. There are factors operating which may prevent a natural spread of this idea.
to other RALCs. As indicated above, the existence now of administrative structures in LALCs makes the problem of ensuring efficient use of funds more complex. The decision to cease paying someone a salary is more difficult for a community to make than the initial decision to spend available funds on a salaried position. Additionally, some LALCs now have administrative overheads (car, office) for which a use has to be found. These uses will tend to be community uses unrelated to land acquisition or (at the moment) land management. They may be perceived by the community as being essential functions, notwithstanding that they are unrelated to the Act. This will make the allocation of funds away from them difficult.

RALCs then may not be willing, even if they are able, to reverse the administrative structures at the local level which Local Councils have set up. For some RALCs, then, the task of reining in the member LALCs may have to be done by the NSWALC. But the NSWALC itself believes that some administrative structure is necessary for LALCs and advocates additional funds as a way out. NSWALC, then, may not be willing to impose accountability in the terms envisaged in the Act, viz, ensuring a strict allocation of funds to land purchase save for a small proportion needed for administrative support at the regional level or at the local level where there are significant land management responsibilities.
Other benefits deriving from the Land Rights Act

There may well be second order benefits deriving from the operations of the Aboriginal Land Rights Act which make up, to some extent, for the apparent failure of the structures (10) set up by the Act to deliver parcels of land. These second order benefits include

a) community development;

b) job creation;

c) the partial satisfaction of higher order priorities or human needs perceived to have greater urgency.

a) Community development and the need to develop appropriate skills within Aboriginal communities to foster it is a widely recognised need. The dependency fostered by the long involvement of the Aborigines Protection Board and the Aborigines Welfare Board, with Aboriginal communities in New South Wales resulted in communities of people who displayed many of the symptoms of under-development (11). The advent in the early 1970s of the Commonwealth policy of self-determination and then self-management, reflected the Commonwealth's intentions at least in the area of the development of Aboriginal communities.

This intention was the empowerment (12) of Aboriginal communities; equipping them with the material resources needed for self-directed development towards goals which communities themselves identified. Some contrary trends were apparent then and have continued since, for example, the tendency for employed people (whom one might like to characterise as those with on the average, more initiat-
ive) to move off reserve communities, coupled with the
tendency of younger groups of people to do the same.
This, together with the long neglect to which the
Aborigines Welfare Board had condemned the housing on
reserves, in an attempt to foster its assimilationist
policies, meant that many, if not most, of the reserve
communities, came to be composed of older, unemployed
people living in more than usually sub-standard housing.

Many "communities" of Aborigines in New South Wales are
in fact two communities: those living on the former
reserve and those living in the town to which this former
reserve is dependent (for example, West Brewarrina -
Brewarrina; Taree - Purfleet; Bourke Reserve - Bourke).
The two communities do not have close relationships with
each other and the human resources for the development of
the former reserve community must usually be presumed to
come from that group of people alone. These former
reserve communities are now generally grouped together
with town communities for the purposes of the operations
of the Aboriginal Land Rights Act. The welding together
of the two groups, one with few resources for community
development, one with some resources (more employed
people, a higher sense of community with the town
population, a better appreciation of the need for
democratic processes), must be considered of positive
advantage for the first group. In effect, the formation
of Local Aboriginal Land Councils is having the effect,
in some places, of facilitating the emergence of a
greater sense of community (13) among people dis-spirited and lacking effective leadership. Regular funding has injected in some communities a dynamism, for want of a better word, which was not there in the recent past. Local Aboriginal Land Councils, where they are utilising funds for an administrative structure, are in fact seeking tasks to perform. The jobs they end up doing, though they may have little to do with the acquisition of land, do contribute often to other community purposes which are seen by the community as important as well. The Purfleet Local Aboriginal Land Council, for example, is involving itself in a local Aboriginal apprenticeship program, funded by the Department of Employment and Industrial Relations and the Department of Technical and Further Education.

b) **Job creation**, in each of the three tiers of the Land Rights structure is a positive outcome of the Act. As indicated above, a large number of Local Aboriginal Land Councils - half in fact - are utilising the money available to them to employ staff. Additionally, the Regional Aboriginal Land Councils all employ staff, as does the New South Wales Aboriginal Land Council - all with Land Rights money. The number varies constantly and there is no indication that the Local Aboriginal Land Councils will continue to employ the large number of people they do, but upwards of a hundred people may eventually be employed in the implementation of the Act. In some Aboriginal communities, the Local Aboriginal Land Council
employee may be the only employed person, while at the Regional Aboriginal Land Council and the New South Wales Aboriginal Land Council levels, there should be a significant upgrading of skills for Aboriginal employees, many of whom have not, apart from their participation in training schemes, been employed before.

c) Satisfaction of higher order priorities: There is some evidence that the unwillingness of Local Aboriginal Land Councils to devote themselves single-mindedly to the acquisition of land may reflect the fact that the communities are actually attempting to satisfy higher order priorities apart from land. The survey by Hall and Jonas (14) has shown that throughout the State, housing, employment and health are generally considered to be more basic human needs among Aboriginal communities than land. This hardly squares with Keane, but such an inconsistency is probably linked with the way Keane asked its questions. The Hall and Jonas survey was designed to encourage communities themselves to express their own ranking of basic human needs. Land certainly makes an appearance in different communities' stated needs but, according to the study, never ahead of employment. This holds for urban, country and former reserve communities.

The behaviour of the Local Aboriginal Land Councils, in allocating their funds in a manner inconsistent with the intentions of the Act, may in fact be rational, that is, regarded by the community as in its own best interests.
The communities derive at least three sorts of benefits from the pattern of spending they have opted for. This pattern does not represent a set of welfare outcomes envisaged in the Act, but that is not the same as saying there are no welfare outcomes at all. The choices being made by Local Aboriginal Land Councils which have diverted their funds away from their intended purpose, point to a number of questions which need to be addressed in assessing fully the benefits which are being derived from the Land Rights Act. These questions include the following:

a) What is the real importance of land to Aboriginal communities in New South Wales?

b) How realistic was the Act's assumption that Local Aboriginal Land Councils could and would function on a voluntary basis?

c) How does the implicit notion of community in the Act square with reality?

d) Would the centralisation of control of land purchase represent a return to paternalism or would it be the fairest long-term solution as far as the needs of the target group are concerned?

e) If the Act as it operates at the moment is failing to deliver land to Aborigines, what is its real function?

The remainder of this section will deal with the questions in turn and will summarise the implications of them for the future operations of the Act and the future
participation of the New South Wales Government in Aboriginal welfare.

a) **The real importance of land to Aborigines**

Keane is adamant on the matter of the continuing strong relationship of New South Wales Aborigines to the land. The Aboriginal perception of the universe is such that they see themselves as part of the natural environment and its continual changes. They, like the animals, plants and inanimate scenery, are part of the changing patterns of the one constant element of their universe, viz., the land. The sacredness of the land in Aboriginal belief stems from their perception that, unlike themselves and all the other changing features observable in the environment, the land has always existed, was never created.(15)

Keane is, in fact, quoting Berndt and Berndt on the beliefs of traditional communities in Northern Australia but the context indicates that he wishes the conclusions to be applied to contemporary New South Wales. Keane advances no evidence to support this assertion as far as New South Wales goes. And it must be, a priori, an uncertain proposal. The uncertainty derives from the fact that the relationship in traditional culture is essentially religious and of no special consequence outside the context of spirituality.

Berndt and Berndt (16) have analysed in some detail the relationship between people and land which prevailed and, to a small extent, still prevails in Australia. The essential features of this relationship are:
- the land is alive: it has a soul, a spirit which differs from section to section of the land;
- the land is still the abode of the dreaming ancestors whose spirits live in the sites which are associated with them;
- the relationship between people and land is that of a mutual belonging;
- people inherited rights to stretches of land through patrilineal descent;
- care for land owned by the group was exercised through the performance of religious ritual which sustained the character of and the productivity of the land;
- local descent group (17) determined relationship to a particular stretch of land;
- people also had the secondary rights of belonging to their mother's country.

It is, of course, possible that New South Wales Aborigines should retain a deep attachment to land, even where they no longer live within the ambit of Aboriginal spirituality. It is difficult to see, however, that such a relationship can be of a different quality from that of a concerned white, say an ecologist or a conservationist. The Minister's second reading speech skips over the difficulties.

The Committee recognised that the Aboriginal relationship to land had deep religious connotations, that their individual and collective psyche was bound up in a comprehensive and complex interpretation of every inanimate object, flora and fauna. Western culture with its exploitative view of land and all of its constituent parts, is vastly different from the Aboriginal view. (18)

He simply assumes that the primordial quality of Aboriginal relationship to the land has survived, despite
the havoc wreaked by white culture. Aborigines in New South Wales may well have a special regard for the land (though in the absence of any research whatsoever on this subject it is difficult to verify) but outside the context of a special traditional spirituality, it is difficult to see how this can be, as claimed, a special relationship with the land - a relationship which demands religious context to have meaning at all.

The intense relationship between land, identity and religion is covered in some depth in the classic work of Mircea Eliade on Australian religion (19). The work is highly uneven in places but at times it gains a strength in analysis which comes from the disinterestedness of the author who had an encyclopaedic knowledge of world religions and was able to place Australian religion in the context of a broad framework of comparative religion. In Chapter Two of his work where he relies on Strehlow, he coins the term "mythical geography" to describe the relationship we are discussing.

This 'knowledge' is total - that is to say, mythical, ritual and geographic. In learning what took place in the Dream Time, the initiate also learns what must be done in order to maintain the living and productive world. Moreover, a mythical - or mystical - geography is revealed to him; he is introduced to the innumerable sites where the Supernatural Beings performed rituals or did significant things. The world in which the initiate henceforth moves is a meaningful and 'sacred' world, because Supernatural Beings have inhabited and transformed it. Thus it is always possible to be 'oriented' in a world that has a sacred history, a world in which every prominent feature is associated with a mythical event. (20)
Eliade has, in fact, intimated much more than he intended. It is precisely this lack of "orientation" which characterises most of all the modern Aboriginal communities of Australia and especially New South Wales, where the process of dispossession and humiliation went furthest. A person caught up in the rapture of this mythical geography, this life sustaining religion, is not disoriented because his reality is constructed in a way which makes perfect sense to him. It is difficult to avoid the assumption that the contemporary divorce from the living past, from ritual, from land, from kin, with all of which he has different levels of relationship, and his subjection to relationships of domination where his will counts for very little, where the traditional mode of food gathering and hunting has lost meaning and where, after a generation or two, even the language has gone the way of the traditional arts - that this divorce from the past is also a divorce from spirituality. In such a case, it is difficult to argue the "special relationship" of Keane, and in the absence of any evidence to the contrary, we must assume that it does not in fact exist.

To some extent, this assertion is consistent with the recent experience of the Local Aboriginal Land Councils, as described above, and leads to the conclusion that the Aboriginal demand for land is far more complex than the perhaps romantic case that has been made out for it.
b) The Act's assumption that Local Aboriginal Land Councils would act on a voluntary basis: The delivery of services by the agency of voluntary associations of people rests on the assumption that those in charge of non-government organisations (NGOs) who are responsible for delivering a service are prepared to contribute community resources in order to win government supplementation in funding. In theory, the government takes an existing organisation and funds it to provide a service which, but for the existence of the NGO, the government itself would have to provide direct. The advantage of the NGO in this arrangement is that it ensures a flow of funds for overheads for the actual delivery of the service, thus establishing the administrative structure of the NGO on a firmer basis and increasing the professionalism and prestige of the organisation. The advantage for the government agency is that the arrangement is cheaper and more flexible in terms of human resource deployment. Cuts in government budgeting, to put it negatively, can be more easily sustained where it is the employee of an NGO who is being funded, rather than a permanent (and unsackable) public servant. Additionally, the agency itself can normally be expected to make up part of any shortfall through falling back on its own fund-raising efforts.

The novel item in the present conundrum of the Local Aboriginal Land Councils is that they are unwilling to participate in collective action for their own good,
unless they are paid to. This is the conclusion one is led to in surveying the data, viz, that for a majority of the Local Aboriginal Land Councils nearly all the Land Rights funds allocated to them are being absorbed in administration costs in a situation where the Government imagined it was supplementing the resources of what were, in the main, voluntary organisations. The Act’s assumption - never stated, incidentally, outside the private meetings of the Policy Committee but implicit in the institutions set up - is clearly incorrect. One might further question whether it was realistic at the time.

Of particular interest here is the capacity of organisations at the local level to perceive sufficient of the complex reality which constitutes Aboriginal poverty in New South Wales to enable them to act. Local perceptions of local problems tend to predominate in local settings. The Land Rights Act, seeking as it does to alleviate economic deprivation, the roots of which are not local so much as endemic and historic, was perhaps always prey to this contradiction. A second point to note is that behind the rhetoric of Aboriginal community lies a great deal of dissent, as perhaps it does in all poor communities. Neither of these facts is adequately reflected in Keane and the Act was formulated on the basis that localist solutions to macro problems were possible and that Aboriginal communities were characterised by a great deal of harmony. The fault is perhaps not Keane's, as an examination of the Minutes of evidence before it reveals
that no-one pointed out either of these propositions or their weaknesses to them. Rather, the Minutes of evidence reveal that those to whom the Committee spoke saw a united Aboriginal community in New South Wales, convinced of the justice of its claim for land transfers and for this, ahead of all other competing claims requiring funding from public sources.

c) The notion of community in the Act: Central to the design and operation of the Act is the notion of community, for the Act sets up three tiers of community-based organisation to deliver benefits. These three tiers are democratically elected and between them have complete control of the resources allocated to Land Rights. The notion of community rarely conjures up any picture of dissent, yet the two go together in most circumstances. They certainly coexist in Aboriginal communities where the normal divisions one expects in community organisations are compounded by poverty and the other effects of social marginalisation.

In many respects the former reserves in New South Wales are chronically incapable of responding to the demands placed upon them by the Act or rising to the expectations implicit in the Act. Elspeth Young makes a point of some relevance to all reserve communities in New South Wales when she points out:

Theoretically, self-management of Aboriginal communities should provide a remedy [to dependency] but unless it is associated with control
over an economic resource (e.g., land, mineral rights) adequate to provide an income for the population, it will never succeed in practice. (21)

She goes on to note the enormous gaps in Aboriginal and white understandings of the importance of investment, the nature of work, the primacy of human relationships in economic transactions and the notions of family and the difficulties this creates for non-Aborigines in coming to terms with Aboriginal reserve communities. This difficulty flows through into the design of programs.

Partly as a consequence of this, Aboriginal community life in both urban and rural settings is often characterised by violence, vandalism on a large scale, alcoholism (22), the loss of younger people (23), identity problems among both children (24) and adults (25). On the former reserves, the only properties actually owned by LALCs at the moment, nearly all housing is ex Aboriginal Welfare Board and hence "temporary". Most were constructed in the 1940s and 1950s on a provisional basis but are still in service. The contribution which poor housing and vandalism makes to the generally poor level of community development is no doubt considerable (26). The Hall and Jonas study referred to earlier establishes a significant difference between the level of satisfaction of basic human needs of former reserves when compared to both town and city Aboriginal communities. These poor and isolated communities are now attached to LALCs where they often constitute a drain on the slender, human and material
resources available to the LALC. The strain they impose may take the cutting edge off such spurs to self-directed community development as might be there.

Finally, a point worth noting is that the Act takes no account of, and hence does not accommodate itself to, the possibility of self-interest in Aboriginal communities leading to misallocation of funds. Communities are assumed to be functioning corporate entities where some form of democracy (even if rough and ready) will ensure the allocation of resources to the ends which the population argued for so vigorously when consulted (that is, land acquisition).

Rolf Gerritsen makes the point, with respect to the Northern Territory, which has something in common with New South Wales, that this is a flawed understanding, because it does not take account of "rational self-interest" among Aborigines. Speaking of the control (27) within an Aboriginal community by dominant men of the application of funds coming from without, he says:

Resources provided by Government ... are a major element in this political competition. It is the reason that Government programs are not necessarily implemented at the local level in the manner intended by Governments: frustrated or modified service implementation leads to the accusation that councils and other local institutions are 'inefficient'. The dominant men seek to control the few resources created by service delivery: to have the initiative in directing these resources for their own political advantage ... The popular image of Aborigines being powerless in their dealings with bureaucracy needs to be substantially modified. The position of the dominant men
depends upon their being able to direct resources to reward their families and retainers ... When we become aware of these facts then the way that services are applied in Aboriginal villages becomes more understandable. Instead of the current focus upon the 'problems' (and failures) of service delivery, we see the consequences of the rational pursuit of self-interest. (28)

Of course, Gerritsen is speaking of the Northern Territory and of service delivery, but his paper at least raises the possibility that in New South Wales poor Aboriginal communities have to be understood in a different way to poor white communities, that we need to contemplate a form of community life and the allocation of resources within it, which is not understood by white policy-makers. The possibility is there that the implicit notion of community in the Act is too simplistic to be a usable model. The incompleteness of Keane's initial analysis may go a long way towards explaining the unexpected results of the Act's first two years of operation.

d) The centralisation of control of land purchase: The ability of LALCs to dispose of money intended for land purchase represents one of the few aspects of the Act unreservedly supported by Aboriginal groups during the preparation of the Bill. Part of the criticism of the operations of the Aboriginal Lands Trust, which held title to the Aboriginal former reserves until 1983 was precisely that it centralised a set of activities (land holding and management) which belonged to the grass roots. Implicit in the above, however, is the observat-
ion that a centralised system of land acquisition would be less wasteful and more likely to deliver to the Aboriginal community as a whole (though not to some individual LALCs for some time) the broad acres envisaged in the Act. This can be achieved either by centralising land purchase in NSWALC or in a RALC.

The single strongest argument against these courses of action - both of which incidentally would be legal under the Act - is that there are already people whose job depends at the local level on the Act. Such a course (centralisation of land purchase) would involve terminating the employment of Aboriginal workers and, since their relationship to the LALC as employer is more akin to member to member than employer to employee, it is unlikely that LALCs would surrender this power. This is especially so, as job creation is a welfare benefit which the communities regard quite highly, whether or not it detracts from the achievement of the aims of the Act.

It needs to be asked, then, not whether such a course of action is paternalistic, but whether it is possible in the first place. Indications are that without amendments to the Act it is not. The twice-yearly payments flowing to LALCs for use on whatever purposes they deem fit is the price which the Government is paying for Aboriginal cooperation with the Act. Had the local communities refused to form Land Councils, which they might well have done, had there been no immediate tangible benefit, the
Government's Land Rights Act would have been a political albatross and confirmed the early criticism of both Aboriginal leadership and sections of the ALP.

Whether the centralisation of control over the money represents the fairest solution for the Aboriginal communities depends largely on whether the satisfaction of land needs or higher order priorities is regarded as more urgent. Communities are certainly satisfying some of their basic human needs by the pattern of expenditure they have adopted. The fact that this pattern of expenditure does not fit in with the expectations of the government (or often with the imperatives of the Act) is perhaps unfortunate, but may, in welfare terms, represent a rational ordering of needs.

e) Real functions of the Act: With three major payments made to LALCs and no land having been purchased, the intentions of the Act are not, at this admittedly early stage, being realised. This is not to say that nothing is being achieved. There are (above) several welfare outcomes of considerable importance at the local level which are being achieved. Moreover, the regular flow of money into Aboriginal communities is having (according to NSWALC) a positive effect on a number of factors which contribute to community development including:
- the sense of control over the organisation of communities;
- the intangibles of community pride;
- better availability of funds for community activities (for example, recreation) which have a function in integrating the community with the town - a strong wish of many country communities;
- a reason to meet regularly and hence to develop a sense of community participation and democracy;
- a better range of opportunities to meet with members of the non-Aboriginal community and hence to develop links with the town.

These are somewhat intangible and have not been assessed by NSWALC but, taken together, they do indicate that some positive developments have already happened as a result of the Act. It perhaps needs to be reiterated that we are dealing with Aboriginal communities which often experience extraordinarily low levels of corporate development, with few community organisations, little unity and subject always to losing their most active members to town or city. Any signs of life which indicate a degree of self-directedness represent green shoots which perhaps show great promise of bearing fruit in the future. It may well be that the local decision made in the majority of cases throughout Aboriginal communities in New South Wales to trade off land purchases for some more pressing community needs (especially the payment of full-time personnel) may represent a profitable investment in community development which will offset the welfare losses attributable to land acquisition foregone. It is unlikely, of course, that this will be put to the test because the Government is fully committed to delivering
land as the solution to welfare problems. Any withdrawal from this is equally a withdrawal from the commitment it has made both to its Left and, through its rather sleight-of-hand endorsement of Keane, to the general public whose taxes it has partially redirected for fifteen years.

The future operations of the Act: The rhetoric of the Land Rights Act has carried within itself, in a sense, the inner imperative to maintain its direction. That is, the clarity with which it has been argued that land, and land alone, can and will overcome the disadvantages suffered by Aboriginal communities in New South Wales - manifold and diverse as these disadvantages are - make it politically impossible to reverse the decision. The most obvious option available to the Government, to turn the Land Rights Act into a community development act and allow LALCs to apply the funds for community development purposes, is no option at all. Keane, the Minister's second reading speech, the supporting statements by the ALP both in and out of Government and the Act itself have foreclosed all the options politically except making the Act work. Making the Act work means making sure land is acquired. It is probable that the Act rests on a flawed notion of Aboriginal community. It assumes that Aboriginal community life, at the local level, has a high degree of self-awareness, that communities have some consensus on their future direction and the role played by land acquisition in that future. Aboriginal communit-
ies, however, are often poor and this generates a set of problems which militates against community development. It is possible that this lack of community development is compounded by a failure to understand the inner sociology of Aboriginal communities and the role of community leaders within them. The imposition of three tiers of democracy upon the Aboriginal community in New South Wales has certainly not resulted yet in the emergence of a consensus on development at the State, the regional or even the local level.

There are some positive welfare outcomes from the Act. It may prove in the long-term that these outcomes are desirable. It is unlikely, however, in political terms, that the continued non-acquisition of land can be allowed by the Government to continue, not because there is no good coming from Land Rights money, but because insufficient land purchase is resulting. And the solution to Aboriginal welfare problems through land purchase is, of course, the operative ideology which fits the Aboriginal Land Rights Act.
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8 Private communication: September 1984.

9 Hall, M. and Jonas, W., op.cit.

10 Frances Donovan, in her paper, "Evaluation in Relation to Standards of Performance" (Through a Glass Darkly: Evaluation in Australian Health and Welfare Services, Report from the Senate Select Committee on Social Work, Vol.2, p.29ff) makes the point that one can separate the preventive from the standard argument in discussing evaluation of service. The former would seek to evaluate a service in terms of its ability to prevent a social dysfunction (for example, parole programs preventing recidivism; one might add a land rights program preventing poverty). The latter would seek to evaluate on the basis of the provision of better services for the target group, for example, how to provide a better parole program if the present one is not preventing recidivism, or, one might add, how to provide a better Land Rights program if the present one is not delivering appropriately. Prevention arguments come to the fore at times of financial stringency, but, as she points out, evaluation of a service is relevant whether or not there is a bottomless pit of money because there is a level of responsibility to the target group or client: the responsibility to strive for better standards is really an ethical one.

11 Report to the Ministry of Aboriginal Affairs on community development needs of New South Wales Aboriginal communities, Aboriginal Training and Cultural Institute, Sydney, 1984, unpublished.

Kempsey, for example, a highly divided community has managed to form and retain a single Land Council.

Hall, M. and Jonas, W., *op.cit.*

Keane, S.2.32.


"Rather like a family surname group that holds property in trust, with the name and property inherited through the male line", *Ibid.*

Second Reading Speech, p.5088.


Department of Aboriginal Affairs, *Report*, 4.56ff.

Department of Aboriginal Affairs, *Report*, 5.15ff.

One index of community development referred to earlier is the non-payment of rents to Aboriginal corporations which control housing on the former reserves. Delinquent tenants generally complain that the poor state of housing is sufficient reason for the non-payment of rent, even the low rents invariably charged. The non-payment of rents, of course, contributes to the under-resourcing of housing corporations and to a shortage of funds for other aspects, human and material, of community development.


Chapter Five

STATE SERVICES VERSUS DEVOLVED
AS MODES OF DELIVERING WELFARE SERVICES TO ABORIGINES

In the following section I shall examine different ways of allocating limited resources for Aboriginal welfare. One of the recent themes in Aboriginal Affairs, for example, has been a debate about the relative merits of government-provided general services as far as Aboriginal consumers are concerned versus the provision of funding to community groups to provide the service (devolution).

One of the major policy questions which the State is grappling with, partly as a result of Keane and partly as a result of developments in the Commonwealth administration, is whether to develop further specialised government services for Aborigines or to utilise scarce funds for the support of community-based groups on the assumption that they can provide a service more closely tailored to local Aboriginal needs. At the most basic policy level, the question then becomes whether there should be a policy on government services to Aborigines or whether all funding should simply be allocated and grants made on the basis of community consultation.

A number of writers (1) have examined these policy alternatives in terms of welfare versus empowerment, the
equipping of Aboriginal communities with resources to provide for their own welfare. Little has been written, however, on the question of the viability of Aboriginal communities qua communities themselves and the related question of their capacity to retain community cohesion as they change. This question will be addressed in the next chapter.

The welfare debate

The question of welfare services has complex dimensions. Not least of these is the history of Aboriginal-white relationships in New South Wales, which are remembered with bitterness by Aboriginal community leaders (2) and with a good degree of helpless guilt by white policymakers. Notions of this history affect the Aboriginal attitudes to priority setting in Aboriginal Affairs and there tends to be relatively little preparedness on the part of most Aboriginal community-based groups, especially in welfare, to respond positively to efforts to involve them in priority setting against a background of limited resources (3). At the level of priorities setting and in the context of remembered history, the Aboriginal welfare debate is highly political. To debate values is also political. Aboriginal community leaders are vocal on the past and present aims of government welfare, the strategies for implementing them and the values on which they are based.
In recent years, the issues at stake have increasingly been looked at in terms of the values which underlay a particular policy. Keane points out, for instance, (4) and the Green Paper concurs, (5) that the nineteenth century government policy of concentrating Aboriginal populations onto reserves had been scarcely challenged, except in the direction of even more restrictive policy because of a white consensus about the aims of this policy. Only where the covert values involved (for example, the needs of the pastoral industry for land, the advantages for other government policy of a dependent black population) were exposed by Aborigines themselves and their white supporters, were they able to be effectively challenged (6). The issue of Aboriginal welfare is currently, perhaps, the most overtly politicised part of the welfare debate in New South Wales. Its moral strength seems to derive from the basis of the actual results of such welfare policies in the past, in that these policies had not lifted the Aboriginal community from their position at the bottom rung: more welfare was inexplicably accompanied by less equality.

Keane and welfare

The Keane Report is the most recent, and in some ways, the most comprehensive attempt to address the question of Aboriginal community development as a whole and the values which should govern such development. Keane's recommendations aim to improve the Aboriginal community's access to the political system in New South Wales by
giving easier access to community resources. Previous New South Wales government policy, as Keane points out (7), was based on a set of assimilationist assumptions, the notion that Aborigines should be brought into the mainstream of Australian life as individuals. Whatever the hazy notion of self-determination means in practice, in the collective mind of Keane, it clearly denotes the attempt to incorporate the Aboriginal community into the mainstream of New South Wales precisely as community, with as much retention of Aboriginal culture and tradition as possible. Keane starts with the observation that Aborigines should be able to function as a self-determining group within the broader society and to achieve this they would need certain resources, administered in appropriate ways. In discussing Aborigines as "dispossessed" (which implies deliberate intention on the part of white policy-makers) it comes nearer than any other government sponsored report to putting the debate into a class framework, some implications of which will be examined in the next chapter. His recommendations can be classified into the areas of:

1 **Policy** (that the government recognise that the group that it is dealing with is a dispossessed minority which wants to retain a racial and cultural distinctiveness for which it will require the return of certain resources).

2 **Programs** (that the resources be administered through the granting of Land Rights and the adoption of
welfare policies which aim at empowerment, rather than long-term dependency).

3 Methods (welfare programs to counter dependency will need to be carried out through the application of new methods which include greater Aboriginal control over policy development and service delivery).

Keane's recommendations were made at the moment of the high point of new federalism in Australia, where the reappraisal of welfare spending generally was under way. What has been nicknamed "thatcherism" (8) (welfare as wrong for society and wrong for the recipient, endangering as well the viability of the [market] economy) did not proceed as far in this country as it did in the UK or the US, but the climate in which these recommendations were partially enacted was a climate of fiscal restraint, where leaner welfare policies and rigorous periodic evaluations of their effectiveness in reaching target groups were becoming the order of the day (9). The question arises as to how effective Keane's proposals ever were in the context of shrinking fiscal resources.

Keane's welfare proposals include a number of recommendations concerning welfare spending, housing, health and education. At the base of all these recommendations, however, is the notion of Land Rights - that significant parcels of land should be directed to Aboriginal communities to trigger community self-development through a regained sense of communal identity. Even if the sum
recommended by Keane for land purchase (7.5 per cent of land tax for 15 years), together with the unspecified compensation mentioned elsewhere in the Report were enough to tip the balance of power in society noticeably in the direction of Aboriginal communities, there is a lacuna in the recommendations on the size of funding (or its source), needed for the physical development of the land transferred, or the community development of the communities concerned. These were bound to be sizeable and, although there may be some question of accommodating them in the context of an expansionary economy, there was little chance of negotiating them where State finances were effectively constrained.

As far as applying the principles of the Report to existing welfare policies and systems in New South Wales, shrinking or constant resources in the public sector need not necessarily negate efforts at social change. Demands in welfare spending are always changing with respect to their nature and size. Some new demands are, in principle, able to be met within the constraints of the existing cost structure. Problems of redeployment of resources within a welfare agency are, of course, famous. It does happen, nevertheless, that resources are "trapped" within an organisation because their use has not been transferrable. It took an act of Parliament, for example (10), to release significant resources within Health administration in New South Wales and to unfreeze the staff positions built up over the years and make
these funds available for new positions and an altered range of services. Often, that is, a crisis in welfare administration is partly able to be addressed through administrative reform as much as by representations on the quantum of budgetary funds. Gerald Caiden (11) points to 4 instances where administrative reform might be needed in a welfare agency:

a) Where administration is obviously failing to meet the demands put on it.

b) Where administration is capable of meeting current demands but is not equipped to meet foreseeable future demands.

c) Where administration is unable to anticipate demands despite having the capacity.

d) Where administration has the capacity to meet future demands, is able to anticipate them but does not adopt effective methods in doing so.

In an environment of static or shrinking resources, the first question to be asked in all these circumstances is, how can administrative reform in welfare be achieved by reanalysing the patterns of resource use?

The second question might be, what additional resources are needed to achieve welfare reform.

Economic rationality would seem to demand that the capacity of existing structures to satisfy welfare needs through a redeployment of resources and rearrangement of
priorities should be investigated before additional resources are nominated. Clearly, this was not the case in the implementation of Keane. Reduction of resources within the State administration was being investigated at the same time as Land Rights legislation - new resources - was being introduced.

The incapacity of administrative systems to change their structures in such a way as to free resources for different uses is one of the standard criticisms of government welfare. There is a temptation to see in bureaucracies a system built in the past, subject only to long-term change and utilising fairly rigid processes (large institutions, a core of relatively static personnel in welfare) to deal with problems of greater and greater complexity. Aboriginal health is an instructive case. The period since 1973 has seen a significant investment by the Department of Health in New South Wales in an Aboriginal Health Program. This has meant a slow and steady growth in the number of personnel employed, the number of clinics operated and the types of preventive programs attempted. Yet the growth of the program has been accompanied by rising criticism of service users (12) who complain that locking up more and more resources in preventive health keeps them from being applied to urgent problems in primary health care. Examples of this competition for resources between community-based organisations and government service providers can be repeated in Aboriginal children's services and education. Bureauc-
racies are seen as being unable to reallocate resources in such a way that emerging problems are dealt with as they arise and in ways in which may need new methodologies. The new methodologies are hampered by the fact that resources are already spoken for.

The above, of course, tends to be a caricature. Even in big organisations, the tendency to bureaucratisation (increasing formality, depersonalisation, identification with the process rather than the outcomes) is not inevitable. The recent scaling down of the Victorian Health Commission's Aboriginal Health Unit in the interests of increased local control is a case in point (13). The redeployment of resources can be made to happen within large organisations if there is sufficient will to rearrange priorities. In the case of Keane, the conclusion one is inevitably led to is that complex and uncertain procedures involving new legislation and the deployment of large new resources were attempted before this redeployment of resources from within the government system was even tried. Such a redeployment became all the more difficult to the extent that Land Rights legislation was actually achieved. For Land Rights, with its heavily symbolic, totemic character, took the place of administrative reforms in welfare. It is much more difficult to argue for a redirection of welfare resources within the Department of Youth and Community Services, for instance, in circumstances where the Aboriginal community of New South Wales is collectively in receipt
of such seemingly large amounts of money. This is so even where the money is for a set of measures (Land Rights) which are supposed, in the popular imagination (14), to allay the need for welfare expenditures anyway.

To a certain extent, the existence of Land Rights legislation acts as a barrier to the redeployment of funds within welfare, education and housing because this redeployment is conceived as being, now, so much less urgent. If it could be shown, however, that the benefits of the Land Rights Act are such as to make up for this putative loss of resources in other aspects of the Government's administration, it could be conceived as a fair trade-off. The evaluation of the Land Rights Act is covered elsewhere. What is intended here is to demonstrate the seriousness of these unforeseen consequences of the Land Rights Act, especially the fact that its existence acts as a brake on the redeployment within the State administration of funds for Aboriginal welfare which might have a higher productivity if applied in some way alternative to land acquisition.

**Devolution**

The tendency to bigger bureaucracies is not inevitable. It is, however, common. Public bureaucracies often have a monopoly of resources in a particular service area, leaving few alternatives for provision by community-based organisations. The decision to delete a government monopoly on services and to allow non-government or community
agencies as alternatives (using part of the available funding) in providing such services, can be part of a devolution process and represents an important step in increasing the responsiveness of the government sector to social change. Chapter Two discussed the range of services offered through State government instrumentalities to Aboriginal clients. I have discussed above the braking affect on the expansion of these services provided by the existence of Land Rights legislation and its presumed benefits. What, though, of the Aboriginal community-based services? What potential is there for organisations to increase their capacity to provide a wider range of services to a greater number of Aboriginal communities? Further, are the brakes on funding these community services merely in the realm of scarcity of resources and would they be better or more appropriately funded in an environment of minimum financial constraint, or are they not perceived as sufficiently accountable to be given a larger role?

In a highly insightful paper on the modern notion of localism in its different manifestations, (15) Martin Mowbray surveys the meaning of different terms used to denote self help and its corelatives, voluntarism and community development. The rise in popularity of notions of voluntarism is something, he says, which can be used to support conservative values. Underlying their use, often, is the covert notion that welfare is wrong and
self-reliance, individualistically conceived, is a viable, preferable and possible alternative.

Conservative values in Australia, as in the US and UK have become culturally attached to the term (self-help). As much as various individuals may wish self-help to mean simply maximum devolution of decision-making or local control, it far more reliably and effectively connotes visions of economic achievement and independence, individualistic moral responsibility and competition ... Self-help is an extremely useful concept ideologically for supporting and extending the policies of the new Right. It is scarcely surprising that interest in self-help is at least as apparent in government and para-state organisations as in groups most affected by cuts in public expenditure. (16)

Mowbray argues that the resurgence of the term community development and the use of the community management committee are indicative of attempts to provide welfare at a low cost and a way of overcoming the difficulties involved in attempting to provide welfare services from government agencies facing financial constraints. Community development, that is, may be being used as a means of providing welfare on the cheap. Community-based groups themselves contribute to this by attempting localist solutions to systemic problems.

The past decade has seen a significant increase in the scope and number of Aboriginal community-based services. The community-based welfare services in this country normally denote the principle of community direction and control with some participation from government by way of partial financial backing. Perhaps the greatest difference with Aboriginal community-based groups is that rarely, if ever, is government financial backing anything less than
a hundred per cent: community sources of funds hardly exist. The significance of this will be addressed later.

A second feature to note in respect of Aboriginal community-based services is that (above) the Federal Government, the main funding agent, sees them now, and did in the past under the regime of the former government, as manifestations of Aboriginal self-determination. Implicit in this is that the very process of community-based welfare services is of intrinsic importance, regardless in the final analysis of the positive welfare consequences (17). Thirdly, Aboriginal localism operates universally against a background of extreme factionalism and community disunity.

Aboriginal community-based services: State Government interaction with

The first of the Aboriginal community-based services to achieve real success in terms of identifying an urgent community need which could be effectively met by community-based resources, and in terms of securing permanent government funding were the Aboriginal Legal Service and the Aboriginal Medical Service. Both these evolved rapidly in the early 1970s. Evolution of other community-based services was slow and was hampered by, above all, the shortage of administrative and professional expertise among the Aboriginal community itself.
Early attempts to emulate the Aboriginal Medical Service model included Murawina Pre-School in Redfern, an Aboriginal community-based pre-school which began in 1972 and which is today funded by the Commonwealth. This model has been duplicated at (Murawina) Mt Druitt, and would doubtless have been tried elsewhere had there been sufficient Commonwealth funds available.

The Aboriginal Medical Service, Redfern, and a handful of other Aboriginal Medical Services (Nowra, Kempsey) which are fully funded by the Commonwealth, the Aboriginal Legal Service in Redfern and its network of fraternal agencies throughout the State, also Commonwealth funded, together with Murawina, Redfern and Mt Druitt, represent, between them, the models for community-based action which scores of other community-based Aboriginal organisations have, in recent years, sought to copy. The strength of the model derives as much as anything from the assurance of secure funding. Where Aboriginal organisations have been in a position to secure funding early in their existence (especially in the period 1972-75 when a considerable expansion in the resourcing of Aboriginal community-based groups was encouraged) they have generally survived and expanded. Where they have been forced to seek funding in an environment of shrinking or static resources, they have had a more chequered history. This had been especially so where they have sought funding from the State rather than from the Commonwealth Government, for
example, from the Department of Youth and Community Services or the Department of Health.

Illustrative of this has been the Aboriginal Children's Service. The Service began as a limited welfare referral service in the late 1970s. It has received funds from the Department of Youth and Community Services, from the Department of Aboriginal Affairs, from the Office of Child Care and from the Alternate Care Committee, all on a short-term basis in the expectation that the body, once thriving, would attract permanent funding from some governmental body, not themselves. The reluctance to fund is, in part, accounted for by the inability of the Board to identify a role for itself, to define the work of the staff or to maintain a semblance of unity among themselves (18). Yet the objective problem which the Aboriginal Children's Service seeks to address, the large number of Aboriginal children coming to the attention of the Department of Youth and Community Services or the courts and the need for specifically Aboriginal welfare intervention on their behalf (counselling, emergency accommodation, referral, fostering and adopting), remain (19).

Aboriginal Children's Services outside Sydney reflect the same inability to act in a fully rational (acting in a way to ensure its corporate survival) manner at the corporate level. The North Coast Aboriginal Child Care Service was funded by the State (20) in 1981-82 to allow
for its establishment and to assist it to the point where it could successfully tender for funds, from either the Office of Child Care of the Department of Social Security or from the Department of Aboriginal Affairs. Some $180,000 was made available on an establishment grant for the purchase of premises and the physical establishment of the service. The processing of clients, was to begin early in 1982, six months after the money had been made available (21). By August 1984, the effective processing of clients had still not been started:

It is unfortunate that it has not yet been possible to provide these services (foster programs, extended family support program, short-term accommodation, directly ... (22)

There was an inability to start the program for which the service was established. This was delaying the application of other funds from the Office of Child Care as well (23).

Children's services are perhaps the most obvious instance in which community-based services have difficulty in meeting the accountability requirements of funding agencies. Other community-based services have other common problems. Medical services exist in areas other than the Commonwealth funded ones - Wilcannia, Wollongong, Newcastle and Purfleet, for example. These operate, where they can obtain the services of a doctor, on the basis of the bulk-billing of patients - which assures the salary of the doctor, but does not cover other overheads. For this latter reason, seed grants have, from time to
time, been available from the Department of Aboriginal Affairs, but this funding is uncertain.

The Department of Aboriginal Affairs claims (24) that the basis for rejecting funding is only partly the availability of the funds themselves. It is also due to the shortage of clients, that is, the lack of effective demand for the service. There is a clear gulf here between the claims of the organising committees concerned and the actual experience of the clinics themselves. A low number of clients, of course, means a high cost of treatment per client. It also means that significant numbers of the Aboriginal community in any given town (if not the majority) must be seeking treatment from local GPs and hence be sufficiently satisfied with the service, not to wish to change. Invariably, however, the chief claim of the community-based Aboriginal Medical Services is that they are providing a service which the Aboriginal community demands (25).

There is a similar confusion in children's services. The North Coast Aboriginal Child Care Agency clearly had little idea of the actual strength of demand of their services when the windfall of the State's initial funding fell into their lap. The Aboriginal Children's Service, Redfern, however, claims that their 1.5 officers service 200 clients (26). This ratio seems implausible.
The conclusion to be drawn from the Aboriginal Medical Service experience outside Redfern (27) and from the experience of the Aboriginal Children's Service, Redfern, and on the North Coast is that there was only a very general or hazy notion of the type of demand for the community service and of the potential number of clients who might require servicing (27). The problem of predicting welfare outcomes, of course, is common for almost any service, government or non-government. In Aboriginal welfare it is made more complex by the existence of additional agendas including factionalism and the need to create jobs. Once the service was established, there seems no clear evidence in either case that the service was positively fostered among potential clients (28), indicating a lack of real concern with outcomes, again indicative of competing agendas.

There is some fragmentary evidence that the function of a community-based service for the Aboriginal community is different than for the non-Aboriginal community. Certainly, the mere existence of a service is of great significance for a number of Aboriginal community. The service expresses pride in Aboriginal achievement. It demonstrates that Aboriginal communities can run a corporate enterprise and it is proof that the ones who best understand Aboriginal needs are the Aboriginal community themselves. Marcia Langton, for example, points out:

When paternalistic restraints and the stigma of Aboriginality began to lift in the mid 1960s, many Aboriginal groups, both in and out of the
cities gained the freedom to express their cultural aspirations in their own terms and idioms. Aboriginal medical, legal and housing organisations are manifestations of this. By the later 1960s, a series of successes brought Aborigines to the point of demanding equal but different access to material wealth and social, legal and political status. (29)

In discussing Aboriginal community-based services with funding agencies, the service providers often frame their defence as much in terms of the role of the service, vis-a-vis the political aspirations of the community as in terms of the service to clients (30). Most instructive here is the brief history of the local Aboriginal Land Councils set up by the Aboriginal Land Rights Act (1983). These community-based organisations are vociferous in the defence of their functions but are failing to achieve the sorts of goals, in terms of land acquisition, set out for them under the terms of the Act. As indicated above, the evidence is fragmentary and even anecdotal. But it points to possible distinctions which have to be made in discussing the effectiveness of the provision of services from either a governmental or a (government funded) community-based agency. These distinctions revolve around the question of the latent functions of an Aboriginal community-based organisation.

Certainly they exist, as do non-Aboriginal community-based organisations, to provide a service to clients. They may also exist (depending on the type of service and the adequacy of funding) to assert the capacity of the Aboriginal community to be self-directing, to carry a
political agenda apparently unrelated to the narrow service function it has set itself (31), to provide jobs for the directors (32) or housing for their relatives (33).

Nepotism is a long-recognised characteristic of Aboriginal community-based services and must be taken into account when assessing both the agenda of the service providers and the potential clientele of the service. Factionalism, also well established in the Aboriginal community, is another element which bears on the ability of the community-based service to provide what it has been funded to provide.

This need not detain us. It needs to be pointed out, though, that they cloud the issue of evaluation to a degree not found in non-Aboriginal community-based organisations. Nepotism and factionalism distort the allocation of resources to targeted groups and the issues are so complex that they are invariably quite beyond the capacity of most governmental decision-makers to comprehend. Hence, they are assumed away or dealt with on the basis of expediency. One result is a bias in the allocation of very limited resources towards those Aboriginal groups already in positions of power or leadership and through them to clients. The issue of the function and effectiveness of Aboriginal community-based services is far more complex than the simplistic rhetoric of their leadership. Not least of these complexities is the partisan views and attitudes of the service providers, the
divisiveness within the communities and the fragmentary nature of the services (geographically that is: rarely is an Aboriginal community-based organisation tempted to expand beyond its natural catchment area. Where it does it is normally impeded by the growth of a more locally-based community-based organisation which competes for funding for the area, for example, Murawina, Mt Druitt versus Murawina, Redfern, the Redfern Aboriginal Children's Service versus the Mt Druitt Aboriginal Children's Service and so on).

The above will have opened up some of the principal questions which merit consideration in attempting to make general evaluative comment on the provision of services to Aborigines through either the community-based model or a governmental generalistic services model. In the following section I will note some of the instances involved in funding services for Aborigines through the service-providing departments of the government. I shall conclude by comparing the degree of difficulty involved and the policy implications currently being faced by the New South Wales Government as a result.

**Services through State instrumentalities**

The main vehicle for the provision of welfare services in Australia is the community-based organisation, which receives funding from both Commonwealth and State Governments on a fee-for-service basis (34). A large number of services, however, are provided from the Government's
functional departments. These include the Department of Youth and Community Services, Housing and Health, which provide generalist services to the whole community, services which are, by their nature, also available to Aboriginal people. Aboriginal groups and individuals thus have access to:

a) Commonwealth Housing Grants administered through the Housing Commission and available to the Aboriginal Housing cooperatives, as well as access to normal Housing Commission lists.

b) The preventive and educational health resources of the State Department of Health as well as the Special (Commonwealth) Grants to the Aboriginal community-based Health Services.

c) The welfare and family services administered by the Department of Youth and Community Services as well as the grants in aid for community-based welfare (especially welfare referral) provided by the Commonwealth.

A number of services are available through State instrumentalities which are not available to the general public. Although administered by the State departments, they are paid for either by the State or the Commonwealth. These include the 100 positions in the Health Department, the forty positions in the Department of Youth and Community Services for Aboriginal community workers and the Family Resettlement Aboriginal Corporation (35), administered through the Housing Commission. These are Aboriginal programs and their usefulness is
often questioned by Aborigines involved in Aboriginal community-based services, who see them as competing for the scarce funds available, and indeed, since they involve the administration of a program by permanent public servants (albeit Aboriginal) as having an unjustifiable first claim on the scarce resources for Aboriginal development.

In both health and welfare a common model is followed. On the assumption that Aboriginal health and welfare needs are so poorly met because Aboriginal clients fail to utilise the services available, Aboriginal workers within the service-providing departments should be employed to ensure that Aborigines are aware of services and have the means of tapping them (transport, assistance in applying for money, etc). Facilitation is the role assigned to these workers and there is a strong echo of this model in the role assigned to the Aboriginal Teachers Aides in the New South Wales Department of Education. The role here is for the teacher aide to ensure that the school system functions adequately for the Aboriginal child (assistance with communicating with non-Aboriginal teachers, liaison with the home, etc).

Both the Aboriginal Health Worker Program and the Aboriginal Community Worker Program have been the subject of evaluations in the recent past (36). Both reports are high in the praise of the workers themselves, but neither tackles the question of the validity of the model (the
facilitation of communication) and neither delves into the question of the possible alternative uses of the resources deployed. This limits the value of the two reports because they do not assess their worth vis-a-vis the community-based services. One important untested assumption, of course, is that the services which the Aboriginal Community Workers, the Aboriginal Health Workers and the Aboriginal Teacher Aides are linking the clients with are suitable services for the clients' needs. Indeed one of the consistent claims of the Aboriginal community-based services is that they alone are providing a service tailored to the needs of clients as they manifest themselves locally. This too, is an untested assertion as most of the recent research work on community-based services has been done with the service providers, not the clients (37). Government policy-makers have been forced to work on inference and the balance of probabilities in recommending whether:

a) the State provided services and their Aboriginal facilitators, or

b) the community-based services and their Aboriginal administrators

should be favoured in the future allocation of resources. A number of generalisations are possible, however, which will indicate the differences between the range of problems faced by both the community-based and the Aboriginal units of the service-providing departments.
<table>
<thead>
<tr>
<th>Community-based services (vs) Aboriginal units within the functional department</th>
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<tbody>
<tr>
<td><strong>HEALTH</strong></td>
</tr>
<tr>
<td>a) <strong>Object</strong>                  Primary Health care                       Preventive/educational health</td>
</tr>
<tr>
<td>b) <strong>Coverage</strong>               Selective                                  Most significant population centres</td>
</tr>
<tr>
<td>c) <strong>Use by community</strong>       High use by minority                      Direct function of competence of staff</td>
</tr>
<tr>
<td>d) <strong>Blockages to future development of service</strong>                          Administrative expertise    Relevance to community need</td>
</tr>
<tr>
<td><strong>WELFARE</strong></td>
</tr>
<tr>
<td>a) <strong>Object</strong>                  Welfare referral (families/children)     Facilitation for services of YACS</td>
</tr>
<tr>
<td>b) <strong>Coverage</strong>               Partial/local                              General</td>
</tr>
<tr>
<td>c) <strong>Use by community</strong>       Low and selective                         High</td>
</tr>
<tr>
<td>d) <strong>Blockages to development of expertise</strong>                               Administrative expertise    Training; relations with other staff.</td>
</tr>
</tbody>
</table>

Perhaps the chief problem which faces Government policymakers in the development of services for Aborigines in New South Wales in contemplating the relative merits of community-based over Government provided services is the extremely limited coverage of the community-based services. Aboriginal experience of community development has not reached the stage where effective networks are established among any of the community-based services (38). For example, whereas there is an Aboriginal Children's
Service in Redfern and one at Mt Druitt, the two do not communicate effectively. Although there is an Aboriginal community-based service at Nambucca Heads, there is not one funded at nearby Kempsey, a larger town where the needs are probably greater. The very existence of community-based services is more a function of the experience and luck of the local organiser in obtaining funds than it is a reflection of need. The Government departments which might be in a position to identify a priority of need are themselves unable to summon a community-based organisation into existence. The initiative must come from local sources.

Despite the successes of some community-based services, large areas of the State remain untouched by their influence. As a consequence, the capacity of funding bodies to provide a service to them is limited. Nor can a service not provided by a community-based organisation simply be provided by a department. Often, if not always, the particular service is simply not available from the relevant department (for example, the Department of Health provides preventive health care, not primary health care).

If the Government, then, wishes to increase the availability and range of services through community-based groups, it will need to discover how to support their development and to strengthen their ability to administer funds in ways which reflect full accountability both to funding
agencies and clients. The Ministry of Aboriginal Affairs has made this the subject of a research proposal in 1984-85. The need for this research project indicates a certain confusion among policy-makers about the future development of Aboriginal services. This is reflected also in the Ministry's four-year corporate plan (39) which allocates equal resources to the investigation of the adequacy and coverage of both the community-based services and Government services for Aborigines, despite the Ministry's commitment in principle to devolution.

**Summary**

Aboriginal localism is a relatively recent development. It began with the establishment of medical and legal services in the early 1970s in New South Wales, and has since spread to family and children's services, welfare referral, cultural support and Land Rights. The New South Wales Government is committed to supporting the devolution of control of funding to community-based groups, but the Ministry's documentation (40) reveals a certain amount of frustration with the possibilities of this, especially because of the scarcity among community-based groups of adequate financial expertise for the administration of funds and professional expertise for the satisfactory servicing of clients. The spread of community-based services is hampered by this perhaps as much as by the bias in funding towards the Aboriginal units of the service-providing departments.
Aboriginal localism does not generally indicate voluntarism. Rarely, if ever, is funding sought on anything less than a hundred per cent basis, whereas the principle of voluntarism assumes that Government funding is supplementary only (41). Aboriginal community-based organisations lack the basic financial resources which most community-based groups have, or the administrative resources to raise them. Funding has to be for both the service and the administrative framework, and is thus not as cheap as the fee-for-service funding of other agencies.

The emergence and survival of local initiatives in community-based services is largely dependent on local leaders who often have varying agendas, including (alongside providing a service) establishing a job for self or family member. Policy initiatives which rely on community initiative must take account of such power plays at the periphery. These power plays involve family feuds which may restrict the number of clients willing to use the service.

The services provided by both the community-based organisations and the functional departments are fragmentary, the former because of the smallness of the local catchment area, the latter because of the selective nature of the service provided. Clearly, there is still scope for a significant expansion of services for Aborigines in New South Wales. The nature of these services will be partly affected by the interventions of the Ministry of
Aboriginal Affairs and the outcomes of its research program, which is expected to provide the basis for the formulation of both New South Wales Government policy and the types of positions argued with the Federal authorities.
REFERENCES


2 We have used the term 'community leader' in contradistinction to 'community' in this and other sections to denote the fact that these Aboriginal 'leaders' to whom Government policy-makers speak and who generally have a close connection to one of the community-based groups (welfare, law, medical services) may not actually be recognised by the Aboriginal community at large as delegated to speak for them. H.C. Coombs, in his report on the National Aboriginal Conference (Canberra, 1984), points out that Aboriginal communities rarely elect a representative to speak for them, but rather expect him to act as a 'conduit' for the two-way transmission of message and response. Whites and, a fortiori, governments have difficulty dealing with this concept of the minimally empowered delegate and tend to treat him as the community's proxy which he very rarely is.

3 Private communication from the Department of Aboriginal Affairs: the experience of area office consultations on departmental budget submissions is almost wholly negative, the Aboriginal attitude being that the Department is attempting to divide the Aboriginal community by encouraging them to fight for the pickings among themselves.

4 Keane, p.41ff.


9 That same year, 1980-1, saw the beginnings of a rationalisation in the hospital system, in mental health and, in the form of the still unproclaimed Community Welfare Act, welfare.

10 Amendments to the Health Act 1981.

Or, in the case of New South Wales more accurately the peak council of service users, the National Aboriginal and Islander health Organisation (Minutes, Health Task Force, September 1982 - March 1983).


Mowbray, M., op.cit., p.18.

The same goes for the State Government. A July 1984 Report (unpublished) of the Alternate Care Committee investigating the uses to which the Committee's $9,000 investment in the North Coast Aboriginal Child Care Agency was put concluded that virtually no welfare services had been delivered in the previous 12 months.


As at July 1980, the last time figures were completed, 17.2% of children in corrective institutions were Aboriginal: 10% of the children in non-State children's homes were Aboriginal. Aborigines account for about 0.7% of the New South Wales population. Family and Children's Services Agency, *Assimilation and Aboriginal Child Welfare: the Community Welfare Bill 1981*, Discussion Paper No.3 of the Aboriginal Children's Research Project, FACSA, Sydney, 1981.

By the Ministry of Aboriginal Affairs from the 1981 Budget allocation; $5.0 million was made available on a once-only basis in lieu of Land Rights money for that year.

Ministry of Aboriginal Affairs file, North Coast Child Care Agency.

Alternate Care Committee to President, North Coast Aboriginal Child Care Agency, 9 August 1984.

Ministry of Aboriginal Affairs file, North Coast Child Care Agency.

Personal communication.
See Report to the Minister for Health of the New South Wales Task Force on Aboriginal Health, September 1983.

July 1983 communication to Chairman, Alternate Care Committee in the context of a funding application.

And even the Aboriginal Medical Service Redfern has consistently avoided providing funding agencies with details of the number of clients it services.

The underutilisation of services by the anticipated clientele has also been pointed out for the ethnic community. See: Jakubowicz, A. and Mitchell, G., Community Welfare Services - Ethnic Minorities, Department of Youth and Community Services, 1982.


Thus Naomi Mayers (Black Health, Australian Social Welfare IMPACT, March 1983) defends the activities of the Aboriginal Medical Services through their peak council, NAJHO, in terms of the need for Aboriginal communities to gain access to land which, in turn, will contribute to the resolution of all Aboriginal problems (poverty? identity? ill-health?)

For example, the Aboriginal Medical Service's deep involvement with the Land Rights movement or the growing involvement of the Aboriginal Legal Service with children's services.

See Chapter Four for the functions of the Local Aboriginal Land Councils in this respect.

Private communications from a number of sources.


The Family Resettlement Aboriginal Corporation is a body which facilitates resettlement of Aborigines to towns with low levels of unemployment.


For example, New South Wales Task Force on Aboriginal Health, Report to the Minister for Health, 1983.

With the partial exception of the Aboriginal Medical Service, which establishes a working relationship from time to time with one or other of the country
Aboriginal Medical Services. Here, too, however, the working relationship rarely lasts long. For example, the Aboriginal Medical Service, Nowra, was forced to seek funding in 1984 to cover the unexpected short-fall in the funding promised from the AMS Redfern when the latter unexpectedly pulled out of an agreement to support it (Ministry of Aboriginal Affairs file: South Coast AMS).


40 The question of devolution is covered in Ministry of Aboriginal Affairs file P1043.

41 The New South Wales Alternate Care Committee which funds to 30% of recurrent costs for approved agencies sought and obtained (1984) an exemption for Aboriginal agencies which would allow funding to 100% in their case.
Chapter Six

POLICY-MAKING IN ABORIGINAL AFFAIRS

In the recent past and especially from about 1980 onwards, the State (New South Wales) administration has begun to assume some responsibilities for the provision of services in Aboriginal Affairs. Some of these services are provided through the specialised (functional) departments, especially Health, Youth and Community Services, National Parks and Wildlife, Education, Technical and Further Education and Police. Others are provided under a separate Act - the Aboriginal Land Rights Act, 1983. Coordinating all these and proposing initiatives for further development of the State's services is the Ministry of Aboriginal Affairs, established in 1981. The renewed interest by the State in Aboriginal Affairs is in contrast to the experience during and following the Whitlam administration (1972-5) when the Commonwealth assumed responsibility for virtually all States' programs except for Queensland.

It will be apparent by now that while in many ways the experience of policy-making with the Aboriginal community has common elements with the experience for (poor) non-Aboriginal groups, in other ways the experience has had some significant differences and learning opportunities for policy-makers. The similarities are perhaps easiest
to deal with. Aboriginal communities are generally poor, and in terms of coherent political activity they seldom demonstrate a high degree of community organisation. They tend to lack effective leadership and have not welded effective coalitions to press their claims in any systematic way. The National Aboriginal Conference, established by the Fraser Government was intended partly to fill this function, but, as the Coombs Report noted (1) (and as a result of which the organisation was disbanded in 1985) it failed to do so.

In important ways, however, the experience of policy-making for the Aboriginal population has presented the New South Wales Government with a distinctive set of problems which are not so apparent for the non-Aboriginal community. There is a certain uniqueness to the experience of policy-making for the Aboriginal population which this chapter will explore, taking up the themes indicated in Chapters One to Five.

In the first place, the Aboriginal population is perceived by policy-makers to be distinct and to have problems not common to other groups in New South Wales. This is partly the result of certain objective factors common to the experience of Aborigines and not experienced by others, especially the reserves system and the existence of previous Aboriginal Affairs administrations in past governments (the Aborigines Protection Board, the Aborigines Welfare Board). It is also partly the result
of common misconceptions held by whites (especially liberals) of the nature, size and culture of the Aboriginal community in New South Wales. Margaret Valadian (2) believes that New South Wales Aboriginal people are "mono-cultural Australians", yet implicit in much of the work of the functional departments is the notion that Aboriginal communities are culturally distinct from the mainstream of Australian society (3).

Secondly, the Aboriginal population does have a set of characteristics which, when clustered, do indicate divergent qualities from the general population. In an urbanised society, for example, they are only half as likely to live inside the Sydney/Newcastle/Wollongong conurbation as is the general population. They tend to have much poorer health than the general population (4) but, as no studies have been done, it is not known whether their health standards are better or worse than a comparative segment of the general population standardised for class or income. Moreover, the morbidity pattern (5) itself suggests a divergent lifestyle with high death rates from substance abuse (alcohol, tobacco) and motor vehicle trauma. Other characteristics which are probably significantly different from the general population even when standardised for class or income is Aboriginal unemployment which has always been exceptionally high (6) (even in the low unemployment period of the mid to late 1960s) and educational attainment which is universally low (7). These characteristics help to make
up a profile of Aboriginal poverty which itself is
distinctive. Aboriginal poverty is seen as having
different basic causes:

For Aborigines being poor is like ... well for
whites, they have been educated generation
after generation, and they have been brought up
to get a job and buy a house and get into the
system ... A lot of Aborigines still don't
have that concept and the white man doesn't
understand that or accept it. (8)

Part of the poverty is a lack of budgeting in
the household. Many Aboriginal people live on
fixed incomes and they are arguing that they
have a poverty level that is higher than anyone
else's but if they are not willing to budget
the income that they get they are naturally
going to be poor. No Aboriginal person in this
State lives on an income of $500 a year; it is
not Third World poverty. (9)

Aborigines are still poor because there is a
deeply embedded spirit which says "if it's like
that for my father it's going to be like that
for me and my children". The idea of making
progress, being involved in planning, having
long-sighted goals in education and business,
acquiring property and money and leaving it
with the hope that your children will have a
better hope - that is very strong in the white
man. Aborigines have been able to survive
without. (10)

Whatever the reasons, the fact of Aboriginal poverty and
of its being pre-eminently the distinguishing social
characteristic of the Aboriginal community is not
disputed by any of the six interviewees nor in the
literature. The pervasive poverty of the Aboriginal
community, of course, is also the key characteristic
ascribed to the community by policy-makers. We shall
return to the implications of this later in the chapter.

Apart from the perceptions of policy-makers and the
distinguishing socio-economic characteristics of the
Aboriginal population, a third influence on policy-making for Aborigines in the State administration is their place in the Australia consciousness. Whites in Australia often harbour deep-seated feelings of guilt about the historic treatment of Aborigines. All interviewees readily admitted to the existence of the white guilt factor and its past importance in assisting the achievement of Aboriginal political aims. Not all were agreed on the present importance though the general judgment was that its effects were waning:

Our problem has always been that Aborigines have played on the guilt of Australian society. That's as far as they go. It has been useful in that it's evoked a response. Other tactics don't. But it's a limited tactic that no longer works. There are few people in this country that respond to that. Aborigines still push the guilt thing but ... the mass of Australians have other priorities. (11)

I don't think there is much white guilt left. We have gone from 93 per cent support in 1967 (12) down to about 30 per cent and any white guilt you have got now is in the churches. (13)

White guilt doesn't work as much as it did when people were demonstrating about Vietnam and apartheid and you could use that. (14)

The need to give Aborigines significant concessions to assuage guilt is best seen in the report of the Keane Committee and the Aboriginal Land Rights Act (1983) which is its partial realisation. Keane is the Report which advocates compensating Aborigines for past injustices. The Act actually acknowledges in its introductory section the compensatory nature of its provisions. Keane and the Act are premised on white injustice, not in the first
instance on the extent and profile of Aboriginal need. Although the guilt factor has faded, probably greatly, since Keane was written, it must still be considered a factor in the deliberations of white policy-makers in New South Wales.

Even if guilt were not a significant influence on policy-making in Aboriginal Affairs, it has been in the recent past and has helped to shape the variety of services now available to Aborigines in New South Wales. The Land Rights Act itself is a major manifestation of this. The Act is compensatory. It does not provide sufficient funds to circumvent the need for specific services to Aborigines. Nor is its effect, with some exceptions, the acquisition of land by Local Aboriginal Land Councils:

> The response of the Aboriginal community towards this compensatory aspect is that ... it is black money; it is our money; we can do with it what we like. There are very definite signs of people applying the funds for administrative purposes, offices, flash cars, and not for ploughing the money back into land. (15)

Moreover, the $14 million per annum allocated to the New South Wales Aboriginal Land Council for land acquisition represents by far the largest segment of State money going to Aboriginal Affairs. The State's most significant contribution, then, is in some ways the least likely to address a specific identifiable Aboriginal welfare problem.

Apart from the guilt that white policy-makers feel or felt towards Aborigines because of perceived past injust-
ices, a further factor establishing the distinctiveness of Aborigines in white eyes is the nature of Aboriginal communities themselves. White policy-makers occasionally have romanticised views of Aboriginal community life.

[The superiority of Aboriginal community life] is put forward by Aboriginal people themselves and I think it is a projection of the prevailing ideology rather than something which they have worked out themselves. People ascribing to Aboriginal communities a superior sense of community are perceiving contrary to reality. (16)

To a large extent the notion of Aboriginal community as comprised of supportive (albeit poor) extended families with a high capacity for providing support for the individual is one which is retained by Aboriginal leaders themselves. It appears in many situations where blacks testify to the quality of their own lifestyle (17). Some blacks clearly disagree:

If you are looking for a cohesive community you haven't got one. Even if you go to reserves you haven't got a cohesive community and certainly in urban areas you don't have one. You get a political alliance within the community but that is quite different to any kind of social or cultural cohesiveness. (18)

Others, however, maintain that there is a basic quality to Aboriginal community life which is conducive to support for the individual:

A casual observer of an Aboriginal community would see ... signs like broken down cars and ... unkempt houses and lawns and ... a different drinking lifestyle, including drinking on the lawns rather than in the houses ... and lots of noise ... [but] there is strong community in Aboriginal life. The way it comes out and this is not seen on the surface by casual white observers, is seen in practice by the
emotional security support based around the extended family. (19)

Both black viewpoints, however, indicate that there either is a high degree of disunity in Aboriginal communities and manifest signs of physical deterioration accompanying it or that one could be excused for thinking that, since the evidence apparently points that way. It is hardly surprising, then, that white policy-makers have established their own methods of dealing with blacks in what is perceived as an atavistic situation. Either they do not establish contact:

Government people are often too frightened. (20)
or they establish the charade of contact to satisfy the minimum requirements of consultation:

One of the necessary characteristics of colonialism is dispossession of community or alienation from the community. It is very difficult for groups to re-establish a sense of community or community ... For government departments it means we can consult with anyone in a community: it is equally meaningless. (21)

The fact of Aboriginal community life is itself a factor in the deliberations of policy-makers. Blacks are not only modally poor: a significant number of them live in modally poor community situations, especially the former reserves, but also in identifiable areas within or on the outskirts of towns.

The persistence of unsightly shanty towns may well have contributed to the continuing place of Aboriginal welfare within the white consciousness. Even the slow disappear-
ance of the shanties has not affected the identifiability of an Aboriginal township and it remains a clear locus for welfare effort while a more scattered Aboriginal community might well have been overlooked. In fact, the nature of the Aboriginal community might well have been overlooked. The nature of the Aboriginal community is changing, especially under the influence of migration to urban centres (22) and the easy identification of "the community" as the place of residence of Aborigines is becoming less and less the norm.

Even within the metropolitan centres, the Aboriginal community is becoming a geographically widespread phenomenon. In Sydney, for example, the 1981 Census indicates a much higher population for the outer west than the inner city area of Redfern, where blacks had long concentrated. Whereas "the community" has normally been a discrete geographical phenomenon, this is becoming less and less so and Aborigines appear to be merging with the mainstream of the population. One complication of this for welfare workers is that Aborigines may be harder to find in the future as the community becomes more diffuse and less confined to a geographical location. "The community", however, remains the standard locus for funding, as it is, in theory, easily identifiable and has the most treatable needs.

Much of the discussion on the nature of the Aboriginal community in New South Wales and the profile of its needs
tends to be anecdotal. To a large extent this is due to a lack of research. A good deal of work has been done in Australia on Aborigines and their communal characteristics. Much of this, especially the work of the Australian Institute of Aboriginal Studies, has favoured anthropological or archaeological investigation. The Australian Institute of Aboriginal Studies has done little work until very recently on the social and economic variables of Aboriginal life.

Recent data on the characteristics of the Aboriginal community has been obtained principally through the research program of the Ministry of Aboriginal Affairs, especially its basic needs study (23), its study of the social and economic variables characterising urban black communities (24) and its study of the needs of communities in the area of community development (25). Two studies designed to gain more information on the nature of the communities have been planned but have had to be abandoned because of Aboriginal opposition. These were 1 a study into the profile of the Aboriginal family in New South Wales, its modal characteristics and the regional variations in these (including income, household size, sex of head of household, nature of the relationship of the household members) (26) and 2 a study into the family factors making for educational achievement among Aboriginal high school students (27).
The Ministry's research program has reached the stage where opposition is significant enough for major research projects to be abandoned. Unspecified opposition of the potential population in the first case and the overt opposition of the Aboriginal Education Consultative Group in the second case are the ostensible reasons, but implicit in both there is the resentment by Aboriginal communities, and more especially Aboriginal community-based (service providing) groups at being regarded as significantly different to the non-Aboriginal population. It is doubtful whether much more work can be done within the next few years, if at all, on the characteristics of the Aboriginal community and the extent to which it differs from comparable white communities. Whether the evidence is there or not, however, policy-makers may well continue to assume significant differences and the assumptions will continue to inform policy-making regardless of any underlying long-term changes in the profile of the communities concerned. We shall return to the difficulties faced by the Ministry's and other departments' research programs later in the chapter when we discuss the effect of a shortage of data on policy-making in Aboriginal Affairs.

The question of the extent to which policy-making for Aborigines differs from policy-making for non-Aborigines is partly a factor of how Aboriginal communities differ from non-Aboriginal communities and partly a factor of how Aborigines as individuals or families differ from
their white counterparts. Communities are presumed (even in the face of limited evidence) to manifest problems significantly different from those of white communities of the same socio-economic status. And since Aboriginal policy-making primarily affects Aboriginal communities, the question of the variability in characteristics of individual Aborigines is, in policy terms, of less importance (28). The most significant factors defining the nature of policy-making for Aborigines revolve around the nature of Aboriginal communities and the way these are perceived by policy-makers.

**Policy-making and the changing Aboriginal community**

Policy-making and Aboriginal welfare has a further set of characteristics which distinguish it from policy-making for other elements of society. These differences concern the political changes which have developed within the Aboriginal community and between it and the rest of New South Wales society. For example, an Aboriginal political consciousness, as defined by certain preoccupations exists: it is articulated by men and women who purport to be leaders or who are believed by elements of the rest of society to be leaders and is partly an outcome of the perceived history of the community, especially of its past relationship with white society. In some respects the development of Aboriginal political consciousness has stirred white society (both conservative and Labor governments) to take action to meet Aboriginal political demands and to end institutional discrimination and
poverty. In other respects, however, the failure of an Aboriginal political consciousness to develop sufficiently far has halted the development or extension of concessions within Aboriginal welfare and has engendered a weariness in welfare policy formation with the seemingly intractable and costly Aboriginal problem.

Aboriginal political development was stunted for many decades by the operations of the reserves system and the lack of education and political formation of those who experienced it. There was a significant struggle for the recognition of Aboriginal rights in the late 1930s, with the foundation of the Aboriginal Australian Fellowship (29).

Early political struggle was marked, as it has been continuously, by the active participation of white supporters whose role as spokespersons has been supplanted, but whose influence within the various movements is still strong, even crucial. The key period in which Aboriginal leadership itself came to the fore and placed Aboriginal demands firmly on the political agenda was probably the period of the "Tent Embassy". It appeared on the steps of Parliament House, Canberra, in 1972 as an exercise in public consciousness raising through confrontation. There were indeed some scuffles with the police until its existence was legitimised by the Whitlam administration. It was disbanded once it became apparent that the incoming Labor Government of
1972 intended to allocate significant funds for the amelioration of Aboriginal living conditions throughout Australia.

The myth of the Tent Embassy is that it was the most significant factor in "forcing" the Government to face up to problems of Aboriginal dispossession. In fact, Aborigines were high on Labor's list of priorities. There was, within the ALP, a very strong sentiment for action on behalf of Aborigines and the transformation of the Office of Aboriginal Affairs into a fully-fledged department followed soon after Labor's accession to power. It is doubtful that the politics of confrontation would have achieved very much had it not been for this strong core of white support within the Government, indeed within the general community.

The myth of the Tent Embassy is important for our purposes because it has become the archetype for Aboriginal political action. Confrontation was seen to have worked in one significant instant. It is assumed to work in all or most instances, and alternatives to it, or modifications of it are eschewed as an unrealistic response to the presumed monolithic white opposition to Aboriginal initiatives.

Interviewees agreed that confrontation was still the basic mode of Aboriginal relationship to whites in the area of community-government negotiation.
[The conflict model] is the only model which Aboriginal people know ... There is no consciousness of a negotiation model. Nor does the Government have any notion of negotiating with them. Government people are often too frightened. (30)

There is no question about it [the persistence of a conflict mode in negotiations with government]. The dialogue or conciliatory approach has been entirely missed, which I see as a very grave error on the part of Aboriginal people. (31)

The only tactic they have got is conflict. There are very few instances where they have tried anything but a conflict model. (32)

With other [than herself] people, the success of the conflict model depends on the issue they are pursuing. It may work in Health but not [these days] in Children's Services. Health is a saleable commodity. (33)

There was general agreement as well that it was not a desirable mode for negotiation in the mid 1980s when there was a variety of government programs, State and Federal, operating to meet Aboriginal needs. The important questions of principle - whether Aborigines required special programs, the justice of Land Rights, the need to promote Aboriginal self-determination - had been settled. It was the marginal changes to progress which required negotiation and this process needed skills of a different order.

The general inability of Aboriginal leadership in community-based organisations to move beyond a conflict to a negotiation mode in their dealings with government has probably hindered, more than anything else, the development of a more responsive governmental program for Aborigines, especially programs with more flexibility or
ability to meet a changing set of needs. In some ways the weaknesses of Aboriginal communities themselves prolong the conflict with government. The pervasive disunity of the communities within New South Wales sets up struggles for the control of funding, especially where local jobs depend on the continuance of the program. The continuance of funding and the future of a program assume a greater importance than the assessment of actual needs, and lower order priorities within communities end up with favoured access to the limited funds (34).

A more highly developed sense of priority-setting within Aboriginal communities could be expected, a priori, to offset this problem, but the persistence of overt conflict within communities, especially as expressed by the struggle of one Aboriginal community-based organisation against another perpetuates the practice of conflict as the mode par excellence, of negotiation with government.

The endemic conflict and competition between Aboriginal community-based organisations has also acted to prevent the emergence of peak councils within the Aboriginal community which might take over and rationalise the process of negotiating with government for the future development of services. An exception is the area of health where the National Aboriginal and Islander Health Organisation has become the single organisation which negotiates with the Commonwealth Government on the funding of community-based medical services. The National
Aboriginal and Islander Health Organisation is an exception largely because it pre-existed most of the community-based medical services and was instrumental in their establishment. They have been able to exercise a loose form of control and to mitigate the worst effects of conflict between them while negotiating with (often, too, with overt conflict) the Commonwealth Government for funding. In other areas, welfare referral centres, community centres, children's services (35), and housing associations, there are disparate voices with contradictory messages. Consultation in this environment becomes a problematic exercise.

Failure of Aboriginal political consciousness to develop and to find more appropriate ways of negotiating with government than conflict has helped in recent years to alienate much of the active and passive goodwill of white decision-makers. The phenomenon of white guilt as a spur to the design and implementation of new programs has probably largely vanished (above). There has emerged, however, a positive antipathy to Aborigines and especially Aboriginal spokespeople or leaders (36). Aborigines are seen as being irresponsible or greedy. This has been especially the case in New South Wales since the passage of the New South Wales Aboriginal Land Rights Act where the conferring of rights on Aborigines is often seen as depriving others of their rights, actual or potential. The phenomenon has been noted before.
The very idea of welfare, and hence of well-being, tends to suggest that once the problems arising from misunderstanding or ignorance have been resolved, any dispute, conflict or opposition will melt away. Such an assumption seems to hover behind certain explanations of social policy development which attach special importance to the discovery and revelation of privation or distress. Who, after all, can be against the pursuit of wellbeing. Such a view, of course, is unduly simple. It ignores the fact by increasing the welfare of one individual or groups, that of another may be reduced. (37)

More is needed than the discovery of Aboriginal deprivation and its causes.

But the nature of the fears and resentments within the white community are often so primitive and generally so strongly based on myths of one sort or another that a competent and delegated leadership should easily be equipped to dispose of them. Providing accurate information is the easiest part of the political process.

The development of an Aboriginal political consciousness has not, however, been accompanied by the development, in white terms, of leadership. This has made the problem of dealing with the white community more and more difficult. In the past the conflict mode of dealing with government has been justified by a resort to historical fact and the reality of white guilt which sprang from it. Aboriginal conflict or aggression was perceived as a justified, albeit delayed, response of Aborigines to whites' original aggression. This is a thin foundation upon which to build anything but a vague commitment to right undefined past wrongs. It has been the perceived cost of righting
those wrongs and the perceived inability of the
Aboriginal negotiators to jolt themselves out of their
pose, which have, between them, contributed to the slow
alienation of much of the white support which has been
the sine qua non for the development of new policy in the
recent past. The further evolution of Aboriginal policy
may depend on recapturing mass white support or progres-
sing in the areas where its absence matters least - the
refining of existing programs to ensure that they become
more productive within the parameters of existing
funding.

Whichever is the case, the further development of
Aboriginal policy in New South Wales will be intimately
linked, as it has been since the Tent Embassy, with the
development of Aboriginal political consciousness and
action. In a situation where the liberal sentiment has
largely vanished and there is little political kudos in
Aboriginal Affairs, a much more highly developed mode of
political activism will be needed by the leadership of
the Aboriginal community.

Land Rights and policy
In examining the question of the recent development of
Aboriginal Affairs policy in New South Wales and the
factors which distinguish it from policy-making in other
(non-Aboriginal) areas of welfare, the importance of the
Land Rights question is crucial.
The New South Wales Aboriginal Land Rights Act (1983) was conceived as a measure to undergird the total welfare effort on behalf of Aborigines - to give them a basic set of assets which might help to consolidate their own sense of identity, provide the basis for economic self-sufficiency and, eventually, once dependency was eliminated, lay the basis for self-determination. Whereas today Aborigines survived on welfare handouts, with Land Rights they could overcome this demeaning mode of existence.

The implementation of social welfare solutions has not only failed to compensate the Aboriginal people for their loss but has failed to alleviate their appalling social and material conditions. In so far as the dispossession of land can be seen as fundamental to the present position of Aboriginal socio-economic deprivation, the provision of specific adequate compensation in company with Land Rights should be seen as fundamental to the alleviation of those conditions. (38)

Aboriginal poverty required special measures because it was based in the original dispossession not experienced by others in the community. The question not addressed by Keane, which has emerged since the Aboriginal Land Rights Act (1983) came into force, is why it should have expected that even full restoration of the status quo ante should, in itself, alleviate the problems associated with Aboriginal transition into another culture. And, of course, the Aboriginal Land Rights Act (1983) is not full restitution: it is partial, even nominal.

The Land Rights initiative of the New South Wales Government was expected by many elements in the community to be about to deliver such significant benefits for Aboriginal
people that a new and superior quality of life would be possible. The Government's arguments in favour of this approach are well summarised in the Green Paper (39) published as a discussion guide prior to the introduction of the Bill into the New South Wales Parliament.

19 Recent studies have demonstrated the close link between Land Rights and significant improvements in welfare, health and housing and a down-turn in alcoholism.

20 Many analytical studies have been released pointing to the often remarkable improvements in lifestyle brought about by changed attitudes stimulated by the granting of Land Rights. This has been found to be especially true in some communities in the Northern Territory.

22 The impact of proposed Land Rights legislation on drunkenness and crime was studied by Dr G. D. Woods and Dr. A.H. Sutton in a Government Report of 25th September 1980. Dr Woods and Dr Sutton concluded: "It is almost certain that the effective implementation of the Land Rights Report would dramatically decrease the amount of crime committed by Aborigines and the amount of drunk and disorder indulged in".

This positive outcome should most certainly be welcomed by all groups associated with Aboriginal health and welfare. In the aftermath of incidents in Moree and other New South Wales western towns, it can be anticipated that Land Rights would lead to a reduction in social tension, crime and drunkenness. This would then foster, in the long-term, greater racial harmony.

24 All Aboriginal groups throughout Australia reflect this belief in the importance of Land Rights to the positive development of Aboriginal culture and living standards. (40)

The nature of Aboriginal poverty, based as it was on original dispossession, was so different from other sorts of poverty in the community that it could only be dealt with by measures which were radical, the inverse of the
powerlessness into which Aborigines had been put. Land Rights was a welfare policy (or perhaps an alternative to a welfare policy) which would facilitate empowerment of Aboriginal communities. This in turn would contribute to the solution of the overt problems common to all communities (drunkenness, crime and the resulting problems of white attitudes).

The development of further Aboriginal Affairs policies designed to meet the specific needs of Aboriginal communities is constrained now by the policies already in place. The Aboriginal Land Rights Act (1983) which, in the popular imagination (which may include the popular imagination of politicians) is supposed to allay the need for additional measures, is in place and utilising the resources of the State Government's annual allocation for Aboriginal Affairs in New South Wales (approximately $15 m). Further developments of Aboriginal Affairs welfare policy will probably need to be within the parameters already set. The Act's 15 years sunset clause also gives a relative urgency to the achievement of welfare goals with the resources available as it is unlikely that the stock of resources available will be augmented significantly, especially given the climate of white support, in the foreseeable future.

**Policy-making as an outcome of Aboriginal political action**

Part of the rhetoric of self-determination is that
Aborigines set the political agenda and lobby for its achievement. In fact, much of the advance in Aboriginal Affairs policy since the late 1960s has been with the aid of white support, especially within Government and with white sympathy (41). There has emerged an Aboriginal political consciousness, but there is still no agreed platform for change, no agreed order of priorities, and no one Aboriginal organisation which might assist in developing either. Aboriginal political consciousness, then, is frustrated in translating itself into permanent political power or even a strong capacity to act. The continuation of the conflict mode in negotiation with the government and the continued insistence on massive Land Rights concessions as the essential element in ending Aboriginal poverty and dependency (42) irrespective of the availability of resources (and hence irrespective of its political impossibility), are indications that much political development will be needed before Aboriginal political aspirations can become effective. In the meantime, the key initiatives in place are likely to remain, though some aspects of them are doubtless negotiable. In spite of the rhetoric of self-determination, however, little of the initiative for change comes directly from Aboriginal community representatives. The Land Rights Act was an outcome of an ALP platform commitment. It was disavowed by most Aborigines who commented on it prior to its passage. The setting up of the Ministry of Aboriginal Affairs was not requested by any significant Aboriginal grouping. It was the result of the Government's need to
coordinate existing policies of the service-providing departments and to consult with communities and propose initiatives which the very absence of an appropriate peak council necessitated.

In health (the setting up of the New South Wales Task Force on Aboriginal Health), welfare (the question of Aboriginal children in care and proposals to modify the way they are processed), housing (provision of housing through the Commonwealth-State Housing Agreement and the Aboriginal Development Commission), employment (through the Community Employment Program administered by the Ministry of Employment and through the Commonwealth's National Employment Strategy for Aboriginals), education (and its constituent parts in the State administration: the Aboriginal Education Consultative Group, the Aboriginal Education units of TAFE and the Department) and police (the activities of the Police Aboriginal Liaison Unit), the method of meeting a problem has been on the initiative of the bureaucrats with or without the aid of community consultation.

That there is no peak council to represent the variety of Aboriginal issues and communities, means that the tasks of identifying the precise nature of Aboriginal problems as they relate to the different departments, and of proposing solutions, are left to government. Often, the need to bolster the rhetoric of self-determination (which is, after all, State Government policy) results in
elaborate rituals of consultation with the Aboriginal community. But the problems pointed out above, the non-delegated nature of Aboriginal leadership and the propensity of those doing the controlling to speak to the willing (who may not be representative of anyone else) together with the lack of Aboriginal community structures appropriate for responding to such government approaches, mean that the real value of such consultations are invariably questionable and indeed often questioned. As was indicated above, one of the respondents put it quite clearly:

For government departments it means we can consult with anyone in the community: it is equally meaningless. (43)

There remains then, despite the elaborate attempts mounted from time to time to consult with the Aboriginal community, the problem (in the absence of representative community structures) of finding out what the Aboriginal community wants. Allied to this is the problem of fitting aspirations, once ascertained, to budgets. Since needs generally outstrip the resources available to meet them, the design and implementation of policy involves working within an environment of establishing the best fit between the two. As Marris and Rein say in respect of this:

Since every society is informed by a great variety of ideals and interests competing for expression, it compromises them all and can fully satisfy none. (44)

The inability of government to satisfy all Aboriginal community aspirations tends to reinforce the lack of
trust in government's ability to provide the quantity and quality of services required. The "best fit" formula seems to work against the interests of greater community participation and to polarise the parties even more firmly. The polarisation remains as long as there is no adequate representative Aboriginal organisation which can undertake to its own satisfaction the evaluation and setting of priorities of Aboriginal community needs and to represent them, believably, to government. In the meantime, the response which government departments within the State administration are taking is to refine their own processes of consultation and attempt, in the absence of desirable community structures, to make them as responsive as such clearly defective processes can be. The Department of Aboriginal Affairs' Area Conference is a case in point.

Consultation: a precondition to policy formation

Consultation with the Aboriginal community is accepted by all the service-providing departments within the State administration, as well as by the Federal Government, as being a precondition to the provision of any service or the making of any grant. Like many policies, however, it quickly encounters problems in implementation. One of these has been dealt with above, viz, the unwillingness of Aboriginal communities to delegate leaders to speak and negotiate on their behalf. Exercises in consultation may result in many people being contacted but the white assumption of the representativeness of the sample does
not hold. This is most forcefully illustrated in the follow-up to the Keane Committee Report (Chapter Three, above) where no one contacted admitted to having been visited by or consulted by the Committee.

A further problem with the Federal and State commitment to consultation is that much depends on how the question is asked. For example, the Keane Committee reported an overwhelming desire of Aborigines in New South Wales for Land Rights. It was the centrepiece of its report to Parliament. Hall and Jonas, however, (above) in their 1983 study of basic needs of Aboriginal communities reported that no Aboriginal community ranked Land Rights as its first priority and indeed in none of the clusters studied (former reserves, urban and metropolitan) did it emerge as a significant priority. Both Keane and Hall and Jonas were significant efforts at consultation to determine basic needs. Keane was concerned to establish the strength of demand for Land Rights. One might expect, a priori, that no one would refuse a benefit when it is not explained that alternative benefits might have to be foregone to provide it. The benefit, but not its real cost, was explained.

Preceding the question of how consultation takes place is that of why it takes place. Since it is necessary to consult, the form of consultation may be a formality to rubber stamp a decision already made. The report of the Department of Youth and Community Services on The Future
of the District Officer (Aboriginal) Program (45) is an example. Originally, the Department of Aboriginal Affairs asked the Department of Youth and Community Services to evaluate this scheme by which the Commonwealth paid for a State program to train Aboriginal Welfare Officers. The Department of Youth and Community Services agreed, but delayed the evaluation so long (from 1982 to 1984) that by the time it was commenced, the program had become State-funded in any case and the "temporary" welfare officers who were being evaluated were, by then, permanent State Public Servants.

Consultation with the Aboriginal communities affected by the work of the District Officers (Aboriginal) then, could hardly be with a view to deciding whether the program was worth continuing, since the State (Department of Youth and Community Services) had already decided that. Nevertheless, the exercise went ahead: Aborigines were consulted and a clean bill of health duly given to the program. The lesson is that no report on Aboriginal Affairs can be done without consultation: even when such consultation, as in this case, cannot affect the service provided (46)

The weakness of episodic efforts at consultation has long been perceived by both Federal and State Governments. Both have attempted to establish consultative bodies of permanent status with elections to ensure fair representation and a corresponding commitment to take their advice
seriously. In the case of New South Wales, that body was the Aboriginal Affairs Advisory Council, set up under the 1969 Aborigines Act and abolished in 1983 when the Aboriginal Land Rights Act (1983) came into existence. It had a very tenuous claim to be representative, as in the end few Aborigines bothered to vote at elections (47). Being unrepresentative, the State Government had a perfect reason to ignore it, which it generally did.

At the Federal level the Commonwealth Government set up the National Aboriginal Consultative Council in 1973 (48). This later became the National Aboriginal Conference under the Fraser administration and its functions were to represent Aboriginal communities throughout Australia. It was modelled on the Parliament, with electorates, rolls of voters, a secretariat and the capacity to devise a role for itself within very wide parameters. As with the Aboriginal Affairs Advisory Council, it failed to fulfill the role perceived for it by whites and passed out of existence in mid 1985 following a scathing evaluation of its performance by Dr H.C. Coombs and his team (49).

The similarity of the fate of the Aboriginal Affairs Advisory Council in New South Wales and the National Aboriginal Conference at the Federal level is a telling illustration of the simplicity with which whites imagine the consultative process can take place among Aborigines. In both instances Aborigines were asked to vote for an
individual. He or she was to represent the voters' interests in advising the Government on questions of policy. The low level of political awareness among Aboriginal communities militated against the survival of parliamentary-style consultative councils, while the purely advisory character or the organisation left them open to the charge of being unable to deliver much of any use to Aboriginal communities and hence of being irrelevant. On the other hand, while the structure of the two organisations was not conducive to Aboriginal input into policy-making, one can discern why it would be an attractive consultative structure for government. It provided a single source of advice. It purported to represent all Aborigines, despite inter and intra community rivalries. To facilitate negotiation, it located Aboriginal political power at one place. In the event, none of these assumptions proved true.

Throughout the period of operation of both the (State) Aboriginal Affairs Advisory Council and the (Federal) National Aboriginal Conference, the Commonwealth Department of Aboriginal Affairs undertook its own regular consultative exercises in the field to try to induce Aboriginal communities to specify their own priority of needs. This became institutionalised as the New South Wales Annual Area Conferences (50). Community-based organisations within an area were brought together each year by the local Department of Aboriginal Affairs office and asked to discuss their funding priorities so that the
budget allocations to the regions might have direct input from the communities affected. There is general agreement among DAA (Department of Aboriginal Affairs) officers that this exercise in consultation has failed because of the unwillingness of community-based groups to engage in exercises which might result in funds for their own organisation being cut in the interest of meeting what others regard as higher regional priorities.

There is, then, a strong stated commitment by government to consult with Aboriginal communities and groups prior to taking action which affects them. Neither State nor Federal Government has yet found a satisfactory formula for institutionalising consultation, and consultative exercises tend to be conducted on an ad hoc basis as policy needs to be developed within a particular area. The initiative, it should be noted, is still with government, contrary to the rhetoric of self-determination. The government (either State or Federal) wants to develop policy in a certain area: the government then takes the initiative in consulting. What is lacking are structures which might initiate Aboriginal policy from the Aboriginal side without government promptings setting the agenda for the allocation of scarce resources.

In the absence of initiatives coming from the Aboriginal community in New South Wales the Ministry of Aboriginal Affairs has organised inter-departmental consultative mechanisms to determine the direction of Aboriginal wel-
fare policy. It convenes a quarterly meeting of government departments (51) having a responsibility in the area of Aboriginal welfare. Some delegates to the meeting are Aboriginal bureaucrats, of course, but the meetings themselves are confined to government officers, with individual departments having the opportunity and responsibility for consulting with their own Aboriginal constituencies as and when they think fit. To some extent this model represents an abandonment of the pretence of consultation in the face of its demonstrated unfeasibility. Certainly, Aboriginal communities and groups can be consulted on particular issues by the meeting, but whether or not they are is a matter for the individual departments and they make their contribution whether or not they have consulted in any particular case. If there is a choice between allocating scarce human resources to, on the one hand, the analysis and delineation of policy options or, on the other hand, difficult and often unproductive efforts at community consultation, then this may represent a choice for a more efficient use of resources. This may especially be the case where Aboriginal bureaucrats attending the meeting in their capacity as responsible officers also stand as (unacknowledged) proxies for the Aboriginal community generally.

**Difficulties facing government policy-makers in Aboriginal Affairs**

Policy formation in Aboriginal Affairs both at the Commonwealth and State level finds itself currently in a water-
shed situation. It has its own history which must somehow be integrated. It must accommodate what it perceives as Aboriginal political demands, yet can only rarely be sure that the voices it hears echo, in fact, the collective voice of the Aboriginal community. The notion of an Aboriginal community itself is elusive. Quite apart from the bewildering ebbs and flows of the census count (which, in the policy-makers' worst nightmare indicate nothing less than large groups from the constituency identifying and subsequently disidentifying themselves as Aboriginal), there are different weightings to be given to these different voices.

The white policy-maker generally lacks a frame of reference to measure one demand against another or one action against another or one "leader" against another. There have been many attempts to set up such a frame of reference. Many consultative mechanisms at State and Federal level are testimony to this. Yet the task of discerning the real Aboriginal voice through the cacophony created by such consultative exercises remains a problem for the policy-maker. Bureaucratising the Aboriginal leadership (52) or Aboriginalising the bureaucracy (53) has been part of the strategy for erecting a new frame of reference. But even here, the effect has not been revolutionary. Aboriginal community groups have lost some of their scarce leadership resources while the limits within which change could be affected within government have been found to be narrow.
The distinctive history of Aboriginal Affairs policy-making alone makes the current problems of policy acute. This is compounded by the difficulties of identifying and communicating with the constituency when the government's agenda for reform is not matched by that of much of the Aboriginal community. Balancing the agendas is something the sensitive policy-maker might attempt. Choosing one over another is more common. The choice of the Land Rights legislation over what is arguably a more rational and productive use of scarce resources is a case in point. The Land Rights agenda was that of the Labor Party. It was not antithetical to the agenda of the different Aboriginal communities, but it is clear that it was not anywhere the highest priority. It was an agenda which linked in nicely with many of the policy-makers' presuppositions and values (for example, the existence of an Aboriginal leadership, the identity of its demands with the community's demands, the possibility of making up for past injustices). These factors - the history of Aboriginal Affairs policy-making, the sometimes intangible nature of the constituency and the difficulties of using what is seen to be the leadership to establish a bridge to the community - may be seen as part of the underlying nature of the policy terrain out of which the specific difficulties in policy-making arise.

Four specific difficulties seem to illustrate the range of issues in New South Wales today. These have acted to prevent current reforms from having their expected
impact. These difficulties in policy-making affect the capacity of the government to generate appropriate strategies of welfare reform for the Aboriginal community. They are:
a) a lack of skills in the bureaucracy dealing with Aboriginal Affairs problems;
b) a lack of data on the problems;
c) the persistence of the conflict mode in Aboriginal/government relations;
d) the level of perception within government of what government is doing.

a) Lack of relevant skills in bureaucracy
If protection as policy was premised on the notion of Aborigines as quasi-children, current notions of self-determination seem based on the notion of Aboriginal communities as self-determined, self-actualised democracies. The Aboriginal Land Rights Act (1983), for instance, relies on three tiers of Aboriginal organisation each of which is elected from a roll of members. It was originally envisaged that the lowest tier would be a set of voluntary organisations operating in a spare time capacity, whereas what has happened in the 120 (approximately) Local Aboriginal Land Councils is that scarce funds have been used to employ staff and even pay the elected members sitting fees to attend meetings. The premises of the Act have not been borne out in practice and the ideal of the Aboriginal democratically-run community-based voluntary organisations marshalling the
energies for community development among poor people has proved a chimera.

Both the crudeness of the protection model which led to reserves and the self-determination model which has led to generally poorly-run (54) Aboriginal Land Councils are indicative of the fairly basic tools which government has in dealing with the complexities of problems of Aboriginal poverty. The propensity of government to deal with the manifestations or symptoms of community problems (poverty, etc) rather than to identify and counter the causes is perhaps unavoidable. This is especially so to the extent that the causes are endemic: disunity, violence, alcoholism and other health problems, child neglect, and so on, are symptoms of a malaise in the community's body politic as much as anything else.

To the extent that they posit a community problem, they must be dealt with in community ways, via some process of community development. As it happens, government in Australia generally, and certainly in New South Wales, lacks the skills to foster community development models. Only the Department of Youth and Community Services has even bowed in the direction of community development by having a community development desk, but it engages in the funding of a narrow range of projects with very limited staff. No other department has even these meagre resources for community development. There is, thus, a shortage of appropriate skills within government for
dealing with what must be considered a crucial element of
the problem: how to promote the community's own identi-
fication of the problem and to facilitate their dealing
with it. Aboriginal communities lack the cohesion neces-
sary for the generation of group goals. One of the
respondents agrees:

If you are looking for a cohesive community you
haven't got one. (55)

b) A lack of data on the problems

Policy-making, except where it is generated for exclus-
ively political ends, relies on accurate data, yet in
many respects, as argued above, the Aboriginal data base
is highly defective. The chief source on Aboriginal
social and economic variables in New South Wales is the
quinquennial Census. But data on Aborigines is generally
not accurate because of the small size of the Aboriginal
population and problems associated with self-identificat-
ion as the basis of Aboriginality (56).

The main body carrying out systematic research into
Aborigines is the Australian Institute of Aboriginal
Studies in Canberra. Its research, however, is mainly
confined to anthropological and archaeological research,
the former among mainly traditional people in north and
central Australia. They have done no current studies in
New South Wales which might provide data for policy-
making. The only other body carrying out regular
research in New South Wales is the Ministry of Aboriginal

308
Affairs itself, which commissions a small number of studies each year. The problem of gathering data is not constrained purely by money. There is a very strong resistance among elements of the Aboriginal community to social research. This is especially so where the usefulness of the research cannot be easily seen in terms of future benefits for the individual. In 1985, for example, an important research project on the Aboriginal family in New South Wales was unable to go ahead because, in her feasibility study, the chief researcher concluded that community resistance to the project was so strong that no useful purpose would be served in attempting it (57).

Other studies have been done, however, but even these rely on less than optimal solutions to methodological problems. Castle's study (58) of Aboriginal employment in New South Wales, also done for the Ministry of Aboriginal Affairs, was forced to rely largely on census data, three years old at the time of the study. Hall and Jonas (59) in their thorough study of Aboriginal basic needs faced the problem of generating a random sample of the total Aboriginal population from lists of names known not to be complete. Dr C. Rowley in his study of the urban Aboriginal population (60) is not confident of the adequacy of his sample for making inferences on a wide variety of variables.

Large areas remain untouched by the Ministry's research program. No work has yet been done on Aboriginal welfare
needs save for an evaluation of the District Officer (Aboriginal) Program by the Department of Youth and Community Services (61). Little has been done on education. The Ministry's own proposed study of Aboriginal retention rates in high school suffered the same fate at the hands of community opposition to research as the family study referred to above. Culture and heritage have not been researched - a vital gap in view of the Ministry's need to develop legislation on Aboriginal heritage to complement the Aboriginal Land Rights Act.

c) The persistence of the conflict mode in Aboriginal/Government relations

This has been referred to above. The difficulty it poses for policy-making is that it devalues consultation by focusing attention on simplifications of reality. As Margaret Valadian says in relation to Aboriginal negotiators:

You can always argue "you took the land". It requires a much more intelligent approach to say "you have deprived us of education: you have deprived us of intellectual development". Land is the easiest thing to exploit. (62)

Or again,

The activists don't do any reading. They don't do any thinking. They don't do any consulting with the community. They don't do any talking professionally. They would be the least read, the least [well-]spoken, least considerate ... members of the community. (63)

The "activists" referred to by Valadian (above) are, of course, often the main link which (white) policy-makers have with the Aboriginal community. Fundamental to the development of new and more appropriate policies in
Aboriginal Affairs will be the recognition of the complexities of the Aboriginal community and the variety of its needs. A tendency of the conflict model to simplify Aboriginal reality, complex as it is, and to heighten the degree of politicisation of all issues militates against rational planning and this can only exacerbate the problem of the delivery of services in the future, especially in a climate of shrinking resources for Aboriginal development.

d) The perception within government of what government is doing

The lack of particular skills within the government departments, the lack of usable data on important aspects of the problem and the difficulty of amplifying the data through consultation because of barriers caused by conflict modes in relating to government, have all combined to cause a confusion within government of what government is doing. This relates to both the Federal and the State level in Aboriginal Affairs. A discussion paper prepared by the Ministry of Aboriginal Affairs for the Australian Aboriginal Affairs Council (64) meeting in March 1985 raises some pertinent points concerning this and proposes a shift to a community development model for funding (65). It argues that government should recognise the nature of the problem (dependency) so that the appropriate solutions can be recognised.

Funding for Aboriginal communities and especially Aboriginal community-based groups has tended to follow a piecemeal pattern to date. Planning has rarely been looked at in any more
than an intermediate term. This has been occasioned by the nature of funding itself. Funding is applied to correct what is perceived as a problem. The problem is often not contextualised within a set of problems and rarely given an order of priority beside other problems. Partly this has been due to a lack of Aboriginal articulation of what they see as their long-term corporate goals and what their strategies are for achieving them. The articulation of goals and strategies needs to be facilitated so that the supportive goal of Government can be identified. Whatever else self-determination means in the Australian Aboriginal context, it includes, centrally, the idea of ending the dependency into which individuals and groups have been forced by past State and Federal policy. Dependency is a phenomenon which affects both individual Aborigines and Aboriginal groups and communities. Ending this dependency must, because it is the central Aboriginal aim, be seen as the central Government aim in Aboriginal policy as well. Once it is recognised that Aborigines have the prime responsibility for overcoming the problems with which their communities are affected, the Government role can be defined as providing the resources in ways that can assist this self directed development. Clearly, the New South Wales Aboriginal population needs a set of strategies for overcoming its problems. Equally clearly, interested Government agencies need a consistent set of strategies designed to support Aboriginal aims and contribute towards the full equality of Aborigines, their participation in Australian life, on terms they themselves have chosen and the ending of dependency through economic self sufficiency. Long term planning by Government agencies is necessary in order to identify a role for themselves in assisting in the emergence of this Aboriginal consensus for development. There is a need, as well, for State and Federal agency action to be coordinated and to be consistent with stated Aboriginal goals and strategies. (66)

What is preventing such long-term planning, according to the Ministry, is

The extreme atomism of Aboriginal communities (their lack of sufficient unity to make community based services a reasonable means of meeting a community's need), the lack of coverage of community based services, the lack of peak councils with delegated powers of negotiation and the lack of continuity of Aboriginal staff-
ing of community based organisations. Although the difficulties involved have been formidable, the solutions tried by different departments (State and Federal) have not been particularly imaginative. There has been an unwillingness to recognise that corporate structures must be strengthened before they can be used. Funding has been ad hoc, on a first come best dressed basis, without regard to the priority of type of need in human services or the priority of need of different communities.

The implementation of devolved methods of funding has stalled for a variety of reasons but it remains the only overall philosophy with any coherence. It apparently remains Federal policy but seems to lack a strategy for implementation. (67)

Different models operate both within the minds of policy-makers and in the structures which they erect which obscure the vision of the possibilities of government intervention and of how this could be and should be different from what has prevailed in the past.

Policy-makers may imagine that the basis of New South Wales Government policy is compensation (as in the Land Rights Act): they may imagine that it involves the attempt to integrate Aborigines into the mainstream of society (a sentiment which informs much education thinking): they may emphasise the development or community development model (as does the Ministry's paper quoted above) or merely income supplementation to raise living standards (68). Each of these, additionally, may be more or less informed by the need to end the dependency of Aboriginal people and Aboriginal communities on government. Each of these different emphases, which may from time to time inform policy, gives a different shape to
policy and accounts to some degree for the lack of focus commented on in the Ministry's paper.

The lack of focus is contributing to what is often perceived as a lack of positive results in Aboriginal Affairs. The 1985-86 Federal budget saw Aboriginal Affairs spending cut significantly for the first time since the early 1970s, foreshadowing, possibly, a long-term cut-back in the strength of Commonwealth commitment in the area.

**Summary**

This chapter has covered a number of factors which distinguish policy-making in Aboriginal Affairs from policy-making from other marginal groups. At the background of all these factors is the distinct history of Aboriginal/white relations in Australia. But other factors are shared with non-Aboriginal groups - the lack of adequate negotiating mechanisms and the lack of real initiatives in welfare coming from Aboriginal groups. It has been suggested above that much of the real initiative in Aboriginal Affairs comes from government (Federal and State) and that to legitimise this, the appearance (or a reality which is very shallow) of consultation is maintained because nothing more is perceived as being possible. It is an instructive point that in the eleven years of existence of the National Aboriginal Conference and its predecessor - an organisation which was to have the key role in generating policy initiatives for the
Federal Government – it produced little or no work on any Aboriginal policy issues save Land Rights, an area where the Federal Government had, in a sense, least freedom to move. The years of the Whitlam era were the high point of the attempt to institutionalise a model, or a series of models, of self-determination. To a certain extent the experience of this in the Northern Territory has already been spectacularly successful. More than a quarter of the land area of the Northern Territory has been transferred to Aboriginal ownership and large numbers of Aboriginal people are free to follow the lifestyle of their own choice without the need to conform to white urban values. When the case of the industrialised States is considered, however, especially New South Wales, these identical Federal policies have not had the success of the Northern Territory. The model of self-determination, so easily conceived in a situation where large numbers of traditionally-living Aborigines are given control over lands they traditionally occupy, has had to be adapted to radically different conditions. Self-determination is more commonly perceived in New South Wales as a heightened form of localism, or community control of community organisations. The heightened rhetoric makes for vagueness of welfare goals.

New South Wales Government policies in Aboriginal Affairs have coalesced at a time when community support is on the wane, when, as Valadian says (above), the phenomenon of white guilt is vanishing, when the notion of self-
determination is seen to have less substance than in other parts of Australia. Many of the presuppositions which operated in the period of the Keane Report are now commonly felt to be defective, undermined by the difficulties involved in consulting Aboriginal communities, the frequent failure of Aboriginal community-based groups to perform in minimally accountable ways and a gradual perception that perhaps Aborigines do not want to be so different from the white community after all. If the chief need of the Aboriginal community as they themselves express it is for jobs, this is tantamount to an option for essential conformity to white values: nothing promotes integration like employment. The creation of an extra 2,000 CEP (Community Employment Program) jobs (69) for Aborigines will perhaps prove to be one of the truly lasting contributions of the State Government to Aboriginal development. As a result of the identification of target groups (including Aborigines) for the allocation of CEP funds from the Commonwealth, the Aboriginal community has benefitted significantly from this program.

In other State Government departments there is a similar concern, as indicated above, to target Aboriginal groups specifically and to deliver services to them when in the past, their failure to utilise existing services was often overlooked. The provision of specialised services to Aborigines through the departments responsible for employment, health, welfare, education and housing may
well result in departments perceiving themselves as promoting Aboriginal self-determination (70). Ironically, an achievement of the Aboriginal Land Rights Act (1983) may be accurately described as the discovery of an alternative to it. This alternative involves making the services which the State is able to provide more responsive to Aboriginal needs as they can be perceived. This is essentially a reformist model but one which has come full circle from the heady assimilationist "reform" of the 1940s and 1950s. Based as it is on reform, the distinctiveness of policy-making in the New South Wales Government administration may, in fact, be less distinctive than is often though and we may speculate on a possible convergence between Aboriginal welfare policy and general welfare policy as the differences between Aborigines and poor whites become less and less obvious. This will be covered more extensively in the next chapter.
REFERENCES


2 Valadian, M., structured interview.

3 See, for example, publication of the YACS, Evaluation of the District Officer (Aboriginal) Program which postulates a distinct sub-culture.

4 New South Wales Task Force on Aboriginal Health: Report to the Minister, September 1983, Ch.2.

5 Ibid.


7 Even after twenty years of operation of the Commonwealth's ABSEG (Aboriginal Secondary Education Branch) which supplement the income of Aboriginal families supporting children at school.

8 Mayers, N., structured interview.

9 Valadian, M., structured interview.

10 Penrith, H., structured interview.

11 O'Shane, P., structured interview.

12 Referring to the passage of the 1967 Constitutional amendment giving the Commonwealth the power to make laws for Aboriginal people.

13 Valadian, M., structured interview.

14 Mayers, N., structured interview.

15 Penrith, H., structured interview.

16 O'Shane, P., structured interview.

17 Keane, Vol.(ii). Or, Aboriginal Children's Research Project, Aboriginal Children in Substitute Care, PACSA, 1982, which advocated reviewing the law on Aboriginal fostering and adoption to take account of these superior modes of support within the extended family.

18 Valadian, M., structured interview.

19 Penrith, H., structured interview.
20 O'Shane, P., structured interview.

21 O'Shane, P., structured interview.


23 Hall, M. and Jonas, W., op. cit.


26 File F508, Ministry of Aboriginal Affairs, Research Project, Profile of the Aboriginal Family in New South Wales.

27 File F510, Ministry of Aboriginal Affairs, Research Project, Aboriginal Education.

28 There are, however, a number of initiatives in place which do presume significant differences between Aborigines and non-Aborigines regardless of their community situation. The most important of these are the two Commonwealth Education benefits for Aborigines - ABSEG and ABSTUDY grants, payable to Aborigines at school and in tertiary institutions, respectively. Payment is neither means tested nor needs based but applied to all Aborigines. The ABSEG grant was one of the first benefits which became available to Aborigines and bears the scatter-gun marks of its early origins.

29 See Bandler, F., The Time was Ripe, APCOL, Sydney, 1983, which covers the history of the organisation.

30 O'Shane, P., structured interview.

31 Penrith, H., structured interview.

32 Valadian, M., structured interview.

33 Weldon, A., structured interview.

34 See Australian Aboriginal Affairs Council papers, 1985, Paper: Community Development. Paper: Department of Aboriginal Affairs Funding.

35 Note the existence of SNAICC (Secretariat for National Aboriginal and Islander Child Care) the establishment of which was encouraged by the Federal Government to rationalise the development of Aboriginal child care services. SNAICC was probably
too late upon the scene. The area is marked by an enormous conflict in the search for funding and by a common denial of any wish for SNAICC to represent the individual child care agencies. SNAICC generally lacks a constituency. Its survival depends on Federal Government funding and it has the form but not the functions of a peak council.

36 Letters to the editor frequently refer to Land Rights "time bombs", "band wagons", "ripoffs", etc. This is not only the case in New South Wales. See letters column: Daily Telegraph, 4 June 1985; The Australian, 3 June 1985; Hobart Mercury, 23 May 1985.


38 Keane, 4.12, p.66, Vol.I.


41 The Ministry's Green Paper (see above) p.26, presents a strong case for substantial white support in the Australian community for the positive development of Aboriginal Affairs policy including Land Rights.

42 The report of the New South Wales Task Force on Aboriginal Health, for example, contains an introduction in which it is claimed that a more thorough going Land Rights policy than the one currently in place in New South Wales will be a precondition to improvement in Aboriginal health.

43 O'Shane, P., structured interview.


46 The alternative would have been an analysis of the general priority of the program over alternative forms of welfare provision utilising the same funds - a theoretical exercise in alternative resource allocation. This would have needed good skills of analysis and little, if any, actual consultation.
47 Report to the Australian Aboriginal Affairs Council, 1983.


50 What follows relies on private consultations with Department of Aboriginal Affairs officers.

51 The Ministry of Aboriginal Affairs, Department of Aboriginal Affairs, the Department of Community Services, the Department of Youth and Community Services.

52 Former Aboriginal activists now working in the Public Service include (1984): P. O'Shane, K. Kirkbright (New South Wales); L. Malezer, C. Perkins, G. Foley, C. Dixon (Federal).

53 There are Aboriginal units within the State Departments of Education, Health, Youth and Community Services, Police, Corrective Services, and National Parks and Wildlife as well as the Ministry of Aboriginal Affairs.

54 The "Sixty Minutes" program of 5 May 1985 ran a story on the Far South Coast Regional Aboriginal Land Council and detailed how in excess of half a million dollars has already been misallocated on the purchase of useless flood-prone land, the support of local Aboriginal football teams, "loans" to members of the Regional Aboriginal Land Council and apparently crude theft.

55 Valadian, M., structured interview.

56 ABS, private communication.


59 Hall, M. and Jonas, W., op.cit.


61 Department of Youth and Community Services, Evaluation of the District Officer (Aboriginal)

62 Valadian, M., structured interview.

63 Ibid.

64 Which brings together State and Federal Ministers responsible for Aboriginal Affairs.

65 Community Development and Aboriginal Affairs, paper prepared for discussion at the New South Wales Aboriginal Affairs Council Meeting, 1985, Ministry of Aboriginal Affairs (unpublished), File A2121.

66 Ibid.

67 Ibid.

68 The proposed amendments to the Community Welfare Act 1982 include provision for payments to foster parents under S.27(a) of the Act to be paid at the discretion of the Minister to parents rather than via the agency of the placement organisation. This amendment is aimed at ensuring that children (especially Aboriginal children) are not separated from their parents merely because of low income.


70 In his letter to West, Federal Minister for Housing, the State Minister for Housing (F.J. Walker) describes his proposed transfer of Housing Commission homes to relevant Local Aboriginal Land Councils as an exercise in self-determination (MAA File: Housing Policy).
Chapter Seven

SOME OUTCOMES OF GOVERNMENT POLICY
AND THEIR RELATIONSHIP TO NOTIONS OF COMMUNITY

Emergence of State Government Policy
The period of the Wran Government in New South Wales has seen a remarkable resurgence in the interest of the State in Aboriginal Affairs. Before the advent of the Whitlam Government in Canberra, the Aborigines Welfare Board (AWB, and its predecessor the Aborigines Protection Board) had provided a particular range of services to Aboriginal people. These services, deriving as they did from the history of Aboriginal-white relations in Australia, were conducive to dependency and perpetuated poverty. Whereas the Aborigines Protection Board (APB) (1883-1942) followed a policy of isolating Aboriginal communities from the corrupting influence of white society and grouping Aborigines together into reserves where they could be looked after in a fairly rough and ready way, the AWB, noting the rise in the Aboriginal population from the 1930s onwards, thought that childhood's end, for the Aboriginal community, had come. The policy which prevailed until formally disowned by the Whitlam Government was assimilation and it involved a crude and damaging attempt to force Aborigines to live as members of the general community, which in those pre-
multicultural days, meant living as white Australians were expected to live.

The memories of the petty tyrannies of both the APB and the AWB, affecting as they did virtually every Aborigine in New South Wales until relatively recently, have seared themselves into Aboriginal community consciousness and left a bitter heritage of shame, hatred and loss of identity (1).

The APB and the AWB between them carried out New South Wales Government policy towards the Aboriginal population. Once the bulk of the land had been settled by farmers and graziers, common humanity dictated that assistance be given to Aborigines to survive physically since they now lacked access to their traditional lands. The most basic forms of charity characterised the relationship between the APB and the inhabitants of the reserves they created. Food, blankets, basic shelter and rudimentary education for the children designed to fit them, when adults, for farm labouring jobs, were what the APB had to offer. As the generations of Aborigines grew up on the reserves, left them and worked or became indigent and returned, a mass psychology of sorts developed. This was characterised especially by a lack of identity and feelings of helplessness. It is probably in this respect that the extreme difficulties Aboriginal organisations have today in marshalling a corporate sense and directing it to service can be traced. One of the long-
term results of the treatment suffered under the APB was anger, especially anger with 'the system', with 'Government' with administrative arrangements which were not understood and were perceived as depriving people of freedom.

The State Governments adopted a policy of assimilation in the 1950s (2) and attempted to wash their hands of the problem. Suddenly, Aborigines were seen as fit to enter the mainstream of Australian society (3) and no longer in need of protection. The most obvious long term result of this policy of assimilation was a wave of revocations of reserves in New South Wales. Large tracts of land no longer required for housing or providing an economic base for reserves were degazetted and auctioned to whoever had the interest to pay for them. Some three-fifths of reserve land was lost (4) between 1940 and 1963 through revocations of the AWB. This land included some spectacular areas - the Wallaga Lake housing estate, the Stewarts Island Golf Course and prime sites in most large country towns. The bitterness felt by New South Wales Aborigines today towards the AWB is very largely the result of the arbitrary way it sold off so much Aboriginal land without reference to a benefit for the Aboriginal occupants or the Aboriginal community of New South Wales generally.

A second source of bitterness between the Aboriginal community and the AWB - which bitterness has come down to
haunt the Board's descendant, the Department of Youth and Community Services (YACS) - was the removal of Aboriginal children from their parents and their placement in institutions or white foster homes.

Peter Read, in his study of the removal of Aboriginal children from their parents by the APB and the AWB, estimates that one in six or seven Aboriginal children were removed from their families in this century:

There is not an Aboriginal person in New South Wales who does not know or is not related to one or more of his/her countrymen who were institutionalised by the whites. (5)

The influence of, and consequently fear of, the welfare system Aboriginal people in New South Wales was pervasive. Margaret Tucker's case is perhaps typical (6). When she and the other children in the family were removed from the school and sent to a foster home by the APB, her mother was delivered a blow from which she never recovered.

I heard years later after watching us go out of her life, she wandered away from the police station three miles along the road leading out of the town to Moonaculla. She was worn out, with no food or money, her apron still on. She wandered off the road to rest in the long grass under a tree. That is where old Uncle and Aunt found her the next day. ...They found our mother still moaning and crying. They heard the sounds and thought it was an animal in pain. Uncle stopped the horse and got out of the buggy to investigate. Auntie heard him talking in the language. She got down and rushed to old Uncle's side. Mother was half demented and ill. They gave her water and tried to feed her, but she couldn't eat. She was not interested in anything for weeks, and wouldn't let Geraldine [her youngest] out of her sight. (7)
Two factors, then, which have influenced the development of Aboriginal community consciousness in New South Wales this century more than any other factors have been the experience of life on the reserves and the constant threat of the welfare authorities. Both these represented Government intervention in their lives. One of the early demands of Aboriginal activists when Aboriginal political organisations formed in the 1930s was that responsibility for Aboriginal Affairs be taken out of the hands of State Government and be taken over by the Commonwealth (8). State Government was not trusted. It explains partly the inability to accept the compromises to the Keane Report when they were finally enacted. Compromise was equivalent to the continuation of the old 'betrayal' pattern which characterised Aboriginal-State Government relations.

It is certainly in some such psycho-social context that the persistent hostility of the New South Wales Aboriginal community needs to be set. The period of the Wran Government in New South Wales has seen an enormous expansion in interest by the State in Aboriginal Affairs. The State is still the minor actor in the area. The Commonwealth funds its own Department of Aboriginal Affairs, the Aboriginal Development Commission to provide housing and, until June 1985, the National Aboriginal Conference to ensure the representativeness of Aboriginal advice to the Government. But although the State is the minor actor, it is not insignificant. The approximately
$14 million per annum which the State makes available through the Aboriginal Land Rights Act is the only instance in Australia where a State Government has legislated for monetary compensation for Aborigines in recognition of their loss of land. Additionally, the State departments which provide services to Aborigines (the functional departments) have carved out budgetary niches for Aboriginal programs - in YACS ($1.2m), Education ($1.1m), TAFE ($0.87m), NPWS ($2.7m), and Police ($0.21m). The Government has established a Ministry to oversee and extend this practice of specific budgetary allocations from departmental budgets. The State's financial investment is significant and most of it has been allocated since the advent of the Wran Administration. And yet the idea of a partnership for the development of Aborigines between the Government and Aboriginal community groups is as elusive as ever. The 5 March 1983 saw a violent occupation of the offices of the Ministry by community leaders demanding (unspecified) 'action' by the Government to solve long-standing community problems: this after a period of unprecedented action by the State Government in support of Aboriginal demands as outlined by Aboriginal leaders themselves. From the perspective of Government policy-makers, Aboriginal community action in New South Wales is self-destructive: areas of support within Government are alienated, Aboriginal community leaders are attacked, funds are hard fought for then dissipated, the possibilities of an alliance with white political activists spurned. This constitutes much of
the difference between policy-making for Aboriginal
groups or communities and policy-making for, say, poor
whites: the political context is recognised by Aboriginal
groups but the political moment, as it were, is not
seized.

A number of points emerge from Chapters One to Six above
which merit longer consideration:

- The nature of the change in responsibility for
  Aboriginal Affairs. The State was hardly an actor at
  all prior to Wran: today it is a small but significant
  actor. What does this assumption of responsibility
  mean for the Government and for Aborigines themselves?

- One of the more recent themes to emerge in Aboriginal
  Affairs has been that of the devolution of control over
decision-making to the Aboriginal community-based
  groups. How fitted are these groups for assuming a
  wider role and can they perform a service to clients
  better than Government-sponsored services as is
  consistently claimed by the Aboriginal community-based
  services themselves?

- What is the meaning of Aboriginal Land Rights in New
  South Wales and what is its real and potential relation-
  ships to the satisfaction of Aboriginal welfare needs?

- What other functions do land rights and the funding of
  Aboriginal community-based services perform, especially
  with respect to the wielding of power within Aboriginal
  community organisations?
- Is the level of analysis of the socio-economic context of New South Wales Aborigines sufficiently accurate to pose a general theory of Aboriginal development? Where do self-determination, devolution and community consultation fit in here?

**Shifting responsibility in Aboriginal Affairs**

It is an interesting observation that the most costly measure adopted by the State of New South Wales in support of Aborigines - the Aboriginal Land Rights Act, 1983 - should have been adopted at a time of extreme financial stringency. It is a telling indication of the pressure the Government felt itself to be under that it should not only embark on this initiative but take the unusual step of financially committing itself for the next 15 years to funding the cost of land purchase.

The situation has arisen whereby the State is in the process of reasserting a role in Aboriginal Affairs after the progressive assumption of power by the Commonwealth since 1972. Of course, there has been pressure from the Federal Government for it to do this, especially with the advent of 'New Federalism' under the Fraser Government, which involved an attempt to have the States take a greater responsibility in funding items of expenditure which fell more 'naturally' within the State's sphere.

The State Government, however, has not been forced by the Commonwealth to take this greater responsibility in
Aboriginal Affairs. There has been no threat to cut funds in other areas, for example. Such pressure as there has been has come from Labor's own ranks and especially from the Left of the Party in New South Wales which adopted Aborigines as one of its specially disadvantaged groups on behalf of which special administrative and legislative measures were required.

In a sense the progressive enactment of measures to aid Aborigines within the New South Wales Government administration has been functional - a necessary measure to accommodate a wing of the Party to keep the consensus sufficiently tight to get other measures to and through the Cabinet. To a lesser extent it may have been a functional outcome of the demands of Aboriginal groups - the minimum response possible to accommodate their demands. But Aboriginal leadership was closely bound up with the Left of the Party in any case and being seen to satisfy the Left and perceived Aboriginal leadership amounted to the same thing.

The growth of the State's interest in Aboriginal Affairs was less an outcome of a better perception of Aboriginal needs by the New South Wales Government than of political needs - the needs of elements within the Labor Party which placed Aborigines at the top of the agenda.

The assumption of some responsibility by the State exhibited itself in two ways - the Aboriginal Land Rights Act
of 1983 and the budgetary allocations to the programs of
the service-providing departments. The former is by far
the costlier, but its effect on total Aboriginal welfare
(save for the positive effects bestowed indirectly
through the creation of jobs in LALCs) minimal. The aim
of the second set of measures has been to ensure that
existing services are as available to Aborigines as to
non-Aborigines. The total stock of new welfare resources
made available for Aborigines as a result of the Wran
Government's increased commitment to Aboriginal Affairs
must be counted as slight. This is especially the case
when the Hall and Jonas study mentioned above (9) is
considered. It revealed that the major needs of
Aboriginal communities, as expressed by Aborigines
themselves, were for housing, employment and education.

An obvious question to pose is the marginal utility for
the Aboriginal community of expenditures on these more
'traditional' items of Aborigines welfare compared with
the marginal utility of the initiatives which have been
funded under Wran. One would expect, a priori, that the
welfare outcomes would have been higher had the resources
merely topped up the existing programs. One is forced to
admit, of course, that the comparison is not valid as no
study has been attempted. It does, however, open up the
possibility that new measures on behalf of Aboriginal
welfare represent less an effort to grapple with long-
standing Aboriginal welfare problems than an attempt to
settle political arguments within the Party. If the
latter is the case, it is hardly surprising that the incremental welfare outcomes have been so slight.

The Government's intention was that the granting of land rights would be a more direct way of assisting Aboriginal community needs than the 'welfare dependency' of the past - fostered as it was by State Government policy. Giving Aborigines economic independence and restoring community pride were considered, not unreasonably, to be two conditions which would help allay the need for other special measures like an Aboriginal education or housing program. The amount of land which would need to be restored, however, was far in excess of what the Government was able or willing to provide either through assistance to purchase or through transfers of Crown land.

The central tenet of Keane, then - that Land Rights was a way of replacing the bad welfare of the past with a new deal which transcended welfare - this tenet was not able to be put into effect because the State Government was unable or unwilling to allocate the massive resources it would require. Central to the current Aboriginal folklore of betrayal is the notion that Keane would have substantially satisfied Aboriginal demands if it had been effected. Keane was undermined by the switch from a judicial to an open market purchase model of land acquisition. We have reached the point, however, of having to ask whether the Keane Report was not a little naive in expecting the State Government to fund Aboriginal develop-
ment in a way which would have effected a real shift in power relationships through the transfer of very substantial segments of the State's land and shouldering the massive cost of all this on the basis of an untried thesis. Clearly the State was not prepared to undertake more than a reasonable minimum even where that minimum could not deliver sizable parcels of land. The State's minimalist legislation went ahead not because by this late stage it was really expected that it would massively empower the Aboriginal community a la Keane, but because it was an inescapable debt to the Labor Left and their Aboriginal network, whether or not it possessed any intrinsic logic. By the time the Act was passed the rationale had shifted from ending welfare handouts to a first step which could be built on later (10). This was virtually an explicit acknowledgement that the Act could not, in the form it was passed, and with the resources it deployed, achieve the hopes which had initially been held for it. The serious obverse side of this, which has been touched on in several points in previous chapters, is that the significant resources which the Act has to apply have alternative uses. There are more urgent priorities in Aboriginal communities than the unspecific acquisition of land. The deployment of $14 million per annum from State Government resources, then, represents the satisfaction of lower level needs and the failure to maximise the potential utility of Aboriginal welfare dollars. Peace within the ranks of the New South Wales Labor Party
may have been won at the expense of a potential misallocation of scarce resources.

**Devolved versus Government provided services**

One of the more complicating aspects of Aboriginal political organisation is its extreme atomism. There is no peak council which is capable of representing diverse Aboriginal community groups. The Federal Government's promotion of the NAC to fill this role simply added another uncemented atom to the mosaic. Even within particular areas of community interest or involvement like medical, children's or legal services, there are nominal peak councils, but they are generally unable to represent themselves to Government as speaking on behalf of the members, still less as able to direct or even influence the actions of members. The exception here is the National Aboriginal and Islander Health Organisation (NAIHO), but its hold over the loyalties of members is bought at great cost in terms of administrative rigidity: the body is able to act only as a result of meetings of the board rather than the executive. This low level of political organisation has been noted by others:

> Generally, traditional Aboriginal identity rested on personal involvement and experience, and actual participation, or ways of thinking and acting within an integrated and closed system which provided maximal security. It removed identification from the area of cross-cutting interests, where politics could have flourished. To a very large extent this militated against the growth of political organisation on any large scale; and that in turn diminished the possibility of concerted resistance to alien intrusion. (11)
The atomism of community-based groups is seen more as a problem by white policy-makers than by Aboriginal community personnel. Certainly the literature written by Aborigines on the subject of black community-based services is invariably positive, stressing especially the importance of second order outcomes in the operations of community-based services - Aboriginal pride, enhanced sense of direction in the community, demonstrating Aboriginal capacities to non-Aborigines (12).

There is also a substantial Government literature on the desirability of devolving responsibility from the Government bureaucracy to community-based groups. In health (13), housing (14), land management (15) and welfare (16) there is evidence of a strong ideology in favour of devolution as at least a proxy for, if not a minor embodiment of, self-determination. In some opposition to the Aboriginal literature, the Government literature tends to stress the superior capability of an Aboriginal community-controlled service to provide a direct service to the Aboriginal clients, leaving aside any second order outcomes which might also be desirable.

A patchwork of devolved services do exist, though their growth has been slower in recent years than under the (Federal) Whitlam administration and immediately afterwards. In housing, a large number of community-controlled housing co-ops, funded by the ADC and involving community members in the design, building and management of
community-based housing now exist throughout New South Wales, supplementing the large stock of housing available through the Aboriginal Special Housing (ASH) program of the Housing Commission. Housing Co-ops are especially important in providing housing on former reserves in New South Wales whereas ASH homes are in towns themselves.

**Devolution and community development**

Part of the reason for the emphasis on devolution to community groups is that it represents a concrete instance of self-determination. Whereas self-determination properly applies to peoples considered as and considering themselves as political units, devolution overcomes many of the practical problems involved in implementing this plank of Labor Government while at the same time actually delivering some power into some Aboriginal hands. In the literature generally, devolution is thought to be a tool of community development - the latter being the end of social planners. To a certain extent this holds true of current developments in New South Wales but although the notion of community is often invoked, the atomism in Aboriginal community self-understanding alluded to above, gives a particular twist to the meaning which has implications for policy.

Community development describes a process, as Milson says:

... where attempts are made to mobilise the total resources of the community for the protection, support and enrichment of individuals
and groups being part of the whole. From this single aim may spring various activities including the integration of social services, the inauguration of ad hoc committees and associations, the spread of information about existing provision, acts of personal service and political action. Whenever there is a choice, self-help will be preferred to outside help. The criterion applied to all these efforts will be how far they maximise the possibilities of the community's self-determination: they will be judged to have succeeded or failed by the practical demonstration in all feasible areas, or the hope that the community should define its own needs and organise resources to satisfy them. (17)

The focus in community development is on the people, the local community, the corporate side of the life of individuals. It is premised on the idea that it is better for people to take charge of their own lives - and that this should be done corporately as well as individually - than to be victims of exogenous variables and the impersonal decisions of others. Community development as an ideology sees itself as a natural outcome of reflective humanism as opposed to self-seeking and uncaring competitiveness.

**Community Development**

It is perhaps natural that policy-makers in Government, recoiling from the paternalism, racism and lack of compassion of past Government policy, should seek to model a new set of Aboriginal Affairs polices around the notions of self-determination and its co-relative, community development. The impetus was partly internal - the assumption of power by Federal bureaucrats after 1972 and the withering away of State interest. It was also partly
external - the growing political consciousness of Aboriginal groups, especially in the bigger urban centres. Consultation prior to the allocation of funds was the first DAA approximation to the notion of community empowerment. As the years went by this was supplemented by permanent and assured funding to Aboriginal community-controlled groups like the Aboriginal Legal Service, the Aboriginal Medical Service and a smattering of community co-ops functioning as welfare referral centres, cultural centres and the like.

In New South Wales in recent years this model of submission-based funding for new initiatives, supplemented by permanent funding for older, more established groups, was augmented in an ad hoc way (especially by YACS) by means of 'topping up' what the Federal authorities gave. This was done ostensibly in order to deliver a specific service, but more often (since there has been little accountability) to be seen to be addressing the problem of Aboriginal needs which, along with the needs of the handicapped, migrants and women were becoming the State's primary areas for new interventions. As far as the State goes, that is, the support of community-based services at times serves the function of public relations as much as service delivery.

The passage from Government funding on a submission model to complete Aboriginal control of priorities and expenditures has not been carried out in full in any instance
save one - that of the ADC. In other areas the community-based services, whether established or new, need to maintain liaison with the DAA in order to convince them of a need for a particular service and the capacity of the representing auspice to carry it out. Yet the rhetoric of the Department would seem to demand that a transition to a fully devolved model be attempted. The reasons why the process has stopped half-way are not hard to discern. Basically they have to do with the Aboriginal community's notion of community development and the role of funding within that.

To understand why Aboriginal notions of community development need to be understood in a different way to non-Aboriginal notions, it is necessary to reassert the extreme marginalisation of the Aboriginal community. Aborigines are mainly unemployed (18). This in itself gives a particular twist to the quality of the time they have available for voluntarism. (It has become standard practice within New South Wales now for Aborigines to demand 'sitting fees' to attend a conference organised by any New South Wales Government agency: this despite the fact that the delegates might be unemployed. In strictly economic terms, the opportunity cost of the time foregone in attending the conference would be zero.) The less the time is worth in employment terms the more, in this instance, any productive use of the time is valued. White voluntarism, on the other hand, is largely a spare time occupation of the employed (unions of unemployed,
for example, are notoriously hard to organise). Being consciously a spare time occupation, there is no question of payment of any but the full time organising staff which the voluntary organisation may employ. That is largely why the New South Wales Government so favours the delivery of welfare services through voluntary agencies: only a proportion of the human energies utilised have to be paid for. Aborigines, on the other hand, generally regard their participation in Aboriginal community organisations as in some sense having a 'consultant' status and requiring payment. Voluntarism, the mainstay of white efforts in community development, is largely missing from Aboriginal community-based organisations (19).

Funding from Government departments, then, is looked on as a source of employment opportunity. Funds are applied disproportionately to salaries. This is part of the reason why Aboriginal community-based groups exist in such large numbers - they represent the possibility of a job. Margot O'Neill, Sydney Morning Herald, 17 November 1984, reported on the problems faced by the Eveleigh Street Redfern community. In discussing the problems of unemployment among youth she observes:

... the people in the Street ... look right through you until someone mentions Land Rights. Then they spark. They want to work for one of the 130 odd land councils in New South Wales set up in the wake of last year's State Land Rights legislation.

These local land councils are supposed to be voluntary organisations employing no permanent staff, with their
funds applied to land purchase rather than an administrative structure.

Related to this and also giving Aboriginal community-based action its particular flavour is the operation of family networks within them. It has been observed before that most Aboriginal community-based organisations employ family members. This is universally recognised among groups and white policy-makers (20). The latter tend to respond with appropriate tut tutting; the former either benefit from it or are powerless to change it. The ability to bring in employment gives powerful status to any Aboriginal head of a community-based service. It also tends to distort the energies of the service from service provision to Aborigines in the community to the delivery of benefits to family members (21). It has been observed as a mechanism which operates in the Northern Territory as well (22). There is no suggestion that the dispensing of benefits to family members entirely displaces service provision to the whole Aboriginal community. The maximising of both at the same time, however, is difficult because the practice tends to mitigate against the employment of the most competent people.

Related again to the factionalism inherent in Aboriginal communities is the question of what constitutes the community being served. A naive assumption of white policy-makers eager to promote localism among Aboriginal groups has been to assume that Aboriginal community was
determined largely by geography - a reasonable assumption in the case of white services which cater to a particular catchment area, but not in the case of Aboriginal communities. In any particular geographical region, there may be competing networks of Aborigines who will not cooperate for the provision of a single service. Rarely does any Aboriginal service serve the entire Aboriginal community. Rather, there will be a need for two services or one part of the community will use the services, others the parallel governmental or non-Aboriginal service. For example:

- The Purfleet Aboriginal Medical Service is used by some Purfleet Aborigines and some Taree Aborigines. The rest of the Purfleet Aborigines go into town to use the hospital's facilities.

- The Nowra Aboriginal Medical Service has regular need of legal advice and occasional need of legal representation. It consistently refuses to utilise the services of the Nowra (South Coast) Aboriginal Legal Service, submitting instead for substantial additional funding to hire a white law firm.

- Ngaku Aboriginal Co-op and the Dhungatti Elders Co-op in Kempsey have for many years submitted for funds for near identical projects. At times the dispute has resulted in violence, once, in 1982, with firearms.

- Most serious of all has been the beginnings of a break-up in LALCs. Of the approximately 130 LALCs so far formed and intended to impart a degree of unity to Aboriginal communities, twenty either have or intend to
split into two, each serving a different set of members from the same general area.

Generally community development models find their context within a given geographical boundary. This catchment area becomes the locus with which the service is promoted. In Aboriginal terms the catchment is more a list of people prepared to utilise the service. The provision of funding for a service may actually exacerbate tensions within the community by conferring benefits on a selected few with the contacts or skills to succeed in obtaining funding. Funding operates less to bind disparate elements of a community than to consolidate the power of individual brokers and their family networks. In that sense, it is a deeply flawed community development model under which both Federal and State instrumentalities are operating. Milson's highly pertinent insight raises the appropriate question:

The right questions to ask about community projects is not whether they were 100 per cent pure from the standpoint of self-determination but whether the possibilities of self-determination in that particular situation were understood, maximised and used to the full. (23)

The 'possibilities of self determination' of course, have to be understood in terms of the total community or the notion of community development is meaningless. In that this inability to sink loose family differences for the sake of corporate ends (out of which each family will benefit differently) is the partial obverse of community development, a generally applicable community development
model for Aborigines is still in the future. It will depend on a more robust politicisation (in Berndt's terms) of the Aboriginal community especially
- a growth in the capacity of Aboriginal community based organisations to delegate their power to executives,
- the capacity community-based organisations to operate as a network rather than fragmentedly,
- the ability of Aboriginal peak councils to negotiate on behalf of members to represent their interests to Government and to use sympathetic black and white bureaucrats within government, rather than operating out of a naive dichotomy of good on-side blacks and bad opposed whites. The reality of white sympathy with blacks' historical sufferings is far too complex for that.

**The role of land rights in the satisfaction of welfare needs**

There was both a national and an international context to the granting by the New South Wales Government of land rights for Aborigines. The national context was the Northern Territory Aboriginal Land Rights Act of 1976 which gave Aborigines access to very large areas of land from which they could pursue a modified traditional lifestyle with appropriate controls over entry by whites and over mining and minerals exploration. Also, there was the South Australian legislation of 1980 which gave secure title to the Pitjantjatjara of North West South Australia. The huge areas of land involved in both these cases (respectively 30 - 40 per cent of the Northern
Territory and 10 per cent of South Australia) mirrored what was happening in some places overseas. The Berger Enquiry in Canada and the Alaskan Land Claims Case in the US had settled vast tracts of Arctic wilderness on indigenous peoples there, enabling them, it was hoped, to pursue a semi-traditional mode of life and giving them some measure of control over mining (24).

Hazy notions of how Aborigines actually lived in New South Wales (largely urbanised, unemployed members of the workforce with ambitions for their children largely consistent with concomitant white expectations) married to a likely commitment of the Government to enact land rights if they were recommended and the strong hope in Government welfare circles that something must succeed in alleviating Aboriginal poverty, were a powerful mix. The variety of existing welfare and other Government interventions described in Keane itself had largely failed to solve Aboriginal problems of poverty. The untried intervention seemed to offer most promise—community empowerment through the transfer of significant parcels of land to generate both an income stream and the means for a cultural revival.

To recapitulate; what Keane meant by land rights and its consequences and what the witnesses before it meant may well have been two different things. As events have turned out, the key needs in Aboriginal communities as
perceived by Aborigines themselves do not include land rights as understood by Keane. There is considerable evidence that Aboriginal communities regard land rights activities as those which are carried out with land rights money, that community organisation, the ability to function as a grass roots organisation with staff and office support, access to a sympathetic government which will pursue breaches of the Anti-Discrimination Act, in short, anything which enhances Aboriginal community pride constitutes land rights. The idea that parcels of land delivered to Aboriginal communities could generate significant welfare outcomes and help to solve basic and long-standing community problems - this idea is predominantly a white idea. Yet the history of land rights in Australia hardly gives grounds for confidence in it. Even in the Northern Territory, where land transfers to Aboriginal communities have gone furthest, the need for supplementary Government support in welfare, employment and income maintenance is undiminished. There is no reason why this should not be so. Income is a derivative of all the factors of production: land, labour, capital and management. It cannot be ascribed simply and solely to land. Even broad acres of land will not yield higher income by virtue of being transferred to an Aboriginal community. Indeed, they may yield less income if such a transfer results in a failure to apply other factors of production. In New South Wales the problem of the inability of land to provide income (and an alleged ability is fundamental to the argument of those who claim that land
obviates the need for other welfare interventions) is rendered academic by the even more basic problem of the inability of the Aboriginal community to acquire land with the money set aside for it.

Some of the other functions of land rights in New South Wales have become more apparent since passage of the Act. Most significantly and at a cost of about $14 million per annum, land rights has ceased to be a real political issue. Certainly, some elements in the Labor Party still call for 'reform' of the Act but by and large the Left have moved onto other issues. Aboriginal community leadership still presses the land rights issue with little press coverage. Such media treatment as does exist is confined to the proposed Federal Land Rights Act and its possible characteristics. The effect of the Land Rights Act has been to satisfy the Left of the Party in New South Wales on their most important social issue. It was perhaps an instance of political adroitness which gave the Left (in the person of the former Minister, F.J. Walker) the opportunity of drawing up the Act. Once it was passed, in however foreshortened a form, it became their own Act. Criticism of it was not really possible nor meaningful. Whatever else the Act was, and in the final analysis it may turn out to be little more, it was a settling of accounts with the Left and with the wider body of liberal opinion in New South Wales, especially where this latter saw a nexus between poverty and land dispossession.
A second intended effect of the Act was cultural. Land transfers (this time especially from free grants of vacant Crown land) were to support a presumed Aboriginal revival, to preserve a set of 'sacred' sites and generally encourage a particular Aboriginal cultural development which was seen to be emerging in New South Wales and to be in need of support (25). The anthropological evidence, however, is that whatever might be revivable in Aboriginal culture, religion is not. Berndt states the problem succinctly:

Southern Aborigines are especially interested in their traditional Aboriginal land antecedence. That background was, as I have noted, downgraded in the past. Such a response in the present follows as a natural reaction to what has gone on before ... The Aboriginal background has virtually been obliterated or has survived only in modified forms. Therefore, it has to be recreated. So far, that recreation has been unsystematic. It is impossible to restore that totality of traditional life as a living reality or for those involved to return to it, even if they wanted to do so. What is possible, is the nurturing of a general idea of traditional Aboriginal life at two levels; (a) in terms of social relations, developing social links with all who claim to be Aborigines, and (b) selecting aspects of traditional or quasi or pseudo traditional culture which might respond to being revamped and placed within a different context. Not all traditional aspects are so transferable. One aspect which is not and which is (incidentally) basic to the Aboriginal heritage is Aboriginal religion - namely, its sacred and especially its secret sacred dimensions ... For those who have lost that vital traditional linkage that encompassing sphere remains elusive - a mirage which is not amenable to transmutation. (26)

The reason why Aborigines have advanced Aboriginal cultural revival as a major argument for land rights must be seen in the acceptability of this notion to white policy-makers. The gulf between poor Aborigines and
middle class whites is so extreme that no assertion is dismissed out of hand by the latter - even the assertion that Aboriginal spirituality has survived intact in pockets among New South Wales Aborigines. A recent example (27) is the claim of Boggabilla Aborigines to Boobera Lagoon. The Minister for Natural Resources, in considering the claim, takes seriously the assertions of local Aborigines that a sleeping monster lives beneath the lake and must not be disturbed: this from a group of settled Aborigines having lived well over 100 years under white welfare and Christian institutions. The apparent lack of a basis in reality for this spiritual relationship, pointed out in Chapter Four, hardly matters. The point of the exercise is that, as in the Mumbulla Mountain case, it works and must be seen simply as a crude (because it tends not to be duplicable) political tool.

Although the direct contribution of the Land Rights Act to the satisfaction of Aboriginal needs may be slight, there are, as indicated above, some potential aspects of considerable importance. Chief among these is the effect on Aboriginal community development of the injection of regular and large sums of money into communities. In terms of the evaluation of the Act the focus has been the lack of land purchase which has ensued. But even the purchase of land, if it happened in accordance with expectations, may have contributed only slightly to the satisfaction of needs. Since dependency is a common characteristic of Aboriginal communities and its effects
militate against many Governmental programs, the ending of Aboriginal dependency can be counted a high priority by Government. Fundamental to this ending of Aboriginal dependency will be the ability of Aboriginal communities to establish a more robust corporate life, identifying corporate concerns and identifying development goals and strategies themselves. The alternatives are continued dependency or assimilation. There is some evidence, as stated above, that land rights money flowing to Aboriginal communities is having a catalytic effect in forming a community consciousness and even the beginnings of an effective unity where neither existed before. The final results of the Aboriginal Land Rights Act, then, even though money is 'misallocated' away from land purchase to what communities see as more important community needs, may be positive because they may exhibit the actualisation of real community preferences. Where communities have a better say in decisions there is a chance they may become more self-reliant (less dependent) and better able both to identify and to satisfy local needs.

This may not, however, be able to be tested. The Government would be politically embarrassed if an Act to enable Aborigines to acquire land by purchase resulted in a total 'misallocation' to community or other purposes, especially where individuals were seen to be particular beneficiaries. The Government is to a large extent trapped within the rhetoric of Keane and the notion that Aborigines need and demand land over and above other
needs, that land is the sine qua non of future Aboriginal community development. It is unlikely that the Government would take the political risks involved in tolerating the application of funds to anything but land purchase notwithstanding the clear priority of other needs in Aboriginal communities.

Other functions of land rights and funding for Aboriginal groups

The above observations carry a strong inference that land rights legislation, and to a certain extent the attempts by Government to devolve funding to community-based groups, have a function quite apart from solving Aboriginal problems of poverty. Indeed, since the basic problems of Aboriginal communities which cause poverty are hardly addressed at all through the operations of these twin initiatives, these latent functions may be paramount. They relate to needs within elements of the white community to allay the powerful feelings of guilt when confronted by the continuing phenomenon of Aboriginal marginalisation. Guilt is a strong factor in Aboriginal Affairs. It is the card most consistently played by Aboriginal leadership in all aspects of its relationship with the white bureaucracy. It explains to a certain extent, as well, the backlash in rural areas against both land rights and special funding for Aboriginal initiatives - rural people do not feel such a sense of guilt. It is more an emotion felt in the metropolitan centres.
The observations of the previous chapters should also be seen as conveying the strong implication that increases in State funding are as much to do with the squaring of accounts by elements of the white community as with the delivery of appropriate measures to increase the welfare of the Aboriginal community. Questioning the assertions of Aboriginal leadership about Aboriginal needs is the last thing a set of policy-makers acting essentially out of guilt and aiming at squaring accounts would wish to do (28). To question the account of the experts (the Aboriginal leadership) seems to fly in the face of all that self-determination stands for.

And yet there is no particular reason for imagining that the elements at work in decision-making in a white community should be absent entirely in an Aboriginal community. Self-interest, nepotism, the need to exert power in whatever ways this appears possible, a failure to account; all these are elements operating in the transactions which occur between Aborigines and their community organisations and between the community organisations and the bureaucracy. Funding, whether for community services or for land rights, serves the function of consolidating power in Aboriginal communities just as it serves the function of alleviating guilt or settling accounts in the white community. It follows that local Aboriginal leadership may finally be as unconcerned about the actual welfare outcomes of the money spent, providing it fills the power function, as
the white bureaucrats who are responsible for the
allocating, provided it fills its function for them.

The level of analysis of the socio-economic context of
New South Wales Aborigines:
A number of terms, it will now be apparent, are used by
policy-makers to describe what they understand they are
doing and what they understand 'the' Aboriginal community
is demanding. These terms, especially land rights,
devolution (or some variable of it), community develop-
ment and self-determination and the constellation of
ideas they help to define, are part of the non-Aboriginal
ideology which gives meaning to measures in place to
assist Aboriginal communities to overcome poverty. An
interesting and perhaps opposite Marxian insight is that
ideology is a false consciousness which a class has of
society as a whole, a way of masking rather than
describing reality (29).

The notion of self-perpetuating Aboriginal poverty
attributable to initial disposition and compounding
itself decade after decade is the basis for this
ideology. In it, Aborigines become mere victims and
little else. Statements of this world view appear in
nearly all current reports in Aboriginal Affairs in New
South Wales (30) and in other States, sometimes repeating
each other word for word (31).
And yet the problem of continuing Aboriginal poverty remains one of the most perplexing and deep seated difficulties in Australian social welfare today. Aboriginal communities have not generally responded as a total community positively either to specific initiatives directed towards them or to generally buoyant economic conditions when these existed. Yet in New South Wales they have aspirations not much different from those of non-Aborigines: work, housing, education and membership of and participation in the mainstream of New South Wales life. Why have they not realised these aspirations? Why have they not participated more markedly in the workforce?

Theories of self-perpetuating poverty seem at first glance to identify the constraints, but they do not take account of all the evidence available. For example, Aboriginal household income is relatively high (32) in households with large numbers, though expenditure is poorly planned. Aboriginal health is poor and among Aboriginal males apparently deteriorating (33). But the key factor here is alcoholism.

Aboriginal employment is poor but it was so even in times of low general unemployment when there was a surfeit of employment opportunities. Aboriginal unemployment may be (largely) a matter of choice. Although there has been extensive efforts to revise the departmental rules governing the fostering and adoption of Aboriginal
children, there has been little questioning by welfare authorities of why such large numbers of Aboriginal children actually come before the attention of the Department of Youth and Community Services in the first place. Non-coping communities, one suspects, do not sit well with the ideology of self-determination which presupposes people capable of exercising the rights they seek in a responsible manner.

Alcoholism, the choice for non-employment, the preference for welfare, the apparent neglect of children and the results of a poverty which is to some extent avoidable seem utterly repugnant alternatives to a bourgeois construction which wishes merely to assign blame and ensure it falls on the dominant white society. But the recognition of problems within Aboriginal communities so deep-seated that they manifest themselves in self-destructive behaviour is not at all indicative of blame: it is in a sense beyond blame. Further, it has the potential to give a clearer indication of the types of resources needed to shift the community out of these sorts of modes of behaviour towards modes of behaviour which are more in tune with expressed aspirations.

It is quite natural that Aboriginal leadership should put forward a set of demands which centre on the same notions used by to white policy-makers: self-determination, devolution, land rights and community development. They are, after all, the trigger words which release the
money. But the content of these words when used by New South Wales Aborigines may be different from the content when used by whites. We have already indicated that this seems to be the case in the use of the term land rights. It may be in other instances, too, especially where the jargon strikes a sympathetic cord within government and contributes to the ability of white policy-makers to discharge their debt of guilt. Often the reality of the welfare handout remains, while disguised in the language of community development. For example, the Federal Government funds, through the ADC, Aboriginal housing companies to provide houses for Aboriginal clients. These are owned by the community and rented to the occupiers. The rents are generally very low (34) and, in the case of old houses, often not paid at all, representing a partial to total subsidy of nearly all non-Housing Commission Aboriginal housing. That it is done under the auspice of the local Aboriginal Housing Co-op (which may in turn have to be subsidised further for non-payment of rents) lifts the odium of the welfare handout and makes the problem one of delinquent renters: passive recipients have become active law breakers. The language of welfare dependency has been transformed into the language of community development.

Towards a new model of community development

It would be appropriate in this final section of the chapter, to indicate the direction of the arguments made in terms of the most appropriate course for the future of
Aboriginal community development, a point which will be explored in the next chapter.

Whatever the fiscal and political possibilities are in New South Wales Aboriginal Affairs, especially in solving problems of welfare which are deep seated in the Aboriginal community, these cannot simply be more of the same types of Government interventions. Nor is it likely that Government, either Federal or State is likely now to agree to new measures in Aboriginal Affairs which have significant cost implications. The Federal Government is committed to budgetary restraint while the State Government thinks it has done enough already.

It has been pointed out a number of times above that the Aboriginal Land Rights Act operates on the premise that Aboriginal communities are able to function with a high degree of voluntary commitment to group goals, that Aboriginal community organisation is sufficiently developed to utilise the resources made available under the Act to achieve the community-set goals of land acquisition. The evidence is, to repeat, that Aboriginal communities are largely unwilling to act in this sort of voluntary way. Moreover, there seems no agreement that land acquisition is a high priority for Aboriginal groups. At the level of Aboriginal community-based organisations there are a number of factors which bring into question their status as service providing organs, especially the latent functions of some groups, the high
degree of nepotism, the concentration on a very limited clientele and the inability either to establish networks with kindred organisations in other geographical areas or to establish peak councils to negotiate on their behalf with Government. This indicates a less than optimal evolution in the Aboriginal organisation which hinders the emergence of agreed goals and the strategies for achieving them.

The Ministry of Aboriginal Affairs recognised this in the course of 1983 and commissioned an Aboriginal organisation, the Aboriginal Cultural and Training Institute, to undertake a survey of Aboriginal organisations and determine the areas where Government might provide support for the strengthening of community structures so that blockages to community and devolution of control could be identified and eased (35).

The Report of the Aboriginal Cultural and Training Institute was published in 1984 and revealed more than anything else that Aboriginal communities often lack even the basic resources of literacy and numeracy and that budgeting is hampered by the lack of appreciation of even the purpose of budgeting. The best support Government can give to stimulate the emergence of community structures which can themselves take a greater share of control is support for training in very basic skills especially related to literacy and numeracy.
With few trained human resources available to both Aboriginal communities and groups, the ideology of community development, as it is being applied, needs to be questioned. The greatest obstacle to the questioning of it is the rhetoric of Aboriginal leadership which sees in such questioning the possibilities of returning to the old total dependency of the AWB and its assimilationist philosophy. That option must be seen as foregone at this stage of history. There has been nothing official published in recent years supporting the notion of assimilation or the welfare dependency out of which that notion grew. The purpose of questioning the notion of community development being applied by policy-makers would rather be to attempt to gauge further:

- the present set of Aboriginal communal aspirations,
- the human resources needed,
- the present level of human resources available within communities or groups,
- the assistance communities need in upgrading the quality of their human resources,
- the level and type of Aboriginal aspirations deriving from better qualitative investment in human resources and the other resources available outside and within the community for achieving these.

These represent a first set of aims in community development. That Government policy generally assumes that Aboriginal communities and groups are already well beyond that serves to illustrate the size of the problem. A
systematic program to facilitate the emergence of more robust and appropriate Aboriginal community structures would need to approximate Milson's 4 format schema, viz, 1 helping local people to decide, plan and act to meet their own needs with the resources available, 2 helping local services to become more effective, 3 appreciating the interaction of different services in planning for people, 4 forecasting different adaptations given changing circumstances. (36) Enormous effort will need to be put into 1, above, if the community is really to be assisted in identifying its own needs and encouraged in the notion that it can, as a body, act to meet those needs. The rhetoric of self-determination and the related set of ideas has tended to hide the fundamental premise of community work, that people develop as a community when they work on their own problems, and community development seriously attempted is, apart from complete assimilation, the only real alternative available to dependency or welfare.

Some myths in the way of a suitable community development model

A number of myths and a distinctive ideology inform New South Wales white policy-makers' notions of Aboriginal Affairs and the sorts of interventions demanded by Aboriginal communities themselves. Foremost among the myths, perhaps, is the notion of an Aboriginal community itself. Aboriginal communities and groups suffer a
degree of disunity which hampers effective community action and results in a common misfocusing of services from client to organisation. This is especially the case in LALCs where the service (land acquisition) is hardly addressed at all while the means (human labour) become the real ends (employment). LALCs are only one instance. Examples can be repeated in children's services and other agencies where serious and socially debilitating feuding among rival family groupings centres not on type of service to be provided but on who should control the resources.

As Gerritsen points out above, white policy-makers do not account for self-interest in Aboriginal communities. This gives rise to another myth common among policy-makers - that of an existing high degree of community self-awareness and agreement on goals and strategies. Keane (Vol.II), for example, is positive on the capacity of Aboriginal community groups to provide appropriate services and reflect community wants. Throughout the Report there is a constant repetition of the means by which Aboriginal self-determination can be advanced but never once are the resources necessary for community development and consolidation canvassed. It is as if the funding of community undertakings will promote community development rather than something like the opposite. It may well be that such funding postpones the day when such development might be based on stronger indigenous resources.
A third myth which supports the ideology referred to above is that of the high degree of political development among black leadership. Certainly Aboriginal organisations are more visible and vocal than they were in their early days. Part of current Aboriginal folklore is that better funding was fought for and won entirely by Aboriginal activists without reference to the strong commitment of, for example, the Whitlam administration to the empowerment of communities and groups. This folklore of the unassisted Aboriginal activist who wrests control from the whites has been partially internalised by the whites themselves. What has emerged is the illusion of the politically competent black, the best defence against whom is to concede everything (37) especially that he/she is the empowered representative of the community on whose behalf he/she seems to speak. The inability of black leadership to advance beyond the politics of confrontation in New South Wales, however, indicates more a lack of political acumen than the possession of it. It could also indicate how tenuous is the real relationship between communities and leadership. The tactic of the Aboriginal refusal to negotiate may serve the purpose of keeping the leadership in power, even if at the cost of more appropriate and better programs. As well as this, and perhaps tellingly, there has been next to nothing written by Aborigines about Aboriginal community development and the need for resources (human and other) to foster it. Rather, the different communities are treated by Aboriginal leadership for political purposes as

363
communities with an identity of need and agreement about strategies; clearly not the case.

I do not intend a lengthy examination of the role of Aboriginal leadership in the emerging issues in Aboriginal Affairs in New South Wales. I point it out to indicate the lessons it throws up in the understanding of white policy-makers and the construction of reality out of which they operate. The most basic characteristic which underlies both the myths and the ideology referred to above is the unquestioned assumption that there is just one reality to the Aboriginal community of New South Wales - a seamless garment cementing leadership to people, community to community and community to community-based organisation. Until this is overturned there will continue to be a less than optimum allocation of resources for Aboriginal communities in New South Wales.

The notion of community and Aboriginal policy

Fluid and fraught with myths though it may be, the notion of community is basic to understanding both the intentions and the weaknesses of Aboriginal Affairs policy in New South Wales today. As used in policy-making circles, the term may denote the whole Aboriginal population, the Aboriginal population of a town, the Aboriginal population of part of a town (eg, the Taree versus the Purfleet community, both of which actually live in the same
geographical location), or even sub-sets of this. It may also imply a community of interest: community-based organisations, for example, may often be set up and run at the initiative of people living in different locations. It is the shared task which defines their community in this latter instance.

What is clear is that community, as used by both whites and Aborigines, is always a given, never an end. The literature is devoid of any account of a current struggle for community, of the need to submerge factionalism for the achievement of potentially shared goals.

In the New South Wales Government administration, the flow of benefits which policy makes available is directed generally at or through Aboriginal community structures. With some important exceptions, the funds available through the State administration are generally available to groups rather than to individuals (38). With Land Rights, for example, the Act actually establishes the community mechanisms through which it operates. The Department of Youth and Community Services' grants designated for Aboriginal organisations are channelled through community-based groups. Even the Police Department's Aboriginal Police Liaison Unit directs its energies to cooperation with Aboriginal community legal structures, especially the Aboriginal Legal Services, but also women's refuges and other entities established under community auspice.
Aboriginal political rhetoric supports this bias to a community focus in the provision of welfare and other benefits. Aboriginal political leadership only has a role to the extent that it can operate out of a community base and it must be asked whether the sometimes idyllic, often at any rate exaggerated claims made on behalf of Aboriginal communities are not as much a construct of Aboriginal leadership itself as of white policy-makers. The persistence of entrenched Aboriginal community problems must to some extent be sheeted home to the powerful bias in the design and delivery of benefits to community forms. On the one hand, of course, this supports governmental notions (State and Federal) of self-determination - a concept quite as fluid as community itself - while on the other hand, it channels the scarce funds available for Aboriginal welfare through intermediaries often unable to turn these funds to account. The designation of community as the locus of funding may well represent a subjection of welfare to political ends in the determination of Aboriginal Affairs policy.

There is no simple alternative to an emphasis on the community, or forms of community, in Aboriginal Affairs funding. The most obvious alternative is to target Aborigines individually. This is what is done through the Aboriginal Secondary Education Grants for example, where some $20 million per annum (39) is spent throughout Australia targeting individual Aboriginal students for supplementary educational benefits. While this is
possible in education, it is more problematical in other areas, for example, health.

In the area of Land Rights, the biggest single item in the State's expenditure on Aboriginal Affairs, anything but community title to land, and hence of the need for appropriate communal structures to hold this title, would be difficult to imagine. Hardly a single submission to Keane argued for anything except a community form of title. Interestingly, and probably apropos, Hall and Jonas (40) demonstrate a strong community demand for individual home ownership as the most appropriate expression of Land Rights.

Communal structures for the provision of benefits under the State administration seem a permanent fixture. As the argument to date will have shown, reliance on community-based structures is fraught with problems, some of which militate against the proper provision of services. There is a problem, then, in the form of the medium the State administration has available to it to deliver the services it wishes to the client group. The failure to deliver these services adequately may well be accompanied, as was indicated above in respect of Local Aboriginal Land Councils, by some interesting and valuable second order benefits to the community. In many instances, nevertheless, the State is faced with the failure of its chosen mode to deliver the services which it claims it can. It might be added that the State
Government is so locked into the rhetoric of self-management that it cannot realistically entertain any other mode but must content itself with reforming the existing, defective community structures (41).

By now it should be apparent that the problems of the Aboriginal community in New South Wales, especially the problem of the low physical quality of life suffered by the majority of Aborigines, cannot be examined solely by reference to a shortage of Government resources available for their remediation. The defects of community organisation (and some of the problems faced by white policymakers may be due to the fact that community is regarded as a medium before it is regarded as an end) also bear part of the responsibility for the extraordinary persistence in Australia of the problems of Aboriginal poverty. The Ministry’s Working Paper for the Australian Aboriginal Affairs Council meeting in 1985, referred to in Chapter Six above (42), actually makes the connection and posits that the way forward in solving long-standing problems of Aboriginal poverty is to take seriously the problem of Aboriginal community organisation and shift to the focus in funding from final projects to the strengthening of the forms through which the projects are actualised - a process of community development.

The differences in funding policy and practice for the Aboriginal community when compared to the non-Aboriginal community derive in part from the fact that the community
group is so extensively utilised to provide services. The development of governmental policy in this area cannot escape from this particular historical datum, if only because there is a considerable and vocal Aboriginal leadership which derives its power and income from such a funding characteristic. The attempt by the New South Wales administration to make public resources more productive in Aboriginal Affairs will need to be premised on the notion that devolution is a one-way street. It cannot, to any large degree in the present political climate, be reversed. It can, however, be reformed. The resourcing of Aboriginal community groups for more effectively discharging their mandate seems the most attractive way open to the Government to improve the way in which resources are allocated in Aboriginal Affairs in New South Wales.

Making resources more effective: two Reviews

The resourcing of Aboriginal community groups to discharge their functions more effectively and of Government departments to oversee or monitor this process is the subject of two major Reviews in their initial stages at the time of writing (43). These are (a) a Review by the Department of Aboriginal Affairs of all its funding in New South Wales and (b) a Review by the Ministry of Aboriginal Affairs of the Aboriginal Land Rights Act with a view to amending the Act to make Land Councils more accountable for the funds they dispose of.
The Department of Aboriginal Affairs Review was an outcome of the meeting in March 1985 of the Australian Aboriginal Affairs Council which had agreed to explore, partly in view of the strong argument mounted by New South Wales, a community development model's potential to inform the Department of Aboriginal Affairs' funding decisions (44).

The Review of the Aboriginal Land Rights Act (1983) was announced by the State Minister on 9 May 1985. Its purpose was "to make Land Councils accountability mechanisms more effective and to strengthen the Act's administrative arrangements" (45).

At the time of writing it is too early to judge the outcome of the two Reviews. What is important for our purposes is to note that both Reviews are aimed at strengthening the community mechanisms through which benefits are provided. In neither Review is it suggested that there should be any retreat from the principle of community-based service provision as the Federal and State Governments' preferred mode of delivering benefits. These Governments are to a large extent locked into the model of service delivery championed in the early days of the last Federal Labor administration (1972-5) - self-determination as expressed through the shift in responsibility from government to communities. As the earlier chapters will have indicated, this model is one which has been fraught with difficulties in New South Wales and
persisting with it suggests that government is aware of other benefits deriving from it, even where the principal intention (delivery of a direct service) is not fully or adequately actualised. These secondary benefits include community cohesion, employment creation, the cultivation of an articulate Aboriginal leadership and assuaging the Left segment of the Labor Party (or in the case of the coalition when there is a conservative government in power, the liberals).
REFERENCES


2 Australian Aboriginal Affairs Advisory Council Meeting, 1952.

3 Keane, 2.110.

4 Keane, 2.111.


9 Hall, M.R. and Jonas, W., *op.cit.*, Table 1.1,1.2, p.3-4.


18 Castle, R., *op.cit*.; Hall and Jonas, *op.cit*., Table 10.2.

19 This was not always so. The original Aboriginal organisations were interesting examples of community self-development among the poor. (M Valadian, structured interview).
A single extended family network controls the Aboriginal Legal Service Redfern, Murravina Preschool, Redfern Aboriginal Children's Service, and has now taken charge of the NSW Aboriginal Land Council where the Executive Officer, the Research Officer, the typist, the handyman and the cleaner, are all members of the one family.

Redfern community members have lamented the effects of nepotism in house allocation by the Redfern Aboriginal Housing Company in comments to the Ministry: private communication.

Gerritesen, R., op.cit.

Milson, F. op.cit., p.25.


File F505, Ministry of Aboriginal Affairs: Boobera Lagoon.

As indicated above, the clearest indication of the questionable nature of the assertion of Aboriginal leadership about the importance of land is in the contrast between the evidence before the Keane enquiry and the conclusions of the Hall and Jonas study referred to earlier. The evidence is that land is not among the upper set of priorities as the people themselves rank them.


For example, a comparison of the NSW Task Force on Aboriginal Health (1983) with the South Australian Report on Aboriginal Health Services (1984) reveals a strong literary dependence of the latter on the former.

Hall and Jonas op.cit.

Health Task Force Report op.cit., Ch.1.

For example, the Purfleet Aboriginal Co-op charges occupants of its brand new houses at Purfleet $50 per
week. This represents a considerable subsidy over what would be paid for a corresponding house in nearby Taree.


37 Whimsically summarised for the US experience by Tom Wolfe in his essay *Mau Mauing the Flak Catchers*, Fontana, NY, 1972. It may well be that the Australian experience is, in at least this respect, and probably others, 10-15 years behind that of the US.

38 An exception is that set of benefits available through the functional departments for which Liaison Officers are used to bring Aboriginal clients into contact with, for example, the Departments of Health, Youth and Community Services and Education. But even here the source of funding is Commonwealth and the model, one which, though administered by the State is Federal in conception.


42 Ministry of Aboriginal Affairs File A2121.


374
CHAPTER EIGHT

THE FUTURE

In these closing sections of this thesis, I shall devote some space to examining where the previous chapters indicate that Aboriginal policy might move in the future. I have already indicated that on the evidence to hand, there is unlikely to be any significant shift away from, at either Federal or State level, an emphasis on community-based funding, despite its weaknesses (1). It is highly questionable, however, whether either State or Federal Governments recognise the extent to which the Aboriginal community in New South Wales is changing currently or whether, indeed, the problems associated with Aboriginal poverty will persist in their present forms. The continued emphasis on community-based funding may hasten the changing nature of these communities and render less appropriate the forms of funding decided on.

The changing community

Aboriginal communities in New South Wales are undergoing a number of processes which are of themselves tending to narrow the gap in self-understanding between Aborigines and poor whites. In the first place, there has long been a slow steady drift of sections of the population from the country to metropolitan centres, largely in search of work (2). Even in country areas there has been a clear
tendency for Aborigines to become urbanised, with large numbers migrating from former reserves to country towns where they live in proximity to each other or scattered among the white population, depending on the current policy of the Housing Commission (3). This has tended to leave former Aboriginal Reserves (the classic "community" in both Aboriginal and white parlance) with an ageing population and one which appears least able of any of the three modal groupings into which the population most easily falls (Reserve, town, city) to improve its physical quality of life.

A new assimilation?
Reinforcing this slow drift of population to areas of superior housing and potential employment is a slow change in the values held by many Aborigines. While the political rhetoric has (since 1972) overwhelmingly been in the direction of self-determination, cultural retention and reinforcing of distinctive Aboriginal values, the aspirations of the Aboriginal community appear to be set quite firmly in the direction of some mode of assimilation. Both Hall and Jonas (4) and Castle (5) in their studies point to the overwhelming strength of demand for employment among Aborigines in New South Wales. The former, as well, isolate a high strength in Aboriginal demand for education for their children and better housing. Other needs include those which might be described as conducive to coping better in white society: nutrition education, mothercraft, literacy, and so on. These,
it should be noted, are the needs which Aborigines themselves identified as their highest priority. Essentially, they are needs for the resources to live within the mainstream of society, and although one hesitates to use a term like assimilation with its heavy burden of historical association in New South Wales, in fact they do represent a strong desire on the part of large sections of the Aboriginal community to enjoy the same benefits from society that whites are perceived as enjoying (6). In expressing these needs - a steady job, a good house, a decent education - Aborigines are expressing a corresponding desire to conform to the sets of values associated with them.

It is not suggested that Aborigines are losing their sense of identity. Much like the American Narragansetts of Chapter One, however, they may well, because of their participation in the life of the mainstream of society, end up essentially indistinguishable in outward form from the rest, while enacting from time to time some signs of a separateness otherwise quite latent.

While continuing to identify as Aborigines, the content of that word - Aborigine - may well be changing already under the influence of higher aspirations, the effects of positive discrimination and steadily increasing material benefits. The Narragansetts of Rhode Island retain an identity as Indians, not because they share the spirituality or the lifestyle or even the oppression of the
Indians of New Mexico or Nevada, but because they retain a memory kept alive despite the disappearance or alleviation of all these. The Aborigines of New South Wales, under the influence of this renewed pull of assimilation (rather than the former "push" of governmental regulations) may well be heading in the same direction.

Identity
If this is the case, that the notion of Aboriginal identity is in the early stages of a profound change as Aborigines begin to benefit from some of the more obvious advantages which society can make available, it is opportune to question whether Government policy can anticipate this and accelerate its positive side. Should State Government policy in respect of Aborigines be premised essentially on their differences (which by and large obtains at the moment) or on the similarities of their aspirations to the rest of society?

The implications for policy in this question, of course, are profound. Employment, housing and basic education needs are best satisfied through governmental programs. There is little that the community-based programs can do to satisfy the major part of these needs. Even community-based housing companies, despite strong Commonwealth support, supply only a small proportion of Aboriginal housing needs in New South Wales.
The chief constraint is managerial expertise. A concentration of funding in Government programs and within the Government administration on the three above needs would have its own logic in addressing prime needs first. To the extent that it channelled funds away from community-based programs, however, it would adversely affect the second order outcomes mentioned above. In particular, in affecting the political base of much of the Aboriginal leadership, it would cost the Federal Government its support from among this leadership.

The State would be freer to pursue this course of action as the bulk of its funding directed to communities goes through a single conduit - the New South Wales Aboriginal Land Council.

Policy-making for Aborigines from the perspective of their differences, it should be clear, can usefully be contrasted with policy-making from the perspective of their shared aspirations with most of the rest of society. The former tends to be backward looking, guilt-focused and to rely heavily on the political interpretation of Aboriginal activists themselves. The latter tends to be more future-oriented in that it questions the best future use for limited resources in satisfying Aboriginal needs as currently expressed: it is research oriented and relies heavily on the agenda for change gleanable from the Aboriginal community itself. Identification of these two poles may assist in at least isolating the
problem of how to allocate static and in the future shrinking resources to what appear to be unlimited ends.

To the extent that the limitless ends are in fact able to be reduced on the basis of priority of need (eg, employment and housing before Land Rights and Heritage), so the task of policy-making can assist in the generation of higher levels of total satisfaction from the expenditure of these funds. The Ministry of Aboriginal Affairs has, in fact, through its corporate plan, arranged its own workload to give priority to the highest level of need as identified in the Hall and Jonas study (7). It has argued at the Australian Aboriginal Affairs Council that priority needs to be given in Federal allocations to needs as they are identified locally according to local priorities, instead of across the board funding for the gamut of programs in place to date (8).

At least in the State administration, then, there is emerging a clear tendency to question the agenda of Aboriginal political leadership and to favour modes of funding which will assist in the satisfaction of expressed human needs in their order of priority according to Aboriginal articulation region to region. Interestingly, there has not been much inter-regional variation between strength of demand for benefits of the highest priority - work, housing and education. Two outstanding questions are: whether the Commonwealth can, through its review of expenditures within New South
Wales, be induced to do the same and whether the amendments to the Land Rights Act (1983) can be made to deliver benefits which accord with what is known of local needs - especially perhaps, housing.

**Policy-making: the value context**

I have examined to this point a set of policies adopted by the New South Wales Government and a set of processes to put these into effect. It is opportune at this point to see to what extent these can be usefully put into a context of values which might inform them, partly to explain why the policies and processes have evolved the way they have and partly to see what the future development of such values might yield.

Policies and the processes for effecting them are often untheorised: they might arise from a range of notions unrelated to any consistent anthropology or even theory of social administration. In the case of Aboriginal Affairs policy in New South Wales we have already seen the effect, firstly of pragmatism on the formation of policy (the notion of Land Rights as a bow in the direction of the Labor left) and secondly of white guilt which stands in the way of the reform of much Aboriginal Affairs policy. Even where policy is consistently related to a set of value judgements, these may amount to no more than crude notions of justice or crude notions of need. Theorising about welfare policy involves subjecting the language of policy-making to scrutiny and, by
means of an analysis of the concepts, to see what the
real meaning is of the words which are used to describe
policy. When we shift to a point behind the rhetoric of
self-determination or justice or an end to dependency,
what can we glean from this vantage point? How do the
notions being examined relate to notions of the welfare
state or to theories of public morality?

One of the problems of such an endeavour to get behind
the rhetoric and analyse the concepts which are operative
in welfare, is that such conceptual analysis is often
carried on without reference to the political and social
context. To attempt to reduce the concept may be to lift
it out of the only context where it has any meaning. For
example, it should be clear that the set of Aboriginal
Affairs policies currently being pursued by the State
administration in New South Wales, arise, at least in
part, from identifiable if crude notions of justice and
compensation encapsulated essentially in Keane Volumes I
and II. Stepping behind the rhetoric of Keane, one can
reduce the key concepts - justice, compensation and rest-
itution - to some fairly strict conceptual categories.
They derive from notions of State intervention which are
in full flight from coercive models of the past.

Past models were based on the needs of a burgeoning
capitalist state for social control (for land security
for white settlers) coupled with a high level of coercion
(modes of labour force participation deemed suitable for
black men and women). The Keane model is based on empowerment (9) as a form of redress for past wrongs. The notion of empowerment is reinforced by current notions of pluralism as a useful or valuable aspiration for the modern welfare state - Aborigines have rights by virtue of being distinct whether or not we need to compensate them. In fact none of these concepts - justice, compensation, restitution - makes much sense outside the particular context of the Aboriginal situation in New South Wales. To retain meaning, the political and social context needs to be retained. This includes the distinctive history of Aborigines in New South Wales, their historical relations with the white society, their experience of racism and their reconstruction of that experience contemporaneously. The question of justice for Aborigines, in other words, cannot meaningfully be examined without reference to real issues and struggles - the political context. Is there then some true and irrefutable ethical basis to what the New South Wales Government is trying to do in Aboriginal Affairs today? Pragmatism and guilt are undoubtedly factors, but they are not the whole picture. If they were, the 0.7 percent of the total population comprised by the miniscule Aboriginal population would long ago have been forgotten as a separate issue in welfare policy.

Plant, Lesser and Taylor-Gooby (10) show that the notion of distributive justice has problems as a rationale for a welfare system:
The first difficulty to be confronted is whether justice is a relevant consideration in this kind of context, and there are two possible arguments to show that it is not. The first is to maintain ... that those who are in need because they are poor, handicapped, lacking intelligence, unable to cope with life, etc, are not suffering from an injustice, because this situation is no one's fault but is rather the result of the arbitrary distribution of nature. If we leave belief in God to one side, the differences that result from natural endowment are not injustices; they are rather "natural facts". If they are not injustices, then it is absurd to appeal to a principle of social justice to secure their rectification. The second argument is analogous to the first. It holds that, even within welfare contexts which we are talking about, harms or deprivations that people endure that are clearly not natural ... but are in a sense "social", are still not injustices, because they, no more than genetic harms, do not result from deliberate actions. (11)

The authors go on to reject desert as a principle of social justice

... the notions of desert and merit would drop out as irrelevant because talents would be regarded as naturally explicable and explicable in terms of nurture, and in neither case is an individual responsible for the features of his life in question; and where responsibility evaporates desert has no role to play. These factors would be arbitrary from the moral point of view.

One other argument that could be used here to reject the idea of desert/merit-based distribution is that it is both impossible and morally wrong to attempt to disentangle the contributions made by individuals to the total social product. Any particular action in the productive process is going to require, in a modern complex industrial set-up, a scheme of social cooperation in order to be performed, and within this cooperative framework it is very difficult to work out who deserves more than others in the sense that his particular contribution to the whole process is decisive. (12)

They conclude that none of the current theories of justice (merit, desert, worth, entitlement, need) is so
unproblematical as to be accepted as a secure basis for people's right to welfare. Needs, in other words, do not of themselves create rights.

While Plant et al are at pains to reject notions of social determinism as unworkable, in the particular case of Aboriginal Affairs policy, it may well have a validity when applied to the population as a whole. The sheer persistence of the Aboriginal poverty problem, the reappearance generation after generation of almost identical indicators of social deprivation, may well be pointing to a form of social determinism which operates at the level of the total population, even while no individual member need be personally determined by this set of factors. The liberal tendency would be to reduce the responsibility of white society for the dysfunctional behaviour of black society to the level of my responsibility for you - the wellspring of white guilt. One suspects that a valid value basis for welfare can be much more securely founded by white reflection on the productive forces which need to come into play to end Aboriginal poverty - forces which might view Land Rights, for example, not as a token gesture to symbolise a settling of debts but a real restoration of the Aboriginal population to the means of production. Guilt, to the extent that it represents the reduction of social relationships to the level of individual relationships, is certainly no basis for welfare values. It is at least unhelpful in providing this. It is also potentially obstructive to
the emergence of welfare values because it stands in the way of a robust theory of social equity. Such a theory in turn might cut through the nice arguments about right and need and advocate social change on the basis of the objective bias in the current distribution of power and wealth in society.

Plant et al go on to criticise a number of approaches to the question of claims to welfare from the perspective of rights. They conclude (13) that the satisfaction of basic needs is a primary ethical duty of Government.

To call this entitlement to needs satisfaction a "right" does not really make any difference to the argument, although it does provide an important rhetorical device for those who wish to press the claim of need fulfilment ... a proper view of human universal rights would ground them in a theory of basic human needs ... of course, the level of satisfaction in question is going to be a matter of normative dispute, but this does not render the whole conception ineffectual any more than disputes about what sorts of provision will actualise the right to participate in government makes this right ineffectual. In order to act legitimately, in the sense of satisfying basic moral duties laid upon it, governments have to recognise the basic duty of need satisfaction; and thus the provision of welfare, not necessarily in the form of present welfare states, is a basic aspect of political legitimacy and not just some kind of optional extra within the general political framework. It follows from this also that government cannot be wholly want-regarding ... it has to be ideal-regarding in recognising the duty to satisfy basic needs and ... be correlated with felt wants. ...

This thesis does not entail that legitimate governments should pay no regard to people's wants - their ends and their desires to achieve them - or that governments should indulge in a radical root and branch criticism of the articulated wants of its citizens. On the contrary, the thesis is a rather narrow one, at least in principle: that there are basic needs - for survival and autonomy - and that the government
has a duty to satisfy these prior to and in order to arrange the maximal form of want satisfaction. (14)

It is perhaps here that we have the basis for grounding the value base of Aboriginal Affairs policy. The need for Aborigines to have their basic needs satisfied is hardly contested by anyone and some claims to welfare can be made on the basis of it. Additionally, social equity and notions of a right, a priori, to share in power and resources irrespective of perceived contribution can build on this and provide a political agenda which buttresses and extends it. The means by which such needs are satisfied and the methods by which a just participation in social processes is assured remain open to argument and subject to competing policies and inputs on these. The weakness of Keane, it will be appreciated, was precisely that as a basis for a just regime in New South Wales policy, it did not postulate a set of policies which was consistently related to a value base. Rather, it relied on crude and finally unsubstantiable notions of distributive justice which derived from the specific inputs to the committee, inputs from a clientele with a vested interest in promoting such encumbered approaches.

A less encumbered theory of the value bases of social welfare provision, for example, objective social equity, might well have provided a firmer basis for consolidating current Aboriginal Affairs policy in New South Wales and even extending it. The most palpable value which can be
identified as lying behind current policy is, as has been asserted elsewhere, the urge to compensate, or crude need or finally guilt. This should hardly be surprising as any set of values possessed by an individual or a group of individuals is a mixed bag of the concrete and the abstract, the rational and the less rational. As Carley says

All humans possess a good number of values, or a values set, arranged in a hierarchical manner with the more abstract lying at the top of the value hierarchy. This value set is considerable less complicated than the world and this is a great virtue: a few standards apply in a multiplicity of situations. In this sense, the value set is like a model which attempts to simplify reality. A value set has at least one important function: it provides a basis for orientation in, and interpretation of, a complex world and for formulation of the appropriate responses to that world. (15)

The end result, however, of this "unsurprising" finding is that it minimises the chances of a rational solution to the set of problems (Aboriginal poverty) being addressed. If Keane is based, finally, on not fully rational values (a notion which will be explored shortly in this chapter), the policy recommendations of Keane and the cognate policies of the New South Wales administration are more or less non-rational (environmentally) as well (16). I would argue with Carley (17) that rational analysis is a valid (though incomplete) tool in social policy decision-making. It is the tool which best conduces towards the optimum economic allocation of scarce resources. To put this into concrete terms, the fact of a relative shortage of resources for some projects or initiatives in Aboriginal Affairs may be traceable to the
fact that the bulk of the New South Wales Government's allocation to Aboriginal Affairs has already been spoken for in the form of the Land Rights legislation. If it can be shown that Land Rights legislation is itself based on non-rational foundations, it may leave such a policy politically advisable, historically understandable, but, in terms of the optimum satisfaction of welfare needs, inappropriate (18). Such "inappropriate" expedients which consume some 62 per cent of the funds which New South Wales allocates to Aboriginal Affairs draws funds from applications which on other criteria may be considered more appropriate since they are more conducive to the delivery of benefits, for example, employment creation or housing.

The point will not be argued any further. I have already indicated that current Aboriginal Affairs policy in New South Wales can be conceived as an attempt to settle the debts of the past - an observation with which the interviewees agreed. Such a leitmotif assists in explaining the range of policies and programs currently mounted by the New South Wales Government, and in particular the mix between Land Rights expenditures (around 62 per cent) and the rest. In explaining one facet of the question, however, it raises other questions, especially what additional set of policies and programs are needed to assist the long-run policy of the Government in delivering real benefits capable of alleviating the entrenched problem of Aboriginal poverty. A further problem for the policy-
maker is how to optimise the capability of the set of policies in place to deliver benefits when they represent for all practical purposes the total stock of resources now available - the problem, that is, of budgetary constraints.

It should be apparent that isolating the values which overtly or covertly inform policy leave untouched the important practical questions of how, given these values and these policies, the fundamental welfare problems are going to be resolved. The misallocation of resources destined for the solution of people's welfare problems is, at one level, an ethical as well as an economic problem and in the final analysis it is legitimate for the social researcher to pose the question of the relative worth of highly visible, highly politically important policies (Land Rights) when compared to other (welfare) policies which do contribute to the raising of the physical quality of life.

The myths of Aboriginal Affairs policy in New South Wales today have been discussed in various ways throughout this thesis: the myths regarding the purposes and effectiveness of the different government policies, the myths which white policy-makers have of Aborigines, the myths of history which inform the present and the many myths related to the identity and self-understanding of Aborigines themselves. In the next section I shall take up some of the threads expressed in the analysis so far,
especially those related to the allocation of resources, and discuss the future of Aboriginal Affairs policy in New South Wales from the perspective of the objective welfare needs of Aborigines, especially with respect to alternative uses of limited funds.

The future of Aboriginal Affairs policy in the New South Wales administration

Both State and Federal welfare policy are increasingly conducted within the strictures presented by resource constraint. This is the case, as well, in Aboriginal Affairs where the steady expansion of the Federal Aboriginal Affairs administration since 1972 has now ceased. Some programs (for example, the National Aboriginal Conference) which are perceived as not providing sufficient return for the resources expended, have been curtailed. Likewise in the State administration, the $23 million per annum currently being allocated by the State for Aboriginal Affairs can be assumed in the intermediate term to be as far as the New South Wales Government is prepared to go. At both the Federal and State levels, as indicated above, reviews of expenditure are proceeding to determine how limited funds can produce more worthwhile results.

Although Aboriginal Affairs stirs up deep political emotions in policy-making in Australia, its future, like that of much if not all welfare policy, is closely tied to how it is perceived as producing acceptable economic results.
In the final analysis the indicators of this will be that set which has to do with the physical quality of life of Aboriginal people. As the Sydney Morning Herald puts it in its editorial of 29 May 1985,

What needs to be done? Spending more money does not seem to be the answer. Commonwealth expenditure on Aboriginal Affairs, $263 million a year, is already large and is unlikely to be significantly increased. What needs to be accepted by Aboriginal leaders and politicians is that the raw deal Aborigines get has less to do with the lack of spending and almost everything to do with the failure of policy and administration. The basic problem is that not enough money actually gets to the places where it could do the most good. (19)

If there is to be any real future in Aboriginal Affairs policy it will be in the area of making existing resources more productive. By now it should be apparent why it is that in so many instances they are not sufficiently productive. State administration, of course, is the minor actor in New South Wales Aboriginal Affairs policy, but the problems of ensuring an adequately productive Aboriginal Affairs program are a microcosm in the State administration of the same qualitative problems faced by the Commonwealth.

First and foremost the tendency has been for a single policy instrument to be used to achieve multiple policy ends. Land Rights legislation, for example, is aimed at addressing Aboriginal welfare needs. It is also aimed at addressing expressed spiritual needs. It serves the overt function of being a compensation package for past injustice and a covert function of allaying feelings of
guilt among an important section of policy-makers. It is doubtful that it fulfills effectively any of the first three functions. Each of them could have been addressed with separate policy instruments which could have involved a more efficient (and even equitable) use of resources. This in turn might have involved separating out the welfare function entirely from the intention of the Land Rights program and addressed Aboriginal needs, as perceived in contemporary studies, in separate programs. Any such program would have to concentrate firstly on housing rather than land.

The crudeness of the single policy instrument approach to Aboriginal welfare in New South Wales is demonstrated again in the means by which Land Rights funds are distributed. Here the two aims are self-determination (that is, the decisions should be Aboriginal) and efficiency (the money available should not be squandered on governmental bureaucracy). As it transpires, and as the current review of the Act testifies, one aim endangers another. It is precisely the exercise of a form of self-determination which, by the decisions made at central and regional Land Council levels, endangers the efficient application of the money made available. Two years after the passage of the Act and $25 million later, virtually no land has been bought.

A second reason for the lack of sufficient productivity in the current application of Aboriginal Affairs funding
in the State administration must be counted as the myth of self-determination itself. The term is redolent with overtones of political autonomy and cultural revival. When it was unveiled as Commonwealth Government policy under the Whitlam administration, it quickly became associated in right wing parlance with separatism. It is the very vagueness of the term which has allowed it to be invoked on so many and diverse occasions to justify inefficient or even inequitable ways of doing things. As has been indicated above, the maximal claim one can make for it is devolution of control over spending decisions to Aboriginal community-based groups, or a strong version of local control. But even this very weak notion of self-determination is operative in only a small number of situations. The dynamics of consultation by the Federal Department and the relative unimportance of the concept in the State administration mean that it is at the moment something only a few Aboriginal community groups can aspire to. The exception in the New South Wales administration is the Land Councils and the use they make of the annual allocation granted under the Land Rights Act. This is a completely devolved power but to the extent that it represents self-determination it is rather more a proof of its failure than of the opposite. As a term it retains its mythic power. It is to be retained, for example, as one of the principles underlying the review of the New South Wales Land Rights Act on the instructions of the Minister (20). A greater rationality in the use of resources may well be dependent on a greater
rationality in the lexicon of Aboriginal Affairs. As Carley says of the principle of rational analysis in policy-making,

Rational analysis promotes explicitness in presentation of data basic to a problem and in causal linkages and transformations postulated in the analysis. This reduces the incidence of hidden value judgements, the effect of fashion in problem resolution and the incidence of implicit causality in the form of tenuous causal relationships which may pervade less rigorous forms of analysis ... this type of exercise also helps to separate the effects of a particular program from the impact of ongoing social processes which would have occurred in the absence of the program under consideration. (21)

It is possible that the passing of the white Australian guilt complex about Aborigines may hasten the advent of a more useful and less mystifying vocabulary because this vocabulary is essentially the vocabulary of politics. When Aborigines cease to be a necessary component of either party's political platform, there may well be hope that the resolution of their problems of poverty may be assisted by their translation to a more rational and resolvable welfare agenda.

This agenda will need to continue the effort to shift responsibility for identifying and (increasingly) meeting Aboriginal community needs from community resources. The phenomenon of dependency which has been discussed at several points in this paper has many negative outcomes. One of them, which is highly relevant in a future climate of static or shrinking resources, is its high cost in purely economic terms. The $12 million per annum which
is spent each year in New South Wales by the Commonwealth on Aboriginal welfare housing (22), the $4 million per annum spent on Secondary School Grants for New South Wales Aboriginal students, the $15 million per annum New South Wales budget of the Department of Aboriginal Affairs together indicate the entrenched nature of Aboriginal welfare payments. Much of this contains its own inner contradiction: the Department of Aboriginal Affairs-funded infrastructure and the Aboriginal Development Commission-funded housing together tend to lock Aborigines into former Reserves and country towns where opportunities for employment are miniscule. Without employment, the likelihood of communal dependency on maintenance grants from the Department or the Aboriginal Development Commission and individual dependency on the Department of Social Security is almost complete. Moreover, Aborigines express the desire to be employed. The Hall and Jonas survey referred to repeatedly in this paper shows clearly that employment is the most strongly expressed need of Aborigines in New South Wales. It also shows that this need is uniformly felt from region to region and that among the chief obstacles preventing its satisfaction is lack of negotiable skills and a corresponding lack of work opportunities in country towns.

Aborigines display a strong cognate desire for better educational opportunities to actualise their desire for employment. The fact of dependency, whereby individuals and communities are reduced to having most of their
physical needs met by a variety of welfare programs from cash payments through to welfare housing, is partly an outcome of, and partly a cause of, this non-engagement with the work-force. The modal Aborigine in New South Wales is unemployed (23) yet the prime expressed need is for employment. I believe this stark conjunction indicates more than anything else the necessary future direction of Aboriginal Affairs policy in New South Wales. To a certain extent, however, policy-makers will have to learn to shed some of the mystified language current today. Self-determination, for example, is generally accepted as the Aboriginal aspiration par excellence. Programs are conceived as essentially communal and funded with a view to generating a process of self-sustaining social change. This is a highly optimistic basis for social planning and years of failure in Aboriginal Affairs funding (24) have failed to dampen the view that the community is the logical locus for directing money. Yet there has been comparatively little success in the funding of Aboriginal communal ventures in New South Wales, with the exception of one or two community-based medical services and an occasional housing company. But even here, the resource cost per client seems inordinately high. There are deep seated problems associated, in policy-making, with an uncritical view of Aboriginal community and its capacity for self-directed development. Policy-making is at the point, now, of having to come to terms with the lack of communal skills among Aborigines collectively and their desire,
individually, for participation in mainstream social experiences, especially workforce participation. One of the prime learning experiences of the New South Wales Aboriginal Land Rights venture is the primary need for a reasonable measure of administrative skills in the Aboriginal community before localist or voluntary measures can succeed. Administrative skills required for voluntary organisations are both formally and informally acquired. The latter are extensively, and in the Aboriginal community perhaps predominantly, acquired through participation in the workforce while the day-to-day skills of interaction, of negotiating, of relating to peers and those in authority in a working environment, are learned. Aborigines, lacking education, lack many of the basic formal skills for effective voluntarism. But they also lack many of the informal skills acquired through participation in the workforce and it is probable that increased employment may contribute to the ending of dependency not only through making individuals better resourced and less dependent personally on welfare, but also through the indirect effects which an employed membership would have on Aboriginal community-based organisations.

Aboriginal employment is rarely addressed in the Commonwealth literature as the key issue affecting dependency. The Commonwealth's chief instrument for its promotion has been through Aboriginal access to education. But Commonwealth schemes to promote education have had a disappoint-
ing history in New South Wales. The Aboriginal retention rate in Year 12 of high school is currently about 25 per cent of what it should be on a pro rata basis and Aboriginal high school graduates are congregated predominantly in the lowest quartile (25). Moreover, there is no data to suggest that Aboriginal employment rates have increased as a result of putatively better educational standards.

As far as direct schemes to promote Aboriginal employment go, the two chief means operating currently are (a) the promotion of employment through Commonwealth funding of Aboriginal community-based programs and (b) the promotion of short-term employment through the deployment of Commonwealth Community Education Program (CEP) funds through the State Ministry of Employment. It was indicated above that the latter had created about 2,000 short-term jobs for Aborigines in New South Wales. It is not known how many Aborigines are employed as a result of Department of Aboriginal Affairs grants to communities, but the figure is probably several hundred. Both these methods have the disadvantage of being short-term and of involving no necessary training. The Commonwealth NESA Scheme which is a training scheme for Aborigines, utilising six-monthly job placements predominantly in the public sector, has never been evaluated in any publicly available report, but private conversations with Department of Employment and Industrial Relations officers indicate that retention rates of trainees are low, which makes it
a costly scheme and, in a climate of limited resources, probably ripe for review and phasing out.

The prospect of ending Aboriginal dependency, which a renewed emphasis on the employment of Aborigines would entail, has the negative prospect of increasing the tendency towards assimilation. To a certain extent, however, assimilation is one of the mystified words which prevents action on potentially profitable fronts. This paper has argued above that Aboriginal demands as expressed in a number of studies amount to the desire for a deeper involvement with the mainstream of society in New South Wales, but by choice not by administrative fiat. The latter is assimilation: the former may more probably be described as acculturation. This, I believe, is a further challenge to future policy - to see behind the rhetoric of leadership to the real aspirations of the people represented and to acknowledge that their desires for a better physical quality of life are, on balance, probably more strongly held than the desires for cultural separatism or political self-determination as enunciated by white policy-makers and some of the black leadership. The agenda is the Aboriginal standard of living and the chief instrument, on the basis of the evidence, needs to be the provision of employment.

This is not to suggest that the Commonwealth's and the State's policy aim of the devolution of responsibility to community-based groups or the supplementation by the
Commonwealth of State funds directed specifically to Aboriginal groups should cease. Rather, the desired outcomes are in need of change. The overall aim of Commonwealth and State policy at the moment is self-determination based on Aboriginal rejection of assimilation. We have argued above that both terms suffer from a high degree of mystification. Moreover, they do not help much in making sense of the data available on Aboriginal needs nor in proposing workable solutions to problems of Aboriginal poverty nor even dependency. They are terms promoted by Aboriginal leadership and rightly express a political agenda. That the political agenda has not been easily translated into welfare terms is, I believe, manifest. Nor can it be unless the particular needs of the New South Wales Aboriginal population (which may differ significantly from those of the non-New South Wales Aboriginal population) are taken at their face value, especially the strongly expressed need to work and, by extension to participate in society to a more meaningful extent.

That the particular needs of the Aboriginal community are not already addressed in ways more consistent with some of the research data discussed in earlier chapters is partly explainable in terms of the distinctive history of Aboriginal welfare in Australia and its legacy of confused goals, guilt, racism both personal and institutional and the abiding difficulty of negotiating effectively with the Aboriginal community. It may be the
exogenous variable of stable or declining funding which acts as the spur to putting into place programs which actually deal with clearly expressed needs for work and other forms of participation. It may be the relative shortage of resources which contributes to the ending of dependency which so characterises Aboriginal history.

Settling the debt
It has been suggested above that what white or governmental policy-makers, together with those who influence the policies of both major political parties, have been attempting to do in Aboriginal Affairs policy over recent decades, is to settle the debt of white guilt for the damage done to Aboriginal society by the original occupation of Australia and subsequently by governmental welfare policy. Assimilation has been dropped as government policy in all States and self-determination promoted in an attempt to promote, in turn, what is perceived as the agenda of Aboriginal leadership (again, as perceived). The attempt to promote self-determination since 1972 is impressive. A separate Aboriginal Affairs administration in the Commonwealth currently dispenses a budget in excess of $200 million. In addition, the Aboriginal Development Commission separately makes available grants for Aboriginal housing and enterprise development. Aboriginal Hostels Limited, the Australian Institute of Aboriginal Studies and a $40 million program of assistance to Aboriginal high school students round off the picture of a very significant allocation of resources
from the Commonwealth for the resolution of Aboriginal problems stemming from original dispossession and continuing marginalisation.

Yet as the Commonwealth's own data shows (26) the position of Aborigines in Australian society as demonstrated by most of the relevant social indicators is still parlous. The "debt" has still clearly not been settled as far as the Commonwealth administration goes. Moreover, the advent of the States as additional actors has not seemed to have hastened the process of debt settling either.

The "debt", of course, is a construct: a way of explaining how whites in positions of authority or in the process of lobbying those in authority justify the right of Aboriginal communities to these special measures. The "settlement" of a debt will be likewise a settlement in white eyes - when they are satisfied that Aboriginal Affairs as a separate stream of welfare benefits has had its day and should be reabsorbed into the general welfare stream. It is no accident in this respect that the New South Wales Aboriginal Land Rights Act (1983) abstracts a stream of benefits (7.5% of land tax equivalent) for a period of 15 years. Presumably that yields about enough money to settle that part (New South Wales Land Rights) of the debt. The eventual ending of State and Commonwealth budget items specifically designated for Aborigines is probably inevitable given the less than
fully rational basis for them at the moment. They will continue for as long as white policy-makers think that there is a debt still to be settled and that this can be done through separate allocations.

The countervailing force is the relative ineffectiveness of Aboriginal programs (within both the State and Commonwealth administrations) in meeting reasonable expectations about the Aboriginal physical quality of life. Other factors operating, perhaps in the background, which militate against the notion of the need to settle a debt include the somewhat fragile notion of Aboriginality in New South Wales, where virtually no Aboriginal person is of full descent and where the census figures suggest the conclusion that significant numbers of Aborigines are in fact ceasing to identify themselves as such (27). The tendencies conducive to a new (voluntary) assimilationism may accelerate this in the future and leave a less and less forceful Aboriginal constituency demanding such a settlement in any case.

The end of Aboriginal Affairs?
If the indicators of Aboriginal standards of life showed a universally upward trend, indicating that Aborigines would reach acceptable community standards in the way they lived within a predictable period, the eventual end of separate budgetary allocations for Aborigines would be easier to predict. Even in the absence of such indicators, however, where what information there is indicates
only that, with the exception of housing, Aborigines in
New South Wales seem not to be benefitting anywhere near
adequately from the expenditures allocated to them, even
without such indicators of success, the eventual end of
Aboriginal Affairs as a separate welfare stream is
predictable. Some governmental policy (both Commonwealth
and State Land Rights legislation, for example) is predi-
cated on it. Other government policies are designed to
promote it. For example, the funding of community-based
services, the philosophy of which is that there will be
no long-term need for it.

But the real indicator of the eventual demise of
Aboriginal Affairs is, as indicated above, the passing of
its most fundamental support - the notion of a debt to
settle. This construct, more than any other, motivates
the generation of Aboriginal Affairs policies and sus-
tains the impetus to ensure eventual Aboriginal control
of them. Indeed Keane, in his introduction to the Report
of the Select Committee of which he was the Chairman, in
advocating the range of policies and expenditures which
he was recommending to the New South Wales Government,
speaks as follows:

Today the citizens of New South Wales live off
Aboriginal land in affluence whilst the
Aborigines live in poverty. Aboriginal child-
ren die because of this. Elderly Aborigines
are a rarity. Their housing is often substand-
ard and overcrowded. Their unemployment rate
is high, their health and education standards
low. ... the citizens of New South Wales have
a unique opportunity to right a terrible wrong.
The first State to dispossess the Aborigines of
their land can be the first to repay a debt nearly 200 years overdue. (28)

The notion of a debt to settle seems already to be a passing phenomenon not only because, as has been indicated, of the indifferent successive programs to effect a settlement, but because of the slow integration of Aborigines in New South Wales into the mainstream of society. This process is well advanced though rarely remarked on and its eventual spread may well reinforce concurrent tendencies at work in Aboriginal Affairs policy-making and spell the end, if not of Aboriginal Affairs as a separate welfare section entirely, at least of much of the content of it in States like New South Wales, Victoria and Tasmania. The strongest impulse towards this may well be the advent of conservative Federal and State governments.

The debt is not settled either objectively or yet in the eyes of white policy-makers, for whom it has been such a fruitful construct. But we can detect an intimation that it is transforming itself under a variety of influences.

I have examined the origins of this sentiment, especially its deep roots in white awareness of the enormity of the injustice inflicted on Aboriginal people from the earliest days of colonial settlement to recent times. This recognition of the need to make up for past injustices is not confined to the Australian experience of colonialism. It has occurred in other countries as well.
There are aspects to the Australian experience however which merit particular attention. One of these elements is the particular Australian context of Commonwealth/State relations and the interplay between them. The worst excesses of Aboriginal Affairs policy were carried out when Aboriginal Affairs was entirely a State preserve. The Commonwealth gradually assumed overriding control after 1967, so that by 1976 Aboriginal Affairs was almost entirely a Commonwealth preserve. This shift injected a new political agenda into the area, which agenda (including self-determination and the end of assimilation) was reimported into the State’s administration when Aboriginal Affairs began to be slowly pushed back to the States after the advent of the Fraser Government. Before much critical examination had been given either to these and cognate notions or to their long-term implications, the State found itself with a set of Aboriginal Affairs policies of its own and, eventually, an Act and a State Ministry to oversee it.

In all this, however, and here we have the least data of all, the subjects of all this activity, the Aboriginal population of New South Wales, were themselves experiencing fundamental changes in their community make-up or sociology. This has had and will continue to have impacts on the formulation of and the conduct of State policy. Growing urbanisation, a changing population profile, the effects of continued dependency (which effects are different in the mid 1980s from what they
were in the mid 1960s), a slow growth in the standard of living (not commensurate with the extent of investment in it, but measurable according to some indicators nonetheless) and, tantalisingly, a possibility that the population of Aborigines in New South Wales identifying as such is in a state of retreat, all these indicate changing clientele. Change contains the hint of evolving needs and this alone indicates that Aboriginal Affairs policy needs to be periodically reassessed to test for relevance and effectiveness, especially from the point of view of Aborigines.

For the future there are some indications of the scope for such a reassessment. The permanent climate can be assumed to be one of pressure on available resources and the need to optimise the productivity of what resources there are. Current reviews of Department of Aboriginal Affairs expenditure and of the New South Wales Aboriginal Land Rights Act (1983) indicate that such a process of reassessment is in train already.
REFERENCES

1 Indeed, the Department of Aboriginal Affairs has in 1985 withdrawn recurrent funding from the State Departments of Youth and Community Services and Health for the funding of their Aboriginal programs. As the March 1985 Australian Aboriginal Affairs Council indicated that the assumption of the 1985 Review of the Department of Aboriginal Affairs' expenditure would be that there would be no cuts in the level of funding, it follows that these "savings" will have to be directed to the only areas which can easily absorb them - community-based organisations.


3 The following indicates the number of Housing Commission homes available to Aborigines under Housing for Aborigines and Family Resettlement Aboriginal Corporation Schemes in major areas of Aboriginal settlement.

<table>
<thead>
<tr>
<th>Centre</th>
<th>HFA</th>
<th>FRAC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wagga Wagga</td>
<td>56</td>
<td>41</td>
</tr>
<tr>
<td>Maitland</td>
<td>18</td>
<td>4</td>
</tr>
<tr>
<td>Orange</td>
<td>58</td>
<td>44</td>
</tr>
<tr>
<td>Bathurst</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>Cobar</td>
<td>11</td>
<td>10</td>
</tr>
<tr>
<td>Albury</td>
<td>46</td>
<td>23</td>
</tr>
<tr>
<td>Tamworth</td>
<td>49</td>
<td>22</td>
</tr>
<tr>
<td>Newcastle</td>
<td>95</td>
<td>28</td>
</tr>
<tr>
<td>Total</td>
<td>349</td>
<td>188</td>
</tr>
</tbody>
</table>


4 Hall, M.R. and Jonas, W., op.cit.

5 Castle, W., et al, op.cit.

6 One of the claimed hidden costs of relocation is that it is antipathetic to the preservation of Aboriginal identity, that is, assimilationist...the Commonwealth Government's policy of self-determination does not prescribe a particular set of values for Aborigines but rather aims to maximise for Aborigines ... the freedom to pursue a lifestyle of their own choosing. The policy recognises that individual Aboriginal
aspirations are quite diverse and that accordingly policies and programs should aim to maximise options.


8 Australian Aboriginal Affairs Council, Ministry of Aboriginal Affairs file A2121.


12 Plant, et al, p.68.


14 Ibid.


16 Carley, M., op.cit., p.84.

17 Carley, M., op.cit., Ch.3.

18 **Allocations from State Government Budget to Aborigines 1984-5 (est)**

The following figures compare allocations from the NSW budget to Land Rights and other uses. Since most Aboriginal programs do not appear in departmental budgets as a separate item, the following figures are estimates based on the likely component of 1984-5 budgets able to be costed against Aboriginal programs.

**Department of Youth and Community Services**

- Aboriginal Services (Youth Worker; Community Order Service Scheme, Lismore; Women's Resources Workers; Link-up; Young Offenders Program, Moree) $408,000
- District Officer (Aboriginal) Program (35 x average cost $21,730) 760,550
- Other Aboriginal Workers 25,000
- Identified Aboriginal Position (Gullama) 15,500

**Total** $1,209,050
<table>
<thead>
<tr>
<th>Programme</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Police (Police-Aboriginal Liaison Unit)</strong></td>
<td></td>
</tr>
<tr>
<td>- Costed as normal salary of 9 officers</td>
<td>189,000</td>
</tr>
<tr>
<td>at $21,000 approximately</td>
<td></td>
</tr>
<tr>
<td>- Other expenses of the Unit</td>
<td>23,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 212,000</strong></td>
</tr>
<tr>
<td><strong>NSW Department of Education</strong></td>
<td></td>
</tr>
<tr>
<td>- Aboriginal Unit; 10 positions plus</td>
<td>260,000</td>
</tr>
<tr>
<td>associated costs</td>
<td></td>
</tr>
<tr>
<td>- Aboriginal Teacher Aides; 40 positions</td>
<td>481,000</td>
</tr>
<tr>
<td>plus associated costs</td>
<td></td>
</tr>
<tr>
<td>- 20 positions as teachers given</td>
<td>380,000</td>
</tr>
<tr>
<td>preferentially to Aborigines</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,121,000</strong></td>
</tr>
<tr>
<td><strong>Dept of Technical and Further Education</strong></td>
<td></td>
</tr>
<tr>
<td>- 8 staff positions; 25,000 course hours and</td>
<td>870,000</td>
</tr>
<tr>
<td>equipment costs</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 870,000</strong></td>
</tr>
<tr>
<td><strong>Housing Commission</strong></td>
<td></td>
</tr>
<tr>
<td>- Operating profit from (Commonwealth funded)</td>
<td></td>
</tr>
<tr>
<td>Aboriginal Housing reapplied</td>
<td>700,000</td>
</tr>
<tr>
<td>by the state to Aboriginal Housing</td>
<td></td>
</tr>
<tr>
<td>(1984-5 estimate)</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 700,000</strong></td>
</tr>
<tr>
<td><strong>National Parks and Wildlife Service</strong></td>
<td></td>
</tr>
<tr>
<td>NPWS could provide figures for 1983-4 only.</td>
<td></td>
</tr>
<tr>
<td>Figure for fiscal 1984 will need to be</td>
<td></td>
</tr>
<tr>
<td>imputed by applying an appropriate</td>
<td></td>
</tr>
<tr>
<td>indexing.</td>
<td></td>
</tr>
<tr>
<td>- Relics: all service expenditures</td>
<td>1,851,000</td>
</tr>
<tr>
<td>- Special Purpose Account (projects, etc):</td>
<td></td>
</tr>
<tr>
<td>Aboriginal proportion of</td>
<td>814,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,665,600</strong></td>
</tr>
<tr>
<td><strong>Ministry of Aboriginal Affairs</strong></td>
<td></td>
</tr>
<tr>
<td>- Conduct of Program</td>
<td>1,350,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,350,000</strong></td>
</tr>
</tbody>
</table>

**SUMMARY**

<table>
<thead>
<tr>
<th>Programme</th>
<th>Cost</th>
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</thead>
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<tr>
<td>Youth and Community Services</td>
<td>$1,209,050</td>
</tr>
<tr>
<td>Police</td>
<td>212,000</td>
</tr>
<tr>
<td>Education</td>
<td>1,121,000</td>
</tr>
<tr>
<td>Technical and Further Education</td>
<td>870,000</td>
</tr>
<tr>
<td>Housing Commission (imputed)</td>
<td>700,000</td>
</tr>
<tr>
<td>National Parks and Wildlife Service</td>
<td>2,665,600</td>
</tr>
<tr>
<td>Ministry of Aboriginal Affairs</td>
<td>1,350,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$8,127,650</strong></td>
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411
OTHER

NSW Aboriginal Land Council (est)  15,000,000 *

TOTAL NSW ABORIGINAL ALLOCATION  $23,127,650


20 Ministry of Aboriginal Affairs file F598.

21 Carley, M., op.cit., p.33.

22 Which is additional to the Commonwealth-State Housing Agreement (Housing Commission) loans, for which Aborigines are also entitled.

23 Castle, W., et al.

24 With the exception of housing: Aborigines in New South Wales are now much better housed than when Rowley, C. made his 1965 study of living conditions: see Rowley, C., Equality in Instalments, AIAS, Canberra, 1983.

25 Private communication from Commonwealth Department of Education. See also Ministry of Aboriginal Affairs file F510.


27 Note that 1981 Census figures show that Aboriginal fertility rates are falling to white levels at last.

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<th>Number</th>
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<td>Australian Aboriginal Affairs Council, Melbourne, 1983</td>
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<td>Australian Aboriginal Affairs Council, Sydney, 1985</td>
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<td>AAAC Resolution: Review of DAA Expenditure</td>
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<td>Aboriginal Training and Cultural Institute</td>
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<td>Research Project: Educational Achievement</td>
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413
2 U.S. CONGRESSIONAL DOCUMENTATION: TRANSCRIPTS OF EVIDENCE

i) House of Representatives:

Oversight Hearings Before the Committee on Interior and Insular Affairs, Washington, DC.

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<td>24 &quot; &quot;</td>
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ii) Senate:

Hearings Before the Select Committee on Indian Affairs

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<tr>
<td>July 29 1981 S792</td>
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<td>February 26 1982 &quot;</td>
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<td>April 29 1982 &quot;</td>
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