
Indigenous affairs

On 23 April 1979, Employment Minister Ian Viner briefed Cabinet on the progress of the National Employment Strategy for Aboriginals. Eleven Community Development Employment Projects were employing more than 600 people in remote areas and more projects were planned, although further growth was constrained by a lack of staff and funding. Training schemes to encourage Indigenous people into the mainstream workforce had also shown encouraging results. However, the Indigenous unemployment rate had continued to rise, and in February 1979 it was estimated to be more than 40% of the Indigenous workforce. The Commonwealth planned a campaign to encourage employers to hire Indigenous people and to strengthen requirements for Indigenous employment in Commonwealth construction contracts (Submission 3103; also Decision 8109, not printed here).


There were prolonged negotiations with the Queensland Government over a request from the Yarrabah community south of Cairns for self-management and secure tenure. On 20 November Aboriginal Affairs Minister Senator Fred Chaney told Cabinet that Queensland had generally failed to cooperate with the Commonwealth on Aboriginal affairs since the Commonwealth had entered the field. Exhaustive negotiations had been held with Queensland, but they were unlikely to be successful unless the Commonwealth adopted a firm stance. Cabinet agreed with Chaney that the Commonwealth's preferred position was a negotiated settlement with Queensland, but it did not endorse his fallback position that the Commonwealth should legislate to acquire Yarrabah (Submission 3648; also Decision 10318, not printed here).

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Submission 3103, Report on the National Employment Strategy for Aboriginals
 [A12909, 3103]

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FOR CABINET	
	Submission No. 3103 Copy No. 54
Title	REPORT ON THE NATIONAL EMPLOYMENT STRATEGY FOR ABORIGINALS
Minister	The Hon R.I. Viner, Minister for Employment and Youth Affairs
Purpose/Issues	To report on the progress achieved on the National Employment Strategy for Aboriginals.
Relation to existing policy	Cabinet Decision No 2655 of 26 April 1977 and 6515 of 14 August 1978
Legislation involved	None
Urgency: Critical/significant dates	Nil
Consultation: Ministers/Depts consulted	Consultation held with Departments of Aboriginal Affairs, Housing and Construction, Education, Finance, Social Security, Prime Minister & Cabinet, and the Public Service Board.
Is there agreement?	Yes
Cost this fiscal year	Nil
. year 2	
. year 3	



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Public Presentation - Minister's Proposals

1. (a) When and where is the decision to be announced?	Press Release by the Minister for Employment and Youth Affairs immediately following Cabinet Decision, in Perth
(b) Is a draft press statement attached?	Yes as Attachment B
(c) How widely is the announcement to be circulated?	As widely as possible
2. (a) Is a press conference considered necessary?	No
(b) What media opportunities will be taken?	
3. What supplementary material is required for backgrounding journalists, Members and special interest groups?	
4. (a) What prior consultation with State Governments or other official bodies is required?	None
(b) Which special interest groups should be advised of the announcement?	National Aboriginal Employment Development Committee National Aboriginal Conference
5. What general or sectional support can be expected?	General support and support by Aboriginal groups
6. What criticism is anticipated and how will it be answered?	There could be criticism that aboriginal unemployment is still too high and the impact of the Government's strategy could therefore be questioned. This could be answered by pointing to the significant increase in Aborigines receiving training and the new measures proposed in this Submission.

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BACKGROUND

1 In the light of the severe unemployment faced by Aboriginals Cabinet adopted in April 1977 the concept of a National Employment Strategy for Aboriginals. In 1978 (Decision No 6515 of 14 August 1978) Cabinet noted that progress had been made on implementing the various strands of the strategy.

ISSUES FOR CONSIDERATION

2 The strategy established that for Aboriginals who live in remote areas, or as separate communities, there should be a programme of Community Development Employment Projects (CDEP) as an alternative to income support by way of unemployment benefits. During 1978, 10 CDEP projects operated in remote areas in the Northern Territory, Western Australia and South Australia and employed in the order of 600 people. An additional project was commenced in South Australia in March 1979. A further 5 projects are being considered for 1979/80. Attachment A provides a summary report of the programme. Strong claims have been made by a number of other communities for CDEP. However, limited funds and staff ceilings have made it impossible to make any significant increase to CDEP.

3 Cabinet Submission No 6944 of 19 October 1978 directed the Minister for Aboriginal Affairs to discuss with the Minister for Social Security the impact of unemployment benefit in Aboriginal communities. Following this discussion the Ministers for Aboriginal Affairs and Social Security will bring forward a submission on unemployment benefit for Aboriginal communities and alternatives to it.

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4 In respect of Aborigines who are seeking to enter the open labour market the strategy envisaged the conduct of a national campaign to stimulate employment of Aborigines through the National Aboriginal Employment Development Committee. Material is currently being prepared aimed at both employers and Aboriginal job-seekers. The first local campaign will be conducted in Dubbo commencing on 23 April. Other local campaigns will follow later in the year.

5 In 1978, a public sector training scheme, funded under NEAT, was introduced with the aim of preparing Aborigines for employment in the public and private sectors. Up to the end of February 1979, 450 Aborigines have received employment training in Commonwealth Departments and authorities in a wide range of occupations. I am pleased with the response and will be seeking a report on the programme's effectiveness before the end of 1979.

6 Departments were also asked to identify positions where an Aboriginal background or ability to communicate with Aborigines could be a significant factor in the efficient performance of the duties concerned. Departments are proceeding with this task.

7 In respect of overall employment within the Australian Public Service, in October 1978 a total of 1164 Aborigines were employed in the service. When allowance is made for the transfer of Aboriginal staff to the Northern Territory Public Service and to Aboriginal communities in the Northern Territory, there has been a small net increase of some 30 Aborigines in the Australian Public Service compared to the previous year.

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8 In areas where Aboriginal workers are available, the Government decided that there should be a requirement in Commonwealth building and similar contracts that contractors should consult with my Department regarding employment opportunities for Aboriginal people. The Department of Housing and Construction inserted such a clause into their relevant contracts and some other Departments, for example, the Department of Transport, have done likewise. It seems that only a few additional jobs have resulted from this requirement, but it has provided a general opportunity to promote Aboriginal employment. I consider that the clause should be strengthened and have asked that policy guidelines be developed which will ensure more Aboriginals are employed on Commonwealth contracts.

9 The strategy envisaged a greater use of the National Employment and Training System (NEAT) in training Aboriginals for employment. During 1978 the number of trainees peaked in September at 2572 which was a 78.6% increase over September 1977, and at end February 1979 there were 2627 Aboriginals receiving assistance under NEAT. Generally training under NEAT has been followed up by successful placement in employment. For example, of the 70 trainees in the 1978 special Aboriginal pre-trade courses in New South Wales, approximately 80% had been placed in employment at end March 1979.

10 The Prime Minister wrote to all Premiers and the Chief Minister of the Northern Territory in October 1978 seeking support in expanding training opportunities for Aboriginal people in State Government employment. All States except Queensland have agreed to provide training and there

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are approximately 190 Aboriginals already in training. Discussion is underway with Queensland regarding their participation.

11 The 1978 report on the strategy indicated that appropriate emphasis should be placed on adequately preparing Aboriginals in educational programmes for a work environment or for specific job training. State Superintendents of Aboriginal Education in June 1978 agreed that they would advise schools that the interested Commonwealth Departments wish to give them full support in the development of work experience programmes.

12 I am concerned that the number of Aboriginals registered as unemployed with the Commonwealth Employment Service continued to rise during 1978. Comparisons on a month by month basis with 1977 show increases in the order of 20%. At the end of February 1979 the number of unemployed Aboriginals in Australia was 17,142, estimated to be more than 40% of the Aboriginal work force. In noting this high unemployment figure I would point out that the very fact of the strategy has of itself led to an increased number of Aboriginals registering for employment. Nevertheless, the number of placements of Aboriginals in employment through the CES declined by 12% during 1978. I would hope that the forthcoming promotional campaign will have a significant effect in increasing placements over the next 12 months.

13 While the promotional campaign will be directed at areas of significant Aboriginal population, there are non-traditional Aboriginal communities in rural areas

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which will receive little benefit. Additional stimulus needs to be provided for these communities. I have asked my Department to discuss with the Department of Aboriginal Affairs whether the principle used in CDEP could be developed in these communities or whether some other programme can be implemented.

EMPLOYMENT CONSIDERATION

14 The continuation and intensification of the National Employment Strategy should lead to an improved situation for Aboriginal employment.

COMMONWEALTH, STATE AND LOCAL GOVERNMENT RELATIONS

15 State and local government participation in the strategy should increase during 1979.

CO-ORDINATION

16 The Departments of Aboriginal Affairs, Housing and Construction, Education, Finance, Social Security, Prime Minister and Cabinet and the Public Service Board were consulted and all agree with this Submission.

RECOMMENDATIONS

- 17 It is recommended Cabinet note
- (a) the progress of the National Employment Strategy for Aboriginals;
 - (b) that the Department of Employment and Youth Affairs in conjunction with the Departments of Aboriginal Affairs and Housing and Construction, and the Public Service Board, are to develop policy guidelines with the object of ensuring that more Aboriginals are employed and trained on Commonwealth building and similar contracts;

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- (c) that Departments have accepted their obligation to provide training for Aboriginals under NEAT;
- (d) that the National Aboriginal Employment Development Committee is commencing its employment promotion campaign in Dubbo on April 23rd; and
- (e) endorse the development of an employment programme to relieve the high unemployment of Aboriginal people in rural areas.

R.I. VINER

18 April 1979

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Submission 3648 Commonwealth/State relations in Aboriginal affairs – contingencies concerning Yarrabah

[A12909, 3648]

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FOR CABINET	
Submission No. 3648	
Copy No. 54	
Title	Commonwealth/State relations in Aboriginal affairs - contingencies concerning Yarrabah.
Minister	Senator the Hon. F.M. Chaney, Minister for Aboriginal Affairs
Purpose/Issues	In the face of failure by the Queensland Government to endorse the solution agreed to by the Deputy Premier on 18 October for self-management and land tenure for Yarrabah, whether the Commonwealth will take legislative and other action to ensure that its policies are not frustrated.
Relation to existing policy	In accordance with the Government's policy commitment to the principle that "Aboriginals should be as free as other Australians to determine their own varied futures" and "to extend self-management and develop self-sufficiency".
Legislation involved	Legislation may be necessary.
Urgency: Critical/significant dates	There is a public commitment to visit the community on 30 November with State Ministers to provide it with a response.
Consultation: Ministers/Depts consulted	Attorney-General's Department and the Departments of the Prime Minister and Cabinet, and Finance.
Is there agreement?	Yes. Department of Finance support is qualified. Attorney-General's have agreed to statements of law herein contained.
Cost - this fiscal year - year 2 - year 3	Cost of acquisition of freehold title (ex minerals) could be \$12 million; acquisition of a lesser interest akin to leasehold may be feasible in which event the cost would be less and may be an annual sum.

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Public Presentation - Minister's Proposals

1. (a) When and where is the decision to be announced?	While negotiations are proceeding, publicity is not envisaged.
(b) Is a draft press statement attached?	No.
(c) How widely is the announcement to be circulated?	Not applicable.
2. (a) Is a press conference considered necessary?	No.
(b) What media opportunities will be taken?	None at this stage.
3. What supplementary material is required for backgrounding journalists, Members and special interest groups?	None at this stage.
4. (a) What prior consultation with State Governments or other official bodies is required?	Deputy Prime Minister to speak to Premier.
(b) Which special interest groups should be advised of the announcement?	Not applicable.
5. What general or sectional support can be expected?	Not applicable. Dependent on further negotiations with the Queensland Government.
6. What criticism is anticipated and how will it be answered?	Not applicable. Dependent on further negotiations with the Queensland Government.

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BACKGROUND

Since the passage of the Aboriginal and Torres Strait Islanders (Queensland Reserves and Communities Self Management) Act 1978, two communities have lodged petitions - Yarrabah and Kowanyama. Interest has been shown by several others.

2. The communities of Aurukun and Mornington Island, whose requests for self-management and land tenure instigated the 1978 legislation, are now operating as local government shires under relevant State legislation. On 11 April 1978, the Governments agreed to self-management for the communities and the granting of a special 50 year renewable lease of the former reserve areas.

3. On 30 January 1979 the Yarrabah Community Council petitioned under the Aboriginal and Torres Strait Islanders (Queensland Reserves and Communities Self Management) Act 1978 following local Council elections on 16 January, administered by the State Government. The Council asked the Commonwealth to negotiate with the Queensland Government for secure land tenure.

4. Negotiations have been in progress since March and meetings have been held with the State Government at Prime Minister/Premier, Ministerial and official levels. Our preferred position has always been one of negotiating a solution acceptable to the community and implemented under State legislation. Mr A.T. Griffith has been involved since March in negotiations to achieve this objective.

5. On 18 October, the Deputy Premier agreed subject to his cabinet approval to a solution offering a long-term renewable special lease of the Yarrabah reserve area; the right to grant sub-leases for income generating activities and other acceptable purposes, e.g. housing; and self-management.

ISSUES FOR CONSIDERATION

6. Report of the Senate Standing Committee on Constitutional and Legal Affairs (the Missen Report):

concluded that the Commonwealth's "Self Management" Act requires

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the co-operation of the State if it is to be effective and recommended inter alia that specific legislation be enacted for each community and that acquisition of land must form part of the Commonwealth's legislative scheme.

Possible Reaction by the Queensland Government

7. The Queensland Government has generally failed to co-operate with the Commonwealth in Aboriginal affairs virtually since the Commonwealth's entry into this field.

8. In the event of the Commonwealth implementing legislation, the prospect exists that the State could withdraw essential services including the police, water, power, education and health services. It is also possible that the Council will be dismissed as a tactic to thwart the Commonwealth.

OPTIONS

9. In my view we can

- (a) obtain a negotiated settlement which meets the aspirations of the Yarrabah community and is acceptable to the Queensland Government

. the Commonwealth has sought this for ten months.

- (b) take no action on the petition of the Yarrabah community

While this would avoid a confrontation with Queensland, it is clearly untenable:

- . our legislation would be seen to be ineffective;
- . we would lose all credibility in the eyes of Aboriginals in general, Queensland Aboriginals in particular, and supporters of Aboriginals, including the churches;
- . it would be a slap in the face of the moderate group who are leaders at Yarrabah which would boost nationwide support for radical and extremist elements;

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- . it would be a fillip to the movement being mounted internationally against Australia because of Queensland's Aboriginal policies;
 - . it will generate demands in the Parliament for radical Commonwealth action.
- (c) declare the Yarrabah Reserve under the Aboriginal and Torres Strait Islanders (Queensland Reserves and Communities Self Management) Act 1978 - without amendment
- . this could easily be frustrated by Queensland de-gazetting the reserve.
- (d) declare the Yarrabah Reserve Community under the Aboriginal and Torres Strait Islanders (Queensland Reserves and Communities Self Management) Act 1978 after its amendment to apply to all reserves as at a specified date
- . this would demonstrate the Commonwealth's commitment to its own policies and legislation;
 - . would be consistent with Queensland's stated policies;
 - . this moderate course of action would not give the community secure leasehold tenure;
 - . amending legislation would need to provide for just terms to Queensland for the loss of certain of its proprietary rights; this would include compensation to the State on just terms for the acquisition involved;
 - . the Commonwealth and the community could still be frustrated in the event that the State Government withdraws essential services, including the Police - which would imperil the maintenance of law and order - as well as power and water supplies, education and health services.
- (e) seek to acquire the Yarrabah Reserve under the Lands Acquisition Act
- . rough estimate of cost, without mineral rights, is \$12 million;

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- . the State could prevent such action by immediately proclaiming the land as a national park.
- (f) legislate immediately in respect of Yarrabah specifically - to provide for acquisition and self-management
 - . this approach was recommended in the Missen Report;
 - . the Commonwealth would lease the area to the Community Council on similar terms as apply to the Aurukun/Mornington Island communities and thus preserve consistency of approach in Queensland;
 - . cost is about \$12 million excluding mineral rights for the fee simple; advice from Attorney-General's Department is that it may be possible to acquire a lesser interest in the place akin to a leasehold interest and provide just terms by way of an annual payment;
 - . involves considerable supplementary action to ensure that possible withdrawal of services by the State is overcome by vesting appropriate powers in Commonwealth officials; such action would require adjustment of the application to Yarrabah of the Commonwealth Places (Application of Laws) Act;
 - . this would be seen as forthright Commonwealth response.
- (g) defer action in terms of Option (f) until the Autumn Session 1980 on the clear understanding that there is a firm commitment to action as per (f)
 - . legal advice confirms that legislation in terms of Option (f) could not be thwarted by the State in the meantime.

FINANCIAL CONSIDERATIONS

10. The cost of acquisition of the Yarrabah Reserve cannot be accurately estimated; it is possibly about \$12 million excluding mineral rights. Additional costs would flow from any assumption by the Commonwealth of responsibility for the provision of essential services, particularly education, health and law enforcement.

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COMMONWEALTH/STATE RELATIONS

11. Acquisition will cause adverse reaction from Queensland, Western Australia and possibly from the Northern Territory.

CO-ORDINATION

12. The Departments of the Prime Minister and Cabinet, Attorney-General, and Finance have been consulted. The Department of Finance questions the need to enter into a firm commitment at this stage to acquire Yarrabah and suggests that efforts to reach a negotiated settlement be continued.

13. The Department of Finance points out that legislation in terms of Option (f) would have the effect of extending Aboriginal land rights legislation to reserves outside the Northern Territory - a move with far reaching and costly implications. Acquisition alone (without mineral rights) would cost some \$12 million. Moreover, if the Queensland Government were pushed to the point of withdrawing services from the reserve, there would be substantial additional Commonwealth expenditure required for the necessary "supplementary action".

14. The acquisition of Yarrabah could also be seen as a precedent for the purchase of other Queensland reserves. (The estimated value of all Queensland reserves in 1974 was \$163 million if used for reserve purposes and \$80 million at market value.)

RECOMMENDATIONS

15. I recommend that Cabinet:
- (a) confirm that the Commonwealth's preferred position is to negotiate a settlement which meets the fundamental Commonwealth policy commitments to self-management and secure tenure of the reserve area;
 - (b) note that ten months have now elapsed since the petition from the Yarrabah community was received and that exhaustive discussions have been held since then between Queensland and the Commonwealth

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at both Ministerial and official levels, but that further negotiations seem unlikely to prove successful unless the Commonwealth adopts a firm stance;

- (c) agree to legislate to provide for acquisition and self-management in respect of Yarrabah (Option (f)), early in the Autumn Session 1980 should a negotiated settlement not be achieved by then;
- (d) agree that as soon as possible after today's Cabinet meeting the Deputy Prime Minister talk to the Premier of Queensland:
 - i) to inform the Premier of the Government's preferred position as outlined in paragraph (a) above;
 - ii) to state the action the Commonwealth intends to take if it is not possible to reach a negotiated settlement before I visit Yarrabah on 30 November;
 - iii) suggest that the Premier and the appropriate Queensland Ministers visit Canberra to discuss this matter with the Deputy Prime Minister, Mr Nixon and me;
- (e) agree that implementation of legislative and administrative action be co-ordinated by a task force comprising the Departments of Aboriginal Affairs (Chair), Prime Minister and Cabinet, Attorney-General, Administrative Services and Finance, co-opting other departments as necessary and responsible to me.

F. W. CHANEY

19 November 1979