Australian National University

BIG PICTURE ESSAYS ON AUSTRALIAN INDIGENOUS POLICY: DEEP STRUCTURES AND DECOLONISING

W. SANDERS

POLICY INSIGHTS: SPECIAL SERIES 05/2021

Centre for Aboriginal Economic Policy Research, ANU College of Arts & Social Sciences

ANU

Series note

The Centre for Aboriginal Economic Policy Research (CAEPR) undertakes high-quality, independent research to further the social and economic development and empowerment of Indigenous people throughout Australia.

For more than 30 years, CAEPR has aimed to combine academic and teaching excellence on Indigenous economic and social development and public policy with realism, objectivity and relevance.

CAEPR maintains a substantial publications program, including Research Monographs, Discussion Papers, Working Papers and Topical Issues.

The CAEPR Policy Insights: Special Series marks the Centre's 30th anniversary in 2020. It focuses on assessing and taking stock of the past 30 years of Indigenous public policy, and discusses the development of policy over the coming decades. Papers in this series are peer reviewed by academics affiliated to CAEPR.

All CAEPR publications are available in electronic format for free download from CAEPR's website: caepr.cass.anu.edu.au

CAEPR is located within the Research School of Social Sciences in the College of Arts & Social Sciences at the Australian National University (ANU). The Centre is funded from a range of sources, including ANU, the Australian Research Council, industry and philanthropic partners, and Australian state and territory governments.

As with all CAEPR publications, the views expressed in this Policy Insights Paper are those of the author(s) and do not reflect any official CAEPR position.

Professor Tony Dreise
Director, CAEPR
Research School of Social Sciences
College of Arts & Social Sciences
The Australian National University, July 2021

Artist's statement

The Southern Cross is known by some First Nations people as Mirrabooka, Ginan or Birubi – a body of stars that encompasses celestial stories deriving from creation-forming ancient knowledges that transcend time and space. These aided our Ancestors with navigation and as seasonal indicators, and symbolise an important relationship between people, land, sea and sky. A symbol that is as vitally significant today, that we still uniquely and collectively identify with in memory, story, art and song. This artwork is the embodiment of my style and my connection to manay (stars), interpreting the night sky using cool and dark tones. The inner space between the stars is to draw the viewer in and symbolise the powerful force within and between these bodies of stars. Our old people not only gazed upon the stars, but most importantly they looked at what lies within and surrounding those dark places in the above.

Krystal Hurst, Worimi Nation, Creative Director, Gillawarra Arts.

Policy Insights Paper No. 05/2021

DOI 10.25911/E6JF-VY08
ISBN 978-1-925286-62-5

An electronic publication downloaded from <caepr.cass.anu.edu.au>.

For a complete list of CAEPR Publications, see http://caepr.cass.anu.edu.au/research/publications

Centre for Aboriginal Economic Policy Research
Research School of Social Sciences
College of Arts & Social Sciences
Australian National University

Front cover image: Krystal Hurst, *Reclaiming the Southern Cross*, 2019. Acrylic on paper.

See also artist's statement, previous page.

Suggested citation:
Sanders, W. (2021), *Big picture essays on Australian Indigenous Policy: Deep Structures and decolonising*, Policy Insights Paper No. 05/2021, Centre for Aboriginal Economic Policy Research, Australian National University. https://doi.org/10.25911/E6JF-VY08

Big picture essays on Australian Indigenous policy: Deep structures and decolonising

W. Sanders

Will Sanders is an Honorary Senior Fellow at the Centre for Aboriginal Economic Policy Research (CAEPR), Research School of Social Sciences, College of Arts & Social Sciences, Australian National University. He was a CAEPR Associate from 1990 and an employed staff member from 1993 to 2020.

Abstract

This paper comprises three big picture essays reflecting on Australian Indigenous policy of the last half century. The first two were originally written in 2018 as contributions to a major international gathering of political scientists. The third was written in early 2021 as a response to Westbury and Dillon's initial 2019 contribution to the Centre for Aboriginal Economic Policy Research's (CAEPR's) 30th anniversary Policy Insights: Special Series. Section I, the first essay, grapples with ideas of structure in Indigenous policy, what endures and what changes. Five deep and persisting structures are identified and discussed: federalism, competing principles, high moralism, a remote focus, and the individual–communal dimension. Section II, the second essay, grapples with the idea of what a decolonising approach to Australian Indigenous policy might look like and how one might be brought about. Building on Rowse's 2012 analysis of two idioms of social justice and recognition – 'peoples' and 'populations' – in Indigenous policy, it argues that the 'peoples' idiom must come to the fore. The final essay is longer and more complex, responding explicitly to Westbury and Dillon (2019). It summarises their two main arguments about political settlements and ongoing exclusion in order to develop points of debate. In so doing, it returns to and extends the discussion of three of the deep structures outlined in Section I: federalism, high moralism and a remote focus. This essay also connects the decolonising of Indigenous policy to the idea of deeply informed agency.

Keywords: Indigenous policy, long-term patterns, decolonisation.

Acknowledgments

Colleagues and students at CAEPR over the last three decades have helped me to sharpen these developing ideas about Indigenous policy. I thank them all for their provocations. Comments from two anonymous referees helped sharpen the arguments in this paper.

Acronyms

ABS	Australian Bureau of Statistics
AIHW	Australian Institute of Health and Welfare
ATSIC	Aboriginal and Torres Strait Islander Commission
CAEPR	Centre for Aboriginal Economic Policy Research
CDEP	Community Development Employment Projects (scheme)
CGC	Commonwealth Grants Commission
CHIP	Community Housing and Infrastructure Program
CYIPL	Cape York Institute for Policy and Leadership
GST	Goods and Services Tax
ILUA	Indigenous Land Use Agreement
NAC	National Aboriginal Conference
NACC	National Aboriginal Consultative Committee
NCIS	National Centre for Indigenous Studies
NDIS	National Disability Insurance Scheme
NPARIH	National Partnership Agreement on Remote Indigenous Housing
NTER	Northern Territory Emergency Response
RJCP	Remote Jobs and Communities Program
SPP	Special Purpose Payments

Contents

Tables

Figures

Introduction

This Policy Insights paper comprises three big picture essays reflecting on Australian Indigenous policy of the last half century. The originals of the first two were written in 2018, as contributions to a major international gathering of academic political scientists in Brisbane. The third was written in early 2021, as a response to Westbury and Dillon's initial 2019 contribution to CAEPR's 30th anniversary Policy Insights: Special Series.

The first essay grapples with ideas of structure in Indigenous policy, what endures and what changes. Four deep structures are identified in the essay's sub-title and discussed: federalism, competing principles, high moralism and a remote focus. A fifth, called the individual–communal dimension, also emerges from the competing principles discussion.

The second essay from 2018 grapples with an even bigger, sociological, idea: what a decolonising approach to Australian Indigenous policy might look like and how one might be brought about. It builds on Rowse's analysis of two idioms of social justice and recognition in Indigenous policy (Rowse 2012), and argues that the 'peoples' idiom must come to the fore while the 'populations' idiom is used more sparingly. This essay also argues that in thinking about a decolonising approach we should look back to Australian Commonwealth governments from 1973 to 1995.

The third essay, from 2021, is longer and more complex, as it explicitly responds to Westbury and Dillon's 2019 Policy Insights paper. It summarises their two main arguments, about political settlements and ongoing exclusion, in order to develop points of debate. In so doing, it returns to and extends the discussion of three of the deep structures in essay one: federalism, high moralism and a remote focus. This third essay also connects a decolonising approach to Indigenous policy to the idea of deeply informed agency.

The two essays from 2018 have been revised, but not updated. They reflect the time when Malcolm Turnbull was Prime Minister and the Minister for Indigenous Affairs was Senator Nigel Scullion from the Northern Territory. The current occupants of these central positions in Indigenous policy are Prime Minister Scott Morrison and Minister for Indigenous Australians Ken Wyatt, Member of the House of Representatives for the division of Hasluck on the eastern edge of Perth, who has Noongar, Yamatji and Wongi Indigenous ancestry. While both new occupants of these key positions differ significantly from their predecessors, neither has yet taken Indigenous policy in a clear new direction. The policy dynamics of 2021, reflected in essay three, have changed little from those reflected in the earlier essays.

These essays build on an academic career spanning four decades, researching and teaching a variety of aspects of Australian Indigenous policy. Hopefully they will inspire current and future students of Indigenous policy to take analysis further over the decades ahead.

I Deep structures in Australian Indigenous affairs: Federalism, competing principles, high moralism and a remote focus

The idea of structure is central to the social sciences. It suggests that some things are very hard to change. Together with the term agency, it sets up a social science version of the Serenity Prayer:

> *God, grant me the serenity to accept the things I cannot change, courage to change the things I can, and wisdom to know the difference.*[1]

While secular social scientists may look more to reason than an Almighty for guidance, the philosophical and epistemological nature of this challenge remains. How do we know what can and can't be changed?

In four decades of observing and analysing Australian Indigenous policy through a chosen academic career, I have often pondered these complex questions of structure, agency and change. In the 1980s, as a neophyte, I tended to think of government organisations as structures. From the perspective of clients, employees or analysts trying to understand their workings, government organisations are reasonably thought of as things that cannot be changed, at least in the short term. In longer timeframes however, government organisations involved in Australian Indigenous policy are far from structural. Pay attention for a decade or more and you will see them change. This will likely be at the behest of politicians, a prime minister, a premier or their ministerial colleagues. Whatever else these politicians can or cannot do, they can change the structures of government organisation, through machinery of government orders, budgets or, sometimes, legislation. For politicians, government organisations are an opportunity for agency, their chance to arrange things differently.

This essay attempts to think a little more deeply about structures in Australian Indigenous policy. It does so by asking: what has remained constant over the past four decades among changing policies and government organisations? As the Commonwealth Department of Aboriginal Affairs gave way to the Aboriginal and Torres Strait Islander Commission (ATSIC), which in turn gave way to 'mainstreaming' and a small Office of Indigenous Policy Coordination, which in turn gave way to the re-aggregation of an Indigenous Affairs Group within the Department of the Prime Minister and Cabinet, what remained constant and hence structural in Australian Indigenous affairs? As self-determination and self-management rose and then faltered as policy terminology, to be replaced by notions like shared responsibility, reconciliation, and a whole-of-government approach, were there practices and ideas which continued throughout? I argue that there are some institutional practices and mindsets which have continued through these four decades of policy and organisational change in Australian Indigenous affairs, and that these continuities can help us to discern and understand the deep structures of Australian Indigenous policy.

The subtitle for this essay suggests four deep structures: federalism, competing principles, high moralism and a remote focus. This is an awkward list, using different kinds of words, and it is also incomplete. During the essay, I add a fifth, as an expansion of the competing principles discussion, called the individual–communal dimension. I also add the idea of generational revolutions, alongside that of high moralism. Putting these additional words in the essay's subtitle would produce an even more awkward list. So let's just leave the sub-title alone and begin working through the listed deep structures.

[1] This prayer has been given enduring currency through adoption by Alcoholics Anonymous as their credo. It appears to have been composed by the American theologian and philosopher Reinhold Niebuhr in the 1930s. See Shapiro, F. Who Wrote the Serenity Prayer? *The Chronicle of Higher Education,* 28 April 2014, available at https://www.chronicle.com/article/Who-Wrote-the-Serenity-Prayer-/146159

Federalism and decentralised policy

When colonial politicians of the 1890s were meeting to devise a constitution for an Australian government, they had in mind that the new Federal Commonwealth would present a common face to the world for the six existing, self-governing jurisdictions. Within two years, 'uniform duties of customs' would be imposed and the power 'to impose duties of customs and excise, and to pay bounties on the production or export of goods' would 'become exclusive' to the new Commonwealth Parliament (*Commonwealth of Australia Constitution Act 1901*, sections 88–90). In section 51 of the Australian Constitution, listing the concurrent powers of the new Commonwealth, a series of four sub-sections was devoted to issues around borders and international relations. These gave the Commonwealth power to make laws relating to:

(xxvii) Immigration and emigration
(xxviii) The influx of criminals
(xxix) External affairs
(xxx) The relations of the Commonwealth with the islands of the Pacific

Immediately preceding these four was a sub-section which, rather than listing a substantive area for potential Commonwealth laws, instead envisaged a way in which the Commonwealth might make laws, for:

(xxvi) The people of any race, other than the aboriginal race in any State, for whom it is deemed necessary to make special laws

When I ask students what Australian colonial politicians might have been thinking when they devised this sequence of five sub-sections, they usually offer a plausible answer about regulating the movement of people into and within Australia, including through legislation based on race. Some students know that such legislation was passed during the first year of federation, in the *Immigration Restriction Act 1901* and the *Pacific Island Labourers Act 1901.* I then ask students why they think the middle parenthetic phrase about 'the Aboriginal race in any State' might have been inserted in section 51(xxvi). With this historical context and a little encouragement most classes approach the answer; that the colonial politicians did not want the new Commonwealth involved, through this race power, in the management of Aboriginal people. The States of the new Commonwealth, which is what the self-governing colonies were becoming with federation, wanted to continue to do the management of Aboriginal people themselves, without the new Commonwealth becoming involved.

In his comparative study of Aboriginal title in the four English settler-colonial societies of Canada, the United States of America, New Zealand and Australia, Peter Russell identified this 'decentralisation' of 'native policy' as a 'distinctive feature' of Australia, in contrast to the 'central control over native policy' in the other three. Russell (2006, p. 105) noted that this decentralisation of policy in Australia continued 'well after' 1901. My accounts of Australian Indigenous policy identify two later dates after which decentralisation continues, 1911 and 1967.

From 1911 the Commonwealth did become involved in native/Indigenous policy. This occurred under sections 122 and 123 of the Australian Constitution, when South Australia surrendered to the Commonwealth its northern, sparsely populated portion, the Northern Territory (Powell, 1996). Through this surrender, the new Commonwealth became a *regional* government for part of north Australia and began to manage Indigenous people and policy in that region alongside the six State governments in their respective regions.[2]

This decentralised federal era of Australian Indigenous policy is often thought to have ended in 1967, when the Australian Constitution was amended by deleting from the Commonwealth's 'race power' at section 51(xxvi) the parenthetic phrase 'other than the aboriginal race in any State'. With this original 1901 exemption removed from

[2] From 1913 the Commonwealth also became a regional government for the Australian Capital Territory and the associated Jervis Bay Territory. This also involved some management of Indigenous people, including at the discrete indigenous community of Wreck Bay.

the race power, the Commonwealth now had a clear constitutional power to make 'special laws' for the 'people of any race', including the Indigenous peoples of Australia if conceived as races. This constitutional amendment certainly centralised Australian Indigenous policy, but centralisation was far from total.

For example, the Commonwealth of Australia has, historically and to the present, had no constitutional head of power relating to land. It has been the six States who have claimed and held all land and then parcelled it out by grant, reserve or sale. The Commonwealth could do this in the Northern Territory after 1911 and the Australian Capital Territory after 1913, but not elsewhere. Hence when Indigenous land rights became a forceful political issue during the 1970s, the Commonwealth's clearest constitutional ability to act was in its two Territories. After a royal commission, the *Aboriginal Land Rights (Northern Territory) Act 1976* was passed by the Commonwealth Parliament and land claims started being assessed and determined over the next decade.[3] In the six States, the Commonwealth was more restricted in what it could do. The Fraser Coalition Government encouraged the States to pass their own land rights legislation, which South Australia did in 1981 and 1984 and New South Wales did in 1983. Going further, Labor in opposition committed to national land rights, but this proved impossible for the Hawke Labor government to deliver during the course of 1984 and 1985 (Altman & Dillon, 1985). Constitutionally, national land rights was possible under the race power. But the political problem was that each State wanted to do its own version of land rights, building on its own past land legislation, while in the Northern Territory Indigenous people worried that their land rights of the previous decade might be weakened by national land rights. The Hawke Government reverted to encouraging the States to do land rights and in 1987 it helped Victoria to do so by passing legislation through the Commonwealth Parliament that was unable to pass the upper house of the Victorian Parliament.[4] By 1991, Queensland had also passed land rights legislation, under a new Labor Government. However, in each sub-national jurisdiction the resulting land rights legislation was substantially different from the Commonwealth's in the Northern Territory, which thus reinforced the decentralisation of Australian Indigenous land policy.

Some centralisation of Indigenous land policy did occur in the 1990s, with the recognition by the High Court of common law native title through the Mabo case in 1992, and the passing by the Commonwealth Parliament of the *Native Title Act 1993.* However, the effect of the Act across the eight sub-national Australian jurisdictions has been so different that it is still useful today to talk of decentralisation in Indigenous land policy. In Western Australia, which never progressed a statutory land rights regime, the 1993 Commonwealth legislation led to large areas of exclusive-possession native title. In Queensland, native title led primarily to non-exclusive-possession over pastoral leases and to Indigenous Land Use Agreements (ILUAs). In New South Wales, by contrast, the native title regime has been much slower to progress, as it sits beside that jurisdiction's own *Aboriginal Land Rights Act 1983,* which gave rights to Local Aboriginal Land Councils comprised of Aboriginal residents of an area rather than to traditional owners.

In recent years, as Indigenous policy has turned to matters like alcohol management, the Commonwealth has again been constrained by a lack of administrative involvement, this time in liquor licensing. The Commonwealth has acted on alcohol management in the Northern Territory, through the *Northern Territory National Emergency Response Act 2007* and the *Stronger Futures in the Northern Territory Act 2012*, but elsewhere it has essentially just encouraged State governments and parliaments to act on liquor licensing within their jurisdictions (d'Abbs, 2015).

[3] With self-government in the Northern Territory from 1978, this land rights regime became a significant focus of conflict between the Commonwealth and new Territory government, which thought it should control land, like the States. The Commonwealth also passed the *Aboriginal Land Grant (Jervis Bay Territory) Act 1986* not long before giving self-government to the Australian Capital Territory in 1989. This legislation only addressed land rights issues in the coastal adjunct Territory at Jervis Bay, not the Australian Capital Territory proper. On the latter see Wensing (2021).

[4] This was the *Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987.*

These histories in land and alcohol policy should remind us just how different is the constitutional position of the two Commonwealth Territories, compared to the six Australian States, and just how decentralised most Indigenous policy in Australia still is. Commonwealth authority is supreme in the two Territories, even if this is obscured by grants of self-government in 1978 and 1989. In the six States however, the Commonwealth has more restricted constitutional power. State governments still provide major social services and regulation for their citizens, including Indigenous citizens, while the Commonwealth hovers in the background with money to spend, but limited on the ground capacity. To the outside world, as we vote at the United Nations on matters like the 2007 Declaration of the Rights of Indigenous Peoples, it may look like there is one Australian Government doing Indigenous policy. But the domestic reality is much more divided.

This decentralised federal dimension of Australian Indigenous policy seems as important in the early decades of the 21st Century as it was a century ago. Something changed after the 1967 constitutional alteration referendum, when the Commonwealth took on a national role in Indigenous policy. But that change did not undo the distinctive decentralisation of Indigenous policy in Australia that Russell (2006) observed in comparison with Canada, New Zealand and the United States. Federal decentralisation of Indigenous policy was written into the Australian Constitution of 1901 and centralised somewhat after 1967. But different policy trajectories in different States, and two instances of Territory self-government since 1978 and 1989, have reinforced decentralising dynamics in recent decades. This suggests that decentralised federalism is a deep structure of Australian Indigenous policy that has endured for over 100 years.

Competing principles

The last two decades of Australian Indigenous policy, since the millennium, have felt very different from the 1980s and 1990s. It was in trying to understand this change a decade ago that I began developing an analytic framework of the three competing principles of equality, choice and guardianship (Sanders, 2009). What seemed to be happening in Australian Indigenous policy, after the millennium, was the re-emergence of the guardianship principle after seven decades of moving away from it.

Up to the 1930s, the key term of Australian Indigenous policy for almost a century had been ‘protection’. This reflected concerns that aspects of colonial settlement were damaging or exploiting Aboriginal people, who needed protection of their interests through guardians. The problem with guardianship in public policy is that it holds those subject to it in some lesser legal category than others who are recognised as competent judges of their own interests. Inevitably it raises the question: when can the protected people move to the more liberal legal category of people who can judge their own best interests? Guardianship regimes that last for decades inevitably become vulnerable to this question, and from the 1930s Australian Indigenous policy clearly moved away from ideas of protection.

This move away from guardianship was, until the 1960s, mainly done in the name of equal individual legal rights. A good example was the legislative inclusion of Aboriginal Australians in the social security system in 1959 and 1966. Whereas until then virtually all ‘aboriginal natives’ had been legislatively excluded from Commonwealth social security benefits, in 1959 section 137A of the *Social Services Act* restricted this exclusion to the ‘nomadic and primitive’. The minister promoting this amendment spoke glowingly of sweeping ‘away the provisions that place restrictions on aboriginal natives in qualifying for social service benefits’ (quoted at de Maria, 1986, p.27 and Sanders, 1986, p. 2). Despite (or perhaps reflecting) this grand rhetoric, the new section 137A only lasted until 1966, at which time it was removed from the *Social Services Act* altogether and all Aboriginal Australians became eligible for social security benefits on the same legislative terms as other Australian citizens and residents (McCorquodale, 1985, pp. 8–9). From 1966 the *Social Services Act* made no mention of Indigenous Australians at all.

From the early 1970s, the movement of Australian Indigenous policy away from protection and guardianship was done less in the name of equal individual legal rights and more in the name of land rights and self-determination. Both these policy initiatives had a group focus and also recognised an adverse history of policy that needed to be ameliorated. Land rights acknowledged past land dispossession which needed to be mitigated by some belated recognition. Land rights were recognised for local groups of Indigenous people, who were represented by land councils organised at regional geographic levels. Through recognition of the idea of self-determination there was an attempt to apply a right of peoples in international law to Indigenous groups, trying thereby to respect their autonomy in internal matters of cultural development and political status. This led Australian governments to support Indigenous community-based self-provisioning in sectors like medical services, legal services and housing. Local and regional Indigenous organisations in these sectors also often came together as peak interest organisations at the regional, State or Territory and national levels. More general, elected Indigenous representative bodies were also experimented with at the national level: the National Aboriginal Consultative Committee (NACC) (1973–77), the National Aboriginal Conference (NAC) (1977–85) and ATSIC (1990–2005).

ATSIC, in the 1990s, was a particularly interesting experiment in Indigenous participation and shared public authority, if not full self-determination. It had an extensive national Indigenous representative structure, which was enshrined in legislation and built from elected regional councils. This network of elected Indigenous representatives shared executive power over ATSIC's programs with the Commonwealth Minister for Indigenous Affairs. Indigenous representatives had a significant say in how these Commonwealth funds were spent. Under some of ATSIC's major programs, like the Community Housing and Infrastructure Program (CHIP) and the Community Development Employment Projects (CDEP) scheme, there was even a sense that funded Indigenous organisations were being recognised as exercising some public authority within Indigenous communities (Rowse, 2001).

Autonomy of Indigenous groups exercising their own rights and making their own choices was a new principle being promoted in Australian Indigenous policy from the 1970s to the 1990s. However, there was also concern that Indigenous households and individuals should be moving towards socioeconomic equality with other Australians. This interpretation of the equality principle jostled with *both* the equal individual rights idea and the principle of autonomy or choice for Indigenous groups. This created considerable scope for debate in Indigenous policy during these years (Rowse, 2002).

In attempting to represent these debates graphically I developed a triangle of the three competing principles, which was also a linear left–right political continuum (see Fig. 1). At the top and centre of the triangle was another interpretation of the equality principle, equality of opportunity. To its right was individual legal equality and to its left was socioeconomic equality in population groups. Through these varied interpretations, equality seemed the dominant principle at the political centre of Australian Indigenous policy. To move beyond the equality principle, what was needed was a sense that the difference and diversity of Indigenous Australians could be valued either positively or negatively (Altman, 2009; Hinkson, 2010; Hinkson & Beckett, 2008). A positive valuing of Indigenous difference and diversity could lead to the liberal principle of freedom, autonomy and choice, while a negative valuing of Indigenous difference could lead back to the idea of vulnerable, exploited people and the guardianship principle. In my graphic representation of Australian Indigenous policy, these alternative principles of choice and guardianship for Indigenous people sat at the more extreme left and right ends of the political continuum respectively. They were also much more oriented towards groups of Indigenous people than the equality principle debates (see Fig. 1 again). It was Indigenous communities, or significant portions of them, who were either recognised to have autonomous rights of choice or to stand in need of collective guardianship and protection.

Figure 1 Competing principles in Australian Indigenous policy: A left–right continuum and triangle as depicted in 2012, with movement of dominant debates 1930s to 1990s

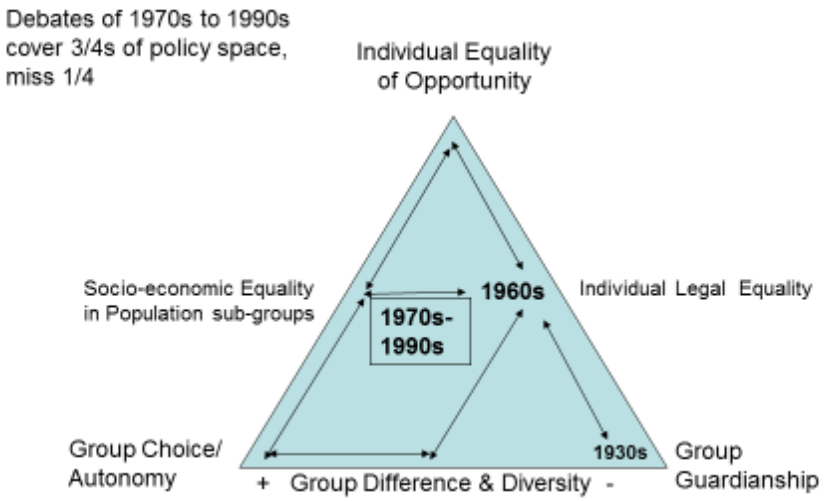
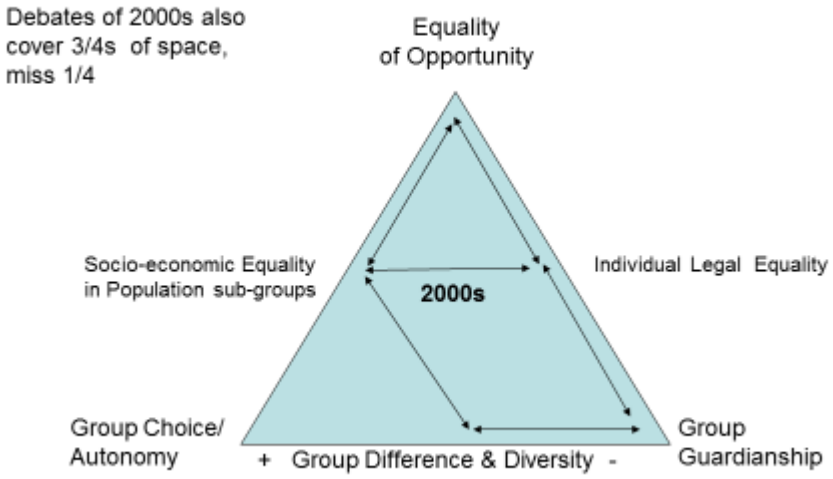


Figure 2 Competing principles in Australian Indigenous policy: Dominant debates after the millennium



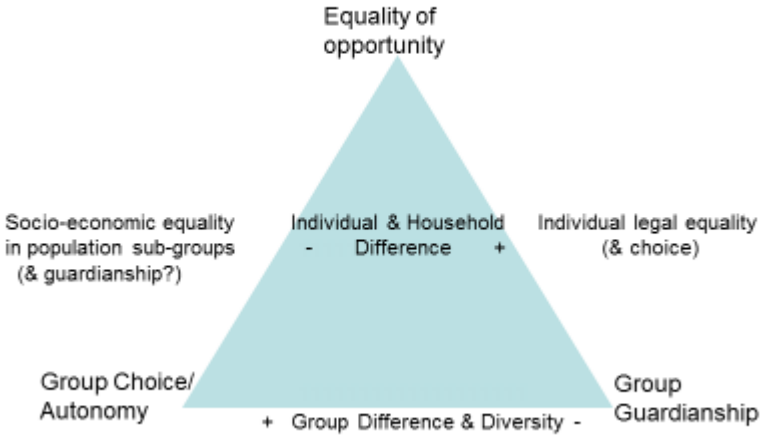
It was after the millennium, with the re-emergence of group guardianship in Australian Indigenous affairs (see Fig. 2), that I came to understand this configuration of competing principles as a deep structure of policy. If an idea like guardianship could suddenly come back to the fore in policy, after seven decades of movement away from it, then surely it was there all along, at least subliminally. This triangle of related concepts and debates, equality and difference in one dimension, choice and guardianship in another, seemed the constant framework within which Indigenous policy was being conducted. Movement within the framework suggested policy change, until one recognised that policy was back near the point from which it had departed 70 years before. Such constancy, underneath change, suggested that the competing principles of equality, choice and guardianship were also a deep structure of Australian Indigenous policy that had endured for over 100 years.

The individual–communal dimension

Over time it became clear to me that there were aspects of Indigenous policy debates in Australia that were still not well captured in Figs 1 and 2. Difference and diversity could be valued positively or negatively at the individual and household level, as well as the community group level. Those on the centre-left who pushed for population-based socioeconomic equality seemed to evaluate negatively the inequality or difference of Indigenous households and individuals. Those on the centre-right who pushed individual legal equality, by contrast, seemed to have a more positive view of socioeconomic difference. For them, it was up to Indigenous individuals to choose, once they had equal rights. This train of thought led in 2014 to modification of the competing principles diagram, as in Fig. 3, by adding reversed + and - valuations of difference in the middle of the triangle compared to the bottom of the triangle (Sanders, 2014).

This elaborated version of the left–right triangular diagram suggested (in its parentheses) that, with the reversed polarities of valuing Indigenous difference at the community group level and the individual or household level, support for the principles of choice and guardianship could also be reversed in the centre of the political continuum. This helped explain why Indigenous policy was not always so clearly a left–right political issue. There were elements of choice and guardianship within dominant ideas on *both* sides of politics.

Figure 3 Competing principles in Australian Indigenous policy: 2014 version



Another implication seemed to be that the linear triangle had within in it a two by two matrix, a common thinking tool of the social sciences. If the negative and positive appreciations of Indigenous difference are aligned, something like Fig. 4 is produced. On the negative side of this matrix sit the conservatives who support group guardianship and the directive welfare liberals and centre-left social democrats who push for socioeconomic equality among population subgroups. On the positive side of this matrix sit the more libertarian left, with their support of Indigenous group difference and diversity, and the more libertarian right, with their support of individual choice under individual equal rights.

Figure 4 A two by two matrix of Australian Indigenous Policy: Valuing difference or diversity and the individual–communal dimension

The vertical axis in Fig. 4 suggests the individual–communal dimension in Australian Indigenous policy. As in the triangle graphic, policy at the top relates to individuals, while at the bottom it relates to communities, who may on some understandings be seen as peoples recognised in international law. In between, policy relates to Indigenous people as households within population sub-groups or it relates to groups, like children, who are seen as in need of guardianship. Policy tries to act at various levels in this individual–communal dimension, and these actions may be in considerable tension with each other. These tensions are never really resolved, just elided or managed as policy acts at different levels and moves through different emphases over time. This tension in the individual–communal dimension feels like another persistent deep structure of Indigenous policy.

High moralism and generational revolutions

Public policy is ultimately a moral activity, which tries to make things better. Indigenous policy involves a particularly heightened moral dynamic, in which different ideological groups of settler Australians jostle with each other for moral superiority, in conjunction with Indigenous Australians making profound moral claims. This dynamic of high moralism gives Australian Indigenous policy its drive, but can also come at a cost. Unrealistic expectations can be placed on programs and organisations. These can later be seen as failing, though in reality they were destined from the outset to fall short of expectations. A good example from the 1980s and 1990s was the Commonwealth's Aboriginal Employment Development Policy of 1987. The lack of realism in its goal of statistical equality in employment and income by the year 2000 was clear from the outset (Sanders, 1991). Yet a 1994 review of the policy began predictably as follows:

> *Unemployment amongst Aboriginal and Torres Strait Islander peoples is unacceptably high. At three times the level of other Australians, the employment situation of our indigenous peoples is another national disgrace. Even more disturbing, is the fact that over the last few years the rate of unemployment amongst our people has been explosive…*
>
> *This Review of the Aboriginal Employment Development Policy shows that while there has been some improvement in the employment position of indigenous peoples the overall situation remains dire.*
>
> *One can only conclude that these policies and programs have failed (Bamblett, 1994, p. xii).*

High moralism and identification of past failure can at times attract more resources and renewed program effort, but it can also be destructive and dispiriting for those who have participated in past policy initiatives.

Another good example of the dynamic was the virulent discourse of past failure, combined with calls for change, that developed during the fourth term of the Howard Coalition Commonwealth Government from late 2004 to 2007. Initially this discourse was used to complete the destruction of ATSIC, begun in early 2004. Then in 2007, it was used to launch the Commonwealth's National Emergency Response, or 'Intervention', in the Northern Territory. I argued that the overwhelming nature of the 'failure and change' discourse during these years constituted a 'generational revolution' in Australian Indigenous policy (Sanders, 2008). There was a loss of confidence in the principle of group autonomy and choice that had guided Indigenous policy over the previous 30 years and in the institutions created under its guidance. ATSIC was destroyed and Indigenous policy swung back precipitately to the right and the guardianship principle, as depicted in Fig. 2. I also argued that there had been another generational revolution in Australian Indigenous policy, drawing on similar moral dynamics, in the early 1970s. This also led to new institutions, while moving policy precipitately to the left, as in Fig. 1. The deep structure here seemed to be the intense moral dynamic leading to major policy swings and reversals every three or four decades. I asked, are generational revolutions 'as good as it gets in Indigenous affairs policy-making' or can governments, by being aware of the 'moral and cross-cultural dimensions' of Indigenous policy, 'move beyond such revolutions?' (Sanders, 2008, p. 202). To do this, would be to transcend deep structure by analytic understanding and deeply informed agency. Good policy that transcended this structure would consider simultaneously both the principle of community autonomy or choice *and* the principle of guardianship, used discerningly rather than indiscriminately. Debates in Indigenous policy would cover the *whole* triangular policy space, not just three-quarters of it as in Figs 1 and 2.

A remote focus

One other deep structure in Australian Indigenous policy that I have come to appreciate over four decades is a tendency to focus on remote areas. This can be done with the best of intentions, thinking that Indigenous people in these areas are the most 'disadvantaged', because they show the most difference from settler Australians in socioeconomic status. However, an alternative framing is that it is Indigenous Australians in more densely populated areas who have been more completely dispossessed and overrun by colonialism. As a young Indigenous activist academic in the 1980s, Marcia Langton pushed hard the idea that Aboriginal people in urban areas had both cultural integrity and equally strong claims on settler governments as those in remote areas (Langton, 1981). In the 1990s one of the great virtues of ATSIC was that elected Indigenous representatives from across Australia debated among themselves where priorities lay and how resources should be used, both geographically and across functions. ATSIC's largest program, the CDEP scheme, had begun in remote areas under the Commonwealth Department of Aboriginal Affairs in the late 1970s, but by the early 1990s it was expanding nationwide following demand from urban Aboriginal communities. This was a useful development which reflected substantial self-determination among Indigenous Australians.

Since the abolition of ATSIC in 2004–2005, a remote focus has begun to creep back into Australian Indigenous policy. The largest Commonwealth program developments of the Labor years, under Prime Ministers Rudd and Gillard from late 2007 to 2013, were the National Partnership Agreement on Remote Indigenous Housing (NPARIH) and the Remote Jobs and Communities Program (RJCP). This trend towards a remote focus continued under the Abbott and Turnbull Coalition Governments, with their corralling of Commonwealth Indigenous affairs into the Department of the Prime Minister and Cabinet and the creation of one large program called the Indigenous Advancement Strategy. The emergent National Congress of Australia's First Peoples was disregarded, while the Minister for Indigenous Affairs, who represented a remote area constituency as Senator for the Northern Territory, kept close to himself most funding decisions. I argue that this tendency to focus on remote areas is a sub-optimal deep structure in Australian Indigenous policy, as it ignores those Indigenous

Australians in more densely populated areas whose societies have been more extensively overrun by colonialism.

Conclusion: From deep structures to deeply informed agency

This essay began by arguing that in a short timeframe, from the perspectives of clients, employees or analysts, government organisations can be reasonably thought of as structures in Australian Indigenous policy. Noting that these organisations do change in longer timeframes, the paper sought to discern deeper structures in Australian Indigenous policy. The five deep structures discussed have become clear to me during a four-decade academic career and relate to a timeframe of 100 years or more. It is in thinking back to the 1930s and before, and what has happened since, that these deeper structures can be identified and analysed. Federal decentralisation of policy, the changing balancing of the competing principles of equality, choice and guardianship, the tensions of the individual–communal dimension, high moralism and generational revolutions, plus a remote focus, all become clear as constants of Australian Indigenous policy in this longer timeframe. This does not mean, however, that these deep structures of Australian Indigenous policy are beyond change.

The hope expressed in this essay is that through knowing deep structures well, and discerning their limitations, we might indeed be able to change them while also recognising their persistent power. Perhaps this is the wisdom of the Serenity Prayer for social scientists, that to know things well is to open up the possibility of changing them judiciously. If that can be achieved, then there is the possibility that Australian Indigenous policy could move from the deep structures observed to a form of deeply informed agency, in which structures change through deep understanding of them. I like to think this is what the founders of the Australian National University had in mind, 70 years ago, when they gave us the motto *Naturam primum cognescere rerum,* which we translate as ‘First, to learn the nature of things’. It is through first understanding things that we can in time come to act and, where judged necessary, change things. A companion essay on decolonising Australian Indigenous policy (see Section II below) will suggest some ways forward for this deeply informed agency.

II Decolonising Australian Indigenous policy: What might it look like and how can it happen?

Let us begin with a three-sentence syllogism:

1) Australian Indigenous policy is the product of British imperial colonialism.

2) After the 20th Century’s two world wars and the formation of the United Nations, colonialism has become discredited as an approach to governance and development, and new decolonising approaches have begun to be sought.

3) Australia must seek a decolonising approach to Indigenous policy.

Let us assume that the vast majority of Australians accept the two historical premises of this syllogism. This assumption will allow us to focus on the logical conclusion in the third sentence, a decolonising approach to Australian Indigenous policy. But ‘what’ might a decolonising approach to Australian Indigenous policy look like and ‘how’ can one be brought about? In the first section of this brief essay, I attempt to think simultaneously about these two aspects of a decolonising approach to Australian Indigenous policy. The ‘how’ question is of primary importance because, if ‘the colonised’ are not respectfully involved, then the claim to being a decolonising approach may fall at the first hurdle. But, in a classic chicken-and-egg conundrum, the ‘what’ of a decolonising approach also needs to be conceptualised, at least broadly. If we do not have some substantive idea of what a decolonising approach might look like, it is hard to know how one might develop.

The first part of this essay focuses on the idea that there are two idioms of social justice and recognition present within debates about Indigenous policy. It argues that in a decolonising approach to Indigenous policy the currently dominant idiom in Australia needs to become subordinate and the currently subordinate idiom to become dominant. The second part argues that, in looking for ways in which this switch of idioms can occur, it is useful to look back to late 20th Century Australian Indigenous policy, as well as imagining new 21st Century futures.

Two idioms of justice and recognition

In a collection of essays published in 2012, Tim Rowse developed the idea that there are two idioms of social justice and recognition in debates about Indigenous policy, both in Australia and in other parts of the world. One is the idiom of 'populations', in which Indigenous people are characteristically seen as disadvantaged individuals and households, through measurement in official statistics. The idea of justice and recognition in Indigenous policy that emerges through this idiom is not the socialist one of eliminating all socioeconomic inequality, but rather 'the liberal ideal that socio-economic inequality should not be the result of some kind of discrimination, such as racial discrimination' (Rowse, 2012, p. 7). Indigenous people should have opportunities equal with others to flourish and the evidence that this is the case will be that they achieve a similar profile of socioeconomic status to the rest of the Australian population. The second idiom is very different from this, in that it identifies Indigenous 'peoples' as collective bearers of rights with 'self-conscious organs of collective agency' (Rowse, 2012, p. 6). In identifying the great difference between these two idioms, Rowse writes as follows:

> *An Indigenous population will be made up of rights-bearing individuals (citizens), but a 'population' is not a bearer of a collective right; a population is not even a collective agent, just an artefact of the administrative imagination (Rowse, 2012, p. 6).*

The essence of this essay's argument about the 'what' of decolonising Australian Indigenous policy is that there must be large elements of the 'peoples' idiom in a decolonising approach. The collective rights and agency of groups of Indigenous Australians need to be recognised and respected in various elements of public policy, not just at one level or one site within the institutions of Australian government, but at many. A high-profile site of distinctive Indigenous representation will be necessary, but not sufficient. The decolonising of Indigenous policy will need recognition of the 'peoples' idiom for Indigenous Australians at many sites throughout our system of government (Sanders, 2017, 2018a).

The most obvious argument to be made about the 'how' of decolonising Indigenous policy is that those subject to colonisation must be heavily involved in the decolonising process. This seems almost beyond debate in a country that so values democracy and political participation. This essay's other argument about the 'how' of decolonising Indigenous policy is that non-Indigenous settler Australians will need to become far more comfortable with the idea of Indigenous 'peoples' as collective, rights-bearing entities. As Rowse observed in 2012, Indigenous leaders and intellectuals are already comfortable working in *both* the 'populations' and the 'peoples' idioms of social justice. They want to work for Indigenous socioeconomic parity, together with the recognition of Indigenous peoplehood. But some non-Indigenous settler Australians seem far less comfortable with the 'peoples' idiom.

Rowse's prime example of settler discomfort with the 'peoples' idiom in 2012 was John Howard, Prime Minister from 1996 to 2007. Howard distinguished strongly between the 'symbolic' and the 'practical' in Indigenous policy, and was committed strongly to prioritising the latter. This meant pursuing the socioeconomic equalisation approach within the 'populations' idiom in matters like health, employment and education, under the label of 'practical' reconciliation. Having noted this, Rowse argued as follows:

> *By offering this vision of a just society, Howard disdained – or gave distant second place to – what he called 'symbolic' reconciliation, meaning that he dismissed or treated as relatively unimportant all those claims that Indigenous Australians were making about their rights as a people – such as their right to govern and represent themselves and to own land collectively (Rowse, 2012, p. 6).*

Other settler Australians have also seemed somewhat uncomfortable with the 'peoples' idiom in recent years. Rowse's other example in 2012 related to the Australian Reconciliation Barometer Survey conducted by Reconciliation Australia in 2010. He saw the survey as potentially entrenching a narrow view that reconciliation was designed to overcome just two problems: 'Indigenous socio-economic disadvantage' and 'non-Indigenous Australians' negative views of Indigenous Australians' (Rowse, 2012, p. 202). This placed the survey within the 'populations' idiom of social justice and ignored the 'peoples' idiom altogether, thereby adopting a 'narrow conception of Australia's policy horizons' (Rowse, 2012, p. 215).

A group of Indigenous and non-Indigenous scholars associated with the Australian National University's National Centre for Indigenous Studies (NCIS) has been working on these issues from a slightly different perspective in recent years. They have talked of 'deficit discourse' being the long dominant mode of thinking in Australian Indigenous policy. Assumptions and accusations of Indigenous deficit have saturated the history of cultural relations in Australia since contact, and are a key component of racism and prejudice (Fforde et al., 2013, p. 164). They write of 'the subtlety of deficit' in contemporary settings and the difficulty of 'navigating away from a narrative of disadvantage'. They instance the Closing the Gap policy framework since 2008 which, they argue, 'requires identifying deficits' in order to 'attract resources' (Fforde et al., 2013, p. 167). Nonetheless, this group of scholars has been adamant that deficit discourse is unhelpful, even destructive, and needs to be rejected.

The alternative discourse suggested by the NCIS scholars is 'strengths-based' thinking, such as Chris Sarra's *Stronger Smarter Leadership Program* in the education sector. The *Engoori* process on which this is built asks: 'What makes/keeps me strong?' This, they argue, leads to a conversation about 'how we want to be' rather than 'who we are', which is 'a powerful shift enabling people to remember their strengths, their hopes and aspirations, and their sense of connection' (Fforde et al., 2013, p. 168).

Despite giving instances of a strengths-based approach and advocating its general adoption, the NCIS authors come to the somewhat dispiriting conclusion that:

> *deficit discourse appears to continue to be the dominant discursive formation for 'Aboriginality' in Australia, and until this undergoes a formative shift, it will continue to impede successful policy and relations (Fforde et al., 2013, p. 169).*

In Rowse's terms the work of these NCIS scholars feels like a plea for a diminution of the 'populations' idiom, with its negative focus on measures of disadvantage, and a building up of the 'peoples' idiom. A 'formative shift' towards stronger recognition of Indigenous group rights would build a sense of collective strength and connection among Indigenous Australians, but how can this be done?

Events since 2015 suggest that no such 'formative shift' is yet emerging. The Referendum Council, established in late 2015 to involve Indigenous Australians in discussions about constitutional recognition, led in June 2017 to the Uluru Statement from the Heart calling for 'a First Nations Voice enshrined in the Constitution' (Anderson & Leibler, 2017). However in October 2017 Prime Minister Malcolm Turnbull and two government ministers dismissed this idea as neither 'desirable [n]or capable of winning acceptance in a referendum'. Their reasoning was that 'all Australian citizens' have 'equal civic rights' to vote and stand for the existing national Parliament and that to have an 'additional representative assembly' which 'only Indigenous Australians could vote for or

serve in is inconsistent with this fundamental principle' (Prime Minister, Attorney-General and Minister for Indigenous Affairs, 2017).

The Turnbull Government's reasoning in rejecting the Uluru Statement from the Heart was the direct opposite of embracing the 'peoples' idiom. Any sense of Indigenous people having collective rights or agency was dismissed by elevating equal civic rights of individual citizens to the status of a 'fundamental principle'. The blindness to colonial history in this approach is breathtaking and makes me wonder whether I am justified in assuming, after my opening syllogism, that the 'vast majority of Australians' accept my two opening historical premises. It is hard to imagine anyone rejecting premise one. But it would appear that there may have been some within the Turnbull Government who rejected premise two and still adopted an overwhelmingly positive view of colonialism. Until such people within Australian governments adopt a more critical view of the colonial encounter in Australia, prospects are slight for a decolonising approach to Indigenous policy in this country. The more negative, Indigenous perspective on Australian colonial history must not only be acknowledged by descendants of the colonists and other later arrivals, but also respected and to some extent embraced.

Looking back, as well as forward

Once Australia has a Commonwealth government in the 21st Century that accepts premises one and two of my syllogism and wants genuinely to work on the conclusion in sentence three, I argue that it will be instructive to look back to Indigenous policy in Australia from 1973 to 1995. During that period Australian governments of both party persuasions did, I argue, accept premises one and two of the syllogism and were genuinely trying to work through the 'what' and 'how' of a decolonising approach to Australian Indigenous policy. This was never going to be easy, as the colonial settlers and their descendants were already present in overwhelming numbers and were never going to leave. Inevitably, this was going to be some form of internal, allegorical decolonisation, rather than the emergence of a new state or region in which Indigenous Australians prevailed by majority rule.[5] But there were possibilities for the imaginative and determined.

In past writing on Australian Indigenous policy, I have used the idea of internal decolonisation as an overarching frame to analyse what was happening under all governments from Whitlam to Keating (Mulgan & Sanders, 1996; Sanders, 2000). Progress in a decolonising direction was not always clear. Indeed there were times, like the abandonment of national land rights in the early Hawke years, when movement seemed backwards. However, in longer timeframes, movement in a decolonising direction did seem to be emerging.

From late 1972, the Whitlam Labor Government adopted 'self-determination' as the key term of Indigenous policy and set up a national elected body of Aboriginal people, the NACC. It also began funding Indigenous organisations for the delivery of services, like housing, medical services and legal aid, and the conduct of Indigenous community affairs. Through a royal commission, Whitlam also developed draft legislation for land rights in the Northern Territory.

Even though elected as Whitlam's nemesis in late 1975, the Fraser Coalition Government followed through on land rights legislation in the Northern Territory during 1976 and encouraged State parliaments to act similarly within their jurisdictions over the next few years. The Fraser Government also passed legislation for the incorporation of Indigenous organisations (*Aboriginal Councils and Associations Act 1976*), and restructured the NACC rather slightly into an elected NAC. It also experimented with a statutory body of Aboriginal people for funding development programs, the Aboriginal Development Commission.

[5] Tasmanian Aboriginal activist Michael Mansell (2016) has imagined a non-contiguous Aboriginal state made up of parcels of Aboriginal land across Australia.

After a bad start from 1983 to 1985, abandoning national land rights and disbanding the NAC, the Hawke Labor Government improved its contribution to Indigenous policy in later years. It reviewed and greatly expanded Indigenous employment and education programs. It established a Royal Commission into Aboriginal Deaths in Custody. And, after a two-year consultation process, it passed legislation establishing ATSIC, with an elaborate structure of elected Indigenous regional councils, building through internal elections to a national commission. This ATSIC 'elected arm' shared executive power over program funds with its Commonwealth minister. Elected ATSIC representatives also developed a considerable political profile, both domestically and internationally.

Having shown little interest in Indigenous affairs while Treasurer, Prime Minister Paul Keating launched the International Year of the World's Indigenous Peoples in late 1992 with a notable piece of decolonising rhetoric. Speaking alongside ATSIC office-holders, Keating argued that the 'starting point' was an 'act of recognition':

> *Recognition that it was we who did the dispossessing.*
> *We took the traditional lands and smashed the traditional way of life.*
> *We brought the diseases. The alcohol.*
> *We committed the murders.*
> *We took the children from their mothers.*
> *We practised discrimination and exclusion.*
> *It was our ignorance and our prejudice.*
> *And our failure to imagine these things being done to us.*
> *(Keating et al., 1992).*

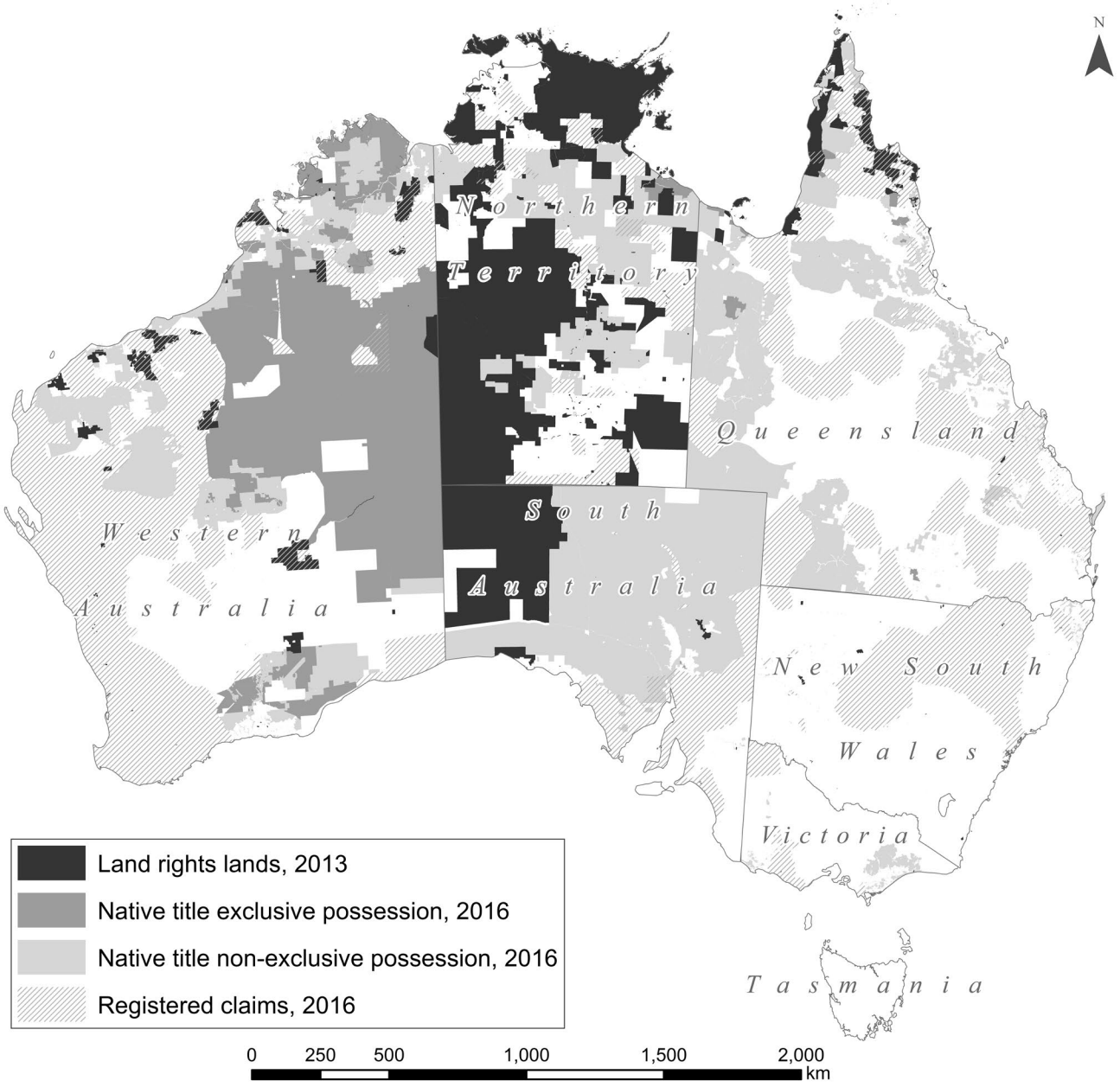
Over the next year Keating presided over the Commonwealth's response to the Mabo High Court case of June 1992, passing the *Native Title Act 1993.* This set in train a second generation of land policy reform, which over two decades later has led to the map in Fig. 5. From there being no land under recognised Indigenous title in the 1960s, by 2016 the figure had reached one-quarter or one-third of the Australian continent, plus another one-quarter under registered claim.[6]

It was only with the election of the Howard Coalition Government in 1996 that Australia started moving away once again from decolonising ideas in Indigenous policy. One indication was withdrawal of Australia's support for the term 'self-determination' in the developing Draft Declaration on the Rights of Indigenous Peoples within United Nations forums (Dodson & Pritchard, 1998). Another was a stronger assertion of ministerial authority over program funding decisions within ATSIC (Ivanitz, 2000).

Adding to these moves within government was the publication of a damning analysis of the policies of the previous three decades by Noel Pearson, the activist Aboriginal lawyer and historian from north Queensland. This critique was directed more to the perverse consequences of equal individual rights than to the decolonising policy idea of self-determination, which Pearson (2000, p. 5) interpreted as 'ultimately the right to take responsibility', as peoples. But such nuance was often lost from the policy reforms which invoked Pearson's critique, including those of the Cape York Institute for Policy and Leadership which Pearson helped create (CYIPL, 2007; Sanders, 2014, pp. 8–9). Other Indigenous leaders also began critiquing aspects of policy from the 1970s to 1990s – for example, John Ah Kit's labelling of small remote Indigenous local governments in the Northern Territory as in 'crisis'.[7]

[6] The range from one-quarter to one-third depends on the categories of land included, some of which acknowledge exclusive possession, and some of which only allow for non-exclusive shared use.
[7] See Ministerial Statements to the Northern Territory Legislative Assembly, March 7, 2002 and August 20, 2003.

Figure 5 Land under forms of Indigenous title and registered claim, 2016



Reflecting on these crises of confidence in late 20th Century Indigenous policy a few years later, Emma Kowal (2008) identified the delicate balancing of 'remedialism' and 'orientalism' in the 'postcolonial logic' of Australian 'liberal multiculturalism' during 'the self-determination era'. She wrote of the 'dilemma of social improvement' by asking whether the 'elimination' of the health 'gap' of Indigenous Australians might also be 'the erasure of cultural distinctiveness' (Kowal, 2008, p. 343). She saw an inherent instability 'between the two poles of postcolonial logic':

> *Despite its outward sheen, remediable difference is a rickety vessel for traversing postcolonial spaces. Orientalism tilts us towards racial difference, threatening to capsize the remedialist project; remedialism steers us back toward sameness, nearly out of view of the differences that lured us onto the postcolonial frontier in the first place. Orientalism without remedialism removes our drive to help – and, thus, our*

> *reason for intervening at all. It turns us into voyeurs, or, worse, anthropologists. But remedialism without Orientalism turns us into assimilationists. Without difference filling our sails, the tide of liberal melioration leads us ever toward the ideal 'healthy subject', a statistical construction that is inevitably White and middle class (Kowal, 2008, p. 345).*[8]

A crisis of confidence also developed after ATSIC's fifth round of elections in 2002, when both chair Geoff Clark from Victoria and deputy-chair Ray Robinson from Queensland were re-elected to their previous offices. While in other times this might have been interpreted as Indigenous political stability, by 2003 ATSIC was under pressure to change, including its national leadership. A review of ATSIC was conducted by a high-profile, external team of three, two male, non-Indigenous ex-politicians from across the party divide and a female, Indigenous academic. Their report recommended that the 'existing objects of the ATSIC Act be retained' but that ATSIC be significantly restructured by strengthening the role of regional council chairs (Hannaford et al., 2003, p.8). Rather than support a restructure process however, Labor in Opposition, under new leader Mark Latham, turned on its own creation of 15 years earlier, saying it would 'abolish' ATSIC if elected to government (Latham & O'Brien, 2004). Prime Minister Howard, who tolerated ATSIC but never believed in it, seized his opportunity. ATSIC was condemned by Howard and his Minister for Indigenous affairs as a 'failure' not to be repeated (Howard & Vanstone, 2004). It was stripped of its budget almost immediately and the legislative dimension of its abolition was completed during 2005, when Howard enjoyed a re-elected majority in both the House of Representatives and, more unusually, the Senate.

No longer having an elected Indigenous representative body, it was untenable from 2005 to suggest that Australia was adopting a decolonising approach to Indigenous policy. When the Howard Government reached a decade in office in 2006, the summary assessments by another analyst and myself were that its approach to Indigenous policy was an 'imposed national unity' that was 'defying decolonisation' (Robbins, 2007; Sanders, 2006a). Then in its final year, the Howard government launched the Northern Territory Emergency Response (NTER) into 73 discrete Aboriginal communities, which critics labelled 'coercive reconciliation' (Altman & Hinkson, 2007). Paternalism had returned strongly to Indigenous policy during the Howard years. The 'populations' idiom focusing on disadvantage was in the ascendant, overriding ideas of the rights and decolonisation of Indigenous 'peoples'.

The Rudd Labor Government, from 2008, did overturn some aspects of Howard's Indigenous policy legacy (Sanders & Hunt, 2010). Most famously, it responded to the Human Rights Commission's 1997 *Bringing them home* report with a parliamentary apology to the stolen generations. Also, it indicated Australia's belated support for the Declaration on the Rights of Indigenous Peoples passed by the United Nations General Assembly in September 2007. Further, it worked with the Aboriginal and Torres Strait Islander Social Justice Commissioner within the Human Rights Commission to establish a new representative body for Indigenous Australians, the National Congress of Australia's First Peoples. However, the Rudd Government also emphasised Indigenous disadvantage in the 'populations' idiom, by developing a high-profile *Closing the Gap* policy and by extending many aspects of the NTER. It was not until Julia Gillard was Labor Prime Minister from 2010 that the 'peoples' idiom was given much attention once more in Indigenous policy, through talk of possible constitutional recognition. But this had not progressed far before a divided Labor party lost the 2013 federal election and the Coalition parties reclaimed government under Tony Abbott, a Howard admirer. The retreat from the 'peoples' idiom and a decolonising approach in Australian Indigenous policy was thereby confirmed, and seemed unaffected by the change to Malcolm Turnbull as Coalition Prime Minister in 2015. Memories of Australia

[8] Kowal's analysis was expanded into a book, published in 2015. An earlier, more judgmental book-length analysis of the crisis of belief in Indigenous self-determination policy in Australia was produced by Sutton (2009), who identified a 30 year 'liberal consensus' that was coming undone from around the millennium. Rowse (2012, 2013, p. 155) refined Sutton's analysis by adding two elements to the liberal consensus, but also by pointing to the 'axes of ambivalence' that had been present in this consensus 'from its inception' around 1970. This recognition of enduring ambivalence brought Rowse's analysis closer to Kowal's than Sutton's.

pursuing a decolonising approach to Indigenous policy were by now two decades old. The process in the future would have to begin again from scratch.

Conclusion

In this brief essay I have argued that decolonising Australian Indigenous policy requires more use of the 'peoples' idiom, recognising collective Indigenous rights. I have observed that recent public policy debates have operated more in the 'populations' idiom, with its focus on individual and household disadvantage. Where rights are recognised in the 'populations' idiom, as Rowse has observed, they do not attach to groups but to individual citizens, nowadays including Indigenous citizens.

The Turnbull Government's response to the 2017 Referendum Council Report and Uluru Statement from the Heart is indicative of this recent disregard for Indigenous group rights and the 'peoples' idiom. Turnbull's insistence on individual legal equality as the 'fundamental principle' of Commonwealth parliamentary representation was narrow and ahistorical, as well as being factually wrong. Section 7 of the Australian Constitution has for over 100 years provided for representation in the Senate 'so that equal representation of the several Original States shall be maintained'. That piece of historically-informed recognition of collective rights in the Australian Constitution is generally defended not just as a political necessity of federation, but as a right and just way to balance power between States with vastly different populations and economies. Perhaps a similar, but deeper line of historically-informed thought could be used to recognise some far deeper collective rights attaching to Australia's First Nations peoples. Ideas of this kind were part of debates about Indigenous policy in Australia from the 1970s to 1990s, but have since declined.[9] They now need to be reinvigorated.

III A response to Westbury and Dillon

The Special Series of Policy Insights papers being produced around CAEPR's 30th anniversary is encouraging reflection over a longer timeframe on Australian Indigenous policy. Westbury and Dillon's initial contribution, in 2019, developed two major themes, about political settlements and exclusion. This essay responds by developing counter arguments to both themes. First, it argues that their political settlement analysis is a case of structural over-determinism. Second, it critiques their argument about continuing exclusion in Indigenous policy, arguing that federalism is a better frame through which to view many of their examples.

Elaborating the deep structure of federalism within Australian Indigenous policy also leads to a consideration of changing Indigenous demography over the last half century. This leads in turn to a revisiting of two more deep structures from my first 2018 essay (Section I), a remote focus and high moralism. The final part of this essay also briefly revisits the decolonising theme of my second essay from 2018 (Section II).

Westbury and Dillon's political settlement analysis: A case of structural over-determinism?

The core idea in Westbury and Dillon's 2019 Policy Insights paper is that Australian institutions embody a 'political settlement' that favours 'a dominant coalition of interests' (Westbury & Dillon, 2019, pp. 5–6). This is a useful big picture idea, but it needs to be used discerningly.

I agree with many things that Westbury and Dillon say about political settlements in general and Australian political settlements in particular. For example, it seems unexceptional to say that past political settlements in

[9] See for example Brennan's (1995, p. 201) discussion of the idea of 'guaranteed representation of Aborigines and Torres Strait Islanders within the Australian Senate'.

Australia 'excluded' Indigenous interests and resulted in 'a two-tiered society' (Westbury & Dillon, 2019, pp. 3–5). It also seems unexceptional to argue that 'achieving a (new) settlement with Australia's First Peoples' is 'imperative' and 'no less significant' than the 'high-level policy issues' of 'economy, climate change, the rise of China, demographic change, infrastructure provision, technology, (and) national security', plus that 'such a settlement must be structural in nature' and involve the adjustment of 'institutional frameworks' (Westbury & Dillon, 2019, pp. 1–3).

There are times, however, when Westbury and Dillon's statements about political settlements seem overly deterministic, and to foreclose possibilities of change. For example, early on they argue that 'policy must serve the dominant coalition of interests and ensure that economic benefits are primarily directed to those within the settlement' (Westbury & Dillon, 2019, p. 5). A few pages later they argue that 'beneficiaries of the extant political settlement inevitably resist substantive policy reform, particularly at the structural level' (Westbury & Dillon, 2019, p. 10). This second passage follows from the claim that 'there is no underlying imperative for the "owners" of the political settlement to bring Indigenous interests into the settlement' and that such inclusion of new interests 'reduces the share of benefits, whether economic or political, of the pre-existing owners' (Westbury & Dillon, 2019, p. 10).

These passages seem caught in a zero-sum view of politics and policy change; that one set of interests can only be advanced at the expense of others. This overlooks the power of different framings, which have the potential to create win-win rather than win-lose interpretations of policy change. It also overlooks opportunities for Indigenous interests to 'accrue increased political influence and power within Australian society' through the passage of time and good strategising, which Westbury and Dillon (2019, p. 7) also identify and discuss. They write of Indigenous interests, forming 'coalitions' with 'like-minded' interests in 'the public at large', strengthening 'their advocacy capacity' through Indigenous organisations or their 'economic influence through greater engagement in commercial activities' (Westbury & Dillon, 2019, p. 8). While these strategic opportunities for Indigenous interests are likely to involve difficult work, identifying them indicates that political settlements can present possibilities for positive change over time.

Further, Westbury and Dillon's overly deterministic analytic statements about political settlements go against their more normative insistence that 'greater inclusion' of Indigenous interests (including 'explicit recognition of notions of shared sovereignty') is the 'only way forward' for 'key national institutional frameworks' in Australia that is 'truly in the national interest' (Westbury & Dillon, 2019, pp. x, 46). The idea of a true, unified national interest, that sits above the divided competitive interests of day-to-day politics and policy, is itself a powerful alternative framing that can be used by Indigenous people and their allies.

Indigenous policy history since the 1970s: More than continuing exclusion

The second major theme in Westbury and Dillon's 2019 paper, signalled in their title, is that Indigenous exclusion has continued through much recent policy. This too is an interesting big picture idea, but one that again needs to be used discerningly. Much Indigenous policy since the 1960s has claimed to be about equal rights and inclusion. So, if policy has in fact resulted in continuing exclusion, the mechanisms for this should be clearly explained.

Westbury and Dillon (2019, p. 43) suggest that they will 'explore a number of policy cases…of exclusionary outcomes' and list four: Rent Assistance, the allocation of infrastructure investment, the impact of out-of-home care on Indigenous families, and the impact of fiscal equalisation on remote Indigenous communities. To my mind, none of these four is well enough explained by Westbury and Dillon to show clearly *how* continuing exclusion occurs, through rules and other mechanisms. Also, like many analysts, Westbury and Dillon do not consider deeply enough how Australian federalism impacts on Indigenous policy. These are my themes in the

next few paragraphs as I summarise and critique Westbury and Dillon's four selected cases of continuing exclusion.

Rent Assistance is given just one paragraph by Westbury and Dillon. It is described as 'the largest housing program for low-income earners in the nation, totalling $4.4 billion per annum' and as available to 'low income tenants…in private sector tenancies'. Westbury and Dillon's case for continuing exclusion is the 'absence of a private rental market' in remote Australia, where 'one-fifth of the Indigenous population' lives (Westbury & Dillon, 2019, p. 49).

This brief analysis overlooks that Rent Assistance is also available to community rental, which has been (and continues to be) an important tenure among Indigenous Australians, particularly in remote areas (see Australian Institute of Health and Welfare (AIHW), 2014, p. 10). It also overlooks that numbers of Indigenous income units receiving Rent Assistance have been growing at a faster rate than among all income units in recent years and that over one-half of Indigenous recipients of Rent Assistance in recent years have been outside capital cities (AIHW, 2014, p. 19). If there was a case in the past that Indigenous households in remote areas were missing out on Rent Assistance from the Commonwealth social security system, it was because rents paid in Indigenous community housing in these areas were low and fell below the eligibility threshold (Sanders, 2005, p. 11). This rent eligibility threshold, which is currently $124 for singles and $201 for couples, did once exclude from Rent Assistance many Indigenous income units in Indigenous community rental. But the likelihood of this has decreased significantly in recent years through moves to increase and regularise rent payments in Indigenous community housing.[10]

Westbury and Dillon's most substantially documented case of continuing Indigenous exclusion is 'out-of-home care' for children removed from their families. They focus on New South Wales, where a 2016 report, which was originally treated as cabinet-in-confidence, diagnosed chronic under-resourcing and ineffectiveness in a child protection system in which almost 40% of 'clients' were Indigenous. The report, released in 2018, had called for 'significant disruption' of the New South Wales child protection system, but Westbury and Dillon judged the government response to be 'a series of technical and process reforms' which fell short of this, even though 'some $90 million over four years (was) directed to early intervention programs' (Westbury & Dillon, 2019, pp. 55–57).

While Indigenous involvement in child protection systems across Australia is an important public policy issue worthy of great attention, I am not convinced that it is well analysed as a case of recent policy continuing past exclusion of Indigenous people. Rather, it is better presented as a continuing case of over-represented Indigenous inclusion in a *negative* regulatory sector of public policy (Altman, 2012; Altman & Jordan, 2008, p. 4; Altman & Sanders, 1991, p. 11; all building on Douglas & Dyall, 1985).[11] This is an important phenomenon which greatly affects Indigenous Australians, for example in the prison system as well as in child protection. But it is not well labelled or analysed as continuing exclusion.

[10] Rent Assistance through the Commonwealth social security system is not available to tenants in public/government housing. Under the Rudd Labor Government in 2008 and 2009 some Indigenous community housing in remote areas was transferred into the stock of public/government housing. This did have the effect of moving some Indigenous households beyond the reach of Rent Assistance. Dillon (2006) advocated this course of action and was on the staff of Minister Macklin when the transfer occurred, suggesting some influence in this policy development. Ironically this development worked against Indigenous people in remote areas accessing Rent Assistance when rent levels were then increased. A better strategy for accessing Rent Assistance would have been to push for rent increases while the dwellings remained under Indigenous community ownership and management.

[11] Altman (2012) was produced as a critique of the *2012 Indigenous Expenditure Report,* authored by the Steering Committee for the Review of Government Service Provision (which has a Secretariat within the Productivity Commission, a Commonwealth statutory authority). Their reports, quantifying expenditure on Indigenous Australians, have been produced bi-annually since 2010. In response to Altman's 2012 critique, the Steering Committee argued that dividing its 86 expenditure items into 'positive' and 'negative', or 'desired' and 'imposed', would be 'subjective'. The Steering Committee saw its more technical task as to 'estimate all expenditure' without so judging it, adding that: 'Users of the Report are able to aggregate expenditure on whatever basis they choose'. See Steering Committee response to criticisms of *2012 Indigenous Expenditure Report*.

This second of Westbury and Dillon's cases of recent policy continuing Indigenous exclusion highlights the importance of the States and Territories in Australian Indigenous policy, as in social policy more generally. The Australian Commonwealth Government does not have strong on-the-ground service delivery capacity in social policy domains like child protection, health or education, even though it has over the years become a significant funder of these services. Indeed, since granting self-government to its two major Territories in 1978 and 1989, the Commonwealth has *lost* expertise in running services like schools, hospitals and child protection systems, becoming a backroom national government contributing just funding and broad policy frameworks. This structuring of Australian federalism through centralised financing and decentralised service capacity is of great importance. It dates from 1901 in the case of the States and has been accentuated in recent years by self-government in the two Commonwealth Territories.

Federal structuring is also, I argue, a better lens through which to view Westbury and Dillon's other two cases of recent policy continuing Indigenous exclusion, the impacts of Commonwealth infrastructure funding and horizontal fiscal equalisation on remote Indigenous communities.

Westbury and Dillon introduce these two cases by discussing how revenue from the Commonwealth's Goods and Services Tax (GST) is shared between the States and Territories through 'horizontal fiscal equalisation'. This is a technical exercise in which the Commonwealth Grants Commission (CGC) analyses the 'fiscal capacity' of the eight sub-national jurisdictions to provide similar standard public services, calculating relativities figures above and below 1.0 annually. Some of the fiscal and service capacity differences identified between jurisdictions derive from population dispersal and a higher Indigenous proportion of population (CGC, 2016, p. 10). But once relativities figures are calculated, the CGC-exercise retreats from the identification of specific factors into a non-directive model of *general revenue sharing*. The sub-national jurisdictions are not told *how* to spend their GST money, even though population dispersal and Indigenous factors have been identified in calculating the relativities. This, Westbury and Dillon (2019, p. 52) note, has 'long been contentious in the Northern Territory', where Indigenous organisations and their supporters have argued that more government revenue should be spent out bush, reflecting the population dispersal and Indigenous factors within relativities calculations.

Building on this view of Northern Territory Indigenous interests, Westbury and Dillon (2019, p. 52) widen their discussion of federal finances from 'the recurrent requirements of jurisdictions' to 'a deeper structural level' around 'need for capital investment'. They argue that absence of infrastructure 'constrains and limits remote Indigenous residents' access to economic opportunities'. They give the recent example of how the National Disability Insurance Scheme (NDIS) has had trouble spending case allocations in remote areas because the 'necessary infrastructure and disability services simply do not exist' (Westbury & Dillon, 2019, p. 53). They are also critical of Commonwealth funding for local government, which has long been spread among the eight sub-national jurisdictions in proportion to population, rather than using horizontal fiscal equalisation relativities. The result, they argue, is that the 'Northern Territory is the major loser', with a population and local government funding from the Commonwealth 'similar in size to Geelong'. This then leads to another argument, that Commonwealth infrastructure funding more generally is oriented towards big projects, advocated by the governments of sub-national jurisdictions, and that 'the infrastructure needs of smaller remote communities do not count' (Westbury & Dillon, 2019, p. 54).

Westbury and Dillon's quick tour of remote infrastructure funding issues needs to be separated into some constituent parts. The challenges of rolling out NDIS in remote areas over the last decade seem well acknowledged by its administering Authority, which has developed both a Rural and Remote Strategy and an Aboriginal and Torres Strait Islander Strategy.[12] That Commonwealth infrastructure funding, through the Department of Infrastructure, Transport, Regional Development and Communications, is oriented to large

[12] See https://www.ndis.gov.au/about-us/strategies

projects, supported by State and Territory governments, is also well acknowledged.[13] What has receded from view, in recent years, is the important role played for three decades by the Commonwealth's Department of Aboriginal Affairs and then ATSIC in providing infrastructure funding for small, mainly remote, discrete Indigenous communities. Since the abolition of ATSIC in 2004–2005, the Commonwealth has tried to push this responsibility onto State, Territory and local governments, who in various ways have argued that they do not have sufficient resources to provide adequate infrastructure in these approximately 1000 discrete Indigenous communities (see Sanders, 2020). Westbury and Dillon (2019, pp. 20–34) laud ATSIC as an Indigenous representative structure, but they omit to praise ATSIC's distinctive programs, like the CDEP scheme and CHIP. These were, in my judgment, as much a part of ATSIC's achievements and strengths as was its regional representative structure (Sanders, 2004). CHIP played an important role in funding infrastructure in small, mainly remote, discrete Indigenous communities and it has been greatly missed since the abolition of ATSIC.

Westbury and Dillon's argument about Commonwealth local government funding suggests that CGC-relativities should be used to guide not only general revenue sharing between States and Territories, but also the inter-jurisdictional distribution of Commonwealth Special Purpose Payments (SPPs). That Commonwealth funding for local government is distributed between sub-national jurisdictions on a per capita basis does seem perverse, when the CGC puts so much technical effort into calculating differences in fiscal capacity between States and Territories. This seems an instance in which Westbury and Dillon do make a sustainable argument for structural reform within Australian fiscal federal relations, and one that could be extended to other SPPs beyond local government. Some SPPs do already move away from per capita distribution between sub-national jurisdictions, but this could be taken much further.

To build on this critique of Westbury and Dillon's four selected cases of recent policy continuing Indigenous exclusion, I want to return from SPPs back to the *other half* of Australian fiscal federalism – general revenue sharing between States and Territories through horizontal fiscal equalisation presided over by the CGC. This will hopefully reinforce the importance of federalism and intergovernmental relations in Australian Indigenous policy, as in public policy more generally.

Horizontal fiscal equalisation as deep Australian federalism

Giving exclusive customs and excise powers to the Commonwealth in 1901 established a deep dynamic of Australian federalism. These revenue sources had been very significant for the self-governing colonies in the late 1800s, and were destined also to be so for the new Commonwealth. This ensured that the sharing among the States of revenue collected by the Commonwealth was right at the heart of Australian federalism. Less populous States feared domination by the more populous New South Wales and Victoria, industrially, demographically, and in revenue raising. From the outset Tasmania and Western Australia pushed hard for 'special grants' from the Commonwealth under section 96 of the Constitution (May, 1971, pp. 1–32). By 1930, South Australia was also pushing for a special grant and the problem of financing less populous States was becoming seen as more general and enduring. Thus was born the Commonwealth Grants Commission, with statutory functions and a technical approach to horizontal fiscal equalisation utilising economists (May, 1971, pp. 33–56). This central institution of Australian federalism endures to the present, even though the Commonwealth revenue source on which it focuses has shifted over the years, first to personal income tax and then since 2000 to the GST. As outlined above, the CGC now annually compares the 'fiscal capacity' of the six States and the two self-governing Territories (since 1978 and 1989) through calculating 'relativities' figures around an Australian average of 1.0.

[13] See https://www.infrastructure.gov.au/infrastructure/

Table 1 gives relativities calculated by the CGC at five-year intervals since 1995 and also, in its right column, the share of GST revenues that this produced for the eight sub-national jurisdictions in 2020. The big change in relativities over the quarter century is because Western Australia has increased its fiscal capacity far above the national average, and hence now has a relativity figure far below 1.0 (0.44970 in 2020). This reflects booming iron ore production in Western Australia from 2008, which has dramatically increased the State's revenue raising capacity through royalties. Queensland also briefly had a relativity figure below 1.0 during the mining boom years of 2008–2012, but has since reverted to having a fiscal capacity just below (and hence a relativity number just above) the national average.

The Northern Territory during this quarter century has generally had a relativity figure above five, with short periods of dropping down into the fours. This means that the Northern Territory's share of GST has been consistently over four times what it would be on a per capita basis, which is the measure used by the CGC to show how much 'redistribution' between the eight jurisdictions occurs through its 'horizontal fiscal equalisation' calculations (CGC, 2016, p. 4). This level of redistribution to the Northern Territory is far more than to other jurisdictions with small populations, like Tasmania with a relativity between 1.58 and 1.89 over the quarter century, and South Australia with a relativity slowly increasing to 1.4.[14]

Table 1 CGC Relativities at five-year intervals 1995–2020, plus jurisdictional % share of GST 2020

	1995	2000	2005	2010	2015	2020	% share of GST 2020
Australian Capital Territory	0.72621	1.08404	1.22837	1.15295	1.10012	1.15112	2.0
Victoria	0.81791	0.83771	0.84900	0.93995	0.89254	0.95992	25.2
New South Wales	0.85950	0.89543	0.83571	0.95205	0.94737	0.91808	29.3
Tasmania	1.71648	1.63899	1.70370	1.62091	1.81906	1.89742	4.0
Queensland	1.08894	1.03509	1.05700	0.91322	1.12753	1.04907	21.1
South Australia	1.08241	1.19927	1.22712	1.28497	1.35883	1.35765	9.3
Western Australia	1.11058	0.97505	1.03303	0.68298	0.29999	0.44970	4.6
Northern Territory	5.88910	4.80772	5.00537	5.07383	5.57053	4.76893	4.5

Sources: CGC, 2016, p. 3; CGC, 2020, p. 1.

The amount of inter-jurisdictional redistribution of GST revenues through horizontal fiscal equalisation in 2020 can be read from the right columns of Table 1 and Table 2. While the right column of Table 1 gives the percentage of 2020 GST revenue directed to each sub-national jurisdiction, the right column of Table 2 gives the percentage of total Australian population in each jurisdiction, derived from the 2016 Census. Three jurisdictions in 2020 received significantly more GST than their population share. In descending order these were the Northern Territory (4.5% of GST compared to 1.0% of population), Tasmania (4.0% compared to 2.2%) and South Australia (9.3% compared to 7.2%). Queensland, Victoria and the Australian Capital Territory received shares of GST in 2020 that were within 1% of their population shares. Two jurisdictions received a significantly lesser proportion of 2020 GST than their population share. These were New South Wales (29.3% of GST compared to 32.0 % of population) and Western Australia (4.6% of GST compared to 10.6% of

[14] Relativities for individual years show greater variability than the five-year intervals presented in Table 1. South Australia's was above 1.4 between 2016 and 2019. See table sources.

population). Also, it should be noted that Western Australia has fought back against its low assessed relativity in recent years and has extracted 'supplementary payments' from the Commonwealth outside the GST pool which have effectively pushed its relativity back up to 0.70 (CGC, 2020, p. 1).

Table 2 2016 Census counts of Usual Resident Populations and areas of Australian jurisdictions

	Area Km^2	Total Persons	Total Persons /Km^2	Indigenous Persons	IP/TP as %	% of Indigenous Persons	% of Total Persons
Australian Capital Territory	2358	397,397	168.53	6508	1.6	1.0	1.7
Victoria	227 945	5 926 624	26.05	47 788	0.8	7.4	25.3
New South Wales	800 810	7 480 228	9.34	216 176	2.9	33.3	32.0
Tasmania	68 017	509 965	7.50	23 572	4.6	3.6	2.2
Australia	**7 688 126**	**23 401 892**	**3.04**	**649 171**	**2.8**	**100**	**100**
Queensland	1 730 172	4 703 193	2.72	186 482	4.0	28.7	20.1
South Australia	984 274	1 676 653	1.70	34 184	2.0	5.3	7.2
Western Australia	2 526 646	2 474 410	0.98	75 978	3.1	11.7	10.6
Northern Territory	1 348 094	228 833	0.17	58 248	25.5	9.0	1.0

Source: Australian Bureau of Statistics website 2016 Census, Aboriginal and Torres Strait Islander Peoples Profiles.

Horizontal fiscal equalisation in Australia has long worked to help finance the less populous States (CGC, 1995; May, 1971). Since self-government in 1978, the Northern Territory has joined the club of less populous sub-national jurisdictions benefiting from horizontal fiscal equalisation, maintaining a relativity figure above four for over four decades. This is a more positive view of the Northern Territory's relationship to horizontal fiscal equalisation than Westbury and Dillon's, who argue that the CGC's focus on 'recurrent requirements of jurisdictions' and lack of attention to 'need for capital investment' has worked against remote areas (Westbury & Dillon, 2019, p. 53). These arguments are now dated. Since a major review in 1999 the CGC has developed a number of iterations of methods which do attend to infrastructure investment requirements (CGC, 2008, p. 54, 2015, 2020, p. 6). Interestingly, these developments in method have not greatly altered the Northern Territory's relativity figure.

Federalism in Australia is often seen as shallow, because it does not embody and manage major regional differences in ethnicity or religion. This is an under-appreciation of the depth of Australian federalism. Table 2 presents land areas of Australia and its eight sub-national jurisdictions, plus Indigenous and total populations counted in the 2016 Census. The big difference between jurisdictions is in population density, with four jurisdictions (in the top half of Table 2) more densely populated than the Australian average and four more sparsely populated.[15] This leads to very different political economies of revenue raising and service provision in the eight sub-national jurisdictions. Sparsely populated jurisdictions with large land areas face huge costs of service provision and a small tax base when focused on people. But large land area can occasionally deliver a large tax base through mineral royalties, as Western Australia has shown in recent years.

The horizontal fiscal equalisation exercise presided over by the CGC is an attempt to deal with these deep geographic and demographic differences between Australia's eight sub-national jurisdictions. It has long been

[15] I have used these population density figures to order the rows of Table 2, and also Table 1.

central to Australian federalism and shows no signs of weakening over time, though there are always pressures pushing back towards a per capita distribution of general revenue between the jurisdictions. The States (and Territories) are far more deeply embedded in the institutional structures of Australian government and public policy than is often appreciated.[16] This is as true in Indigenous policy as in social policy more generally. The Commonwealth funds social policy, but relies on others for service delivery. This weakens the Commonwealth's ability even to set national policy frameworks, and it also leads to a jurisdictional decentralisation of much policy activity (see Essay I).

From federalism to changing Indigenous demography: Arguing against a remote focus

Having identified deep federal structuring in most of Westbury and Dillon's examples of continuing Indigenous exclusion, I now shift the debate to changing Indigenous demography. Three columns towards the right of Table 2 detail the 2016 Census count of Indigenous persons in sub-national jurisdictions and compare this with the total population count (IP/TP). With the Australian average of Indigenous people being 2.8% of the total population count, the Northern Territory is the sub-national jurisdiction that stands out as distinctive, with 25.5% of its counted population identifying as Indigenous in the 2016 Census. This is the sub-national jurisdiction on which Westbury and Dillon are most focused, as part of a larger focus on remote areas.[17] The other three sub-national jurisdictions with large remote areas are Western Australia, South Australia and Queensland. But none of these stands out so clearly from the national average in the column of Table 2 calculating IP/TP as a percentage. This is because each of these jurisdictions has a large, southern non-Indigenous population which lessens the arithmetic profile of its remote Indigenous population, unlike in the Northern Territory. Perhaps surprisingly, Tasmania is the sub-national jurisdiction that rises second highest above the national average in the column calculating IP/TP, with 4.6% of its counted population in 2016 identifying as Indigenous. This points to a big change in Indigenous demography over the last half century, about which big picture discussions of Indigenous policy should be clear.

Table 3 and Table 4 give Indigenous and total population counts for the eight sub-national jurisdictions from the 1966 and 1971 Censuses. Between these censuses a major change occurred in the approach to Indigenous identification of the Commonwealth Bureau of Census and Statistics and the Australian Commonwealth Government more generally. This change was only partly a result of the 1967 constitutional alteration referendum, which deleted section 127 of the 1901 Australian Constitution stating that 'In reckoning the numbers of the people of the Commonwealth or of a State or other part of the Commonwealth, aboriginal natives shall not be counted'.

Prior to 1967 this constitutional provision obliged Australian statistical authorities to identify 'aboriginal natives' in order to exclude them from the census count for certain constitutional purposes. In Westbury and Dillon's terms, this was a clear example of how an earlier Australian political settlement had excluded Indigenous people from an institutional framework. But there was also complexity involved in how this exclusion was accomplished. The official approach up to 1966 was that people of more-than-half Aboriginal descent were excluded, while those of half or less Aboriginal descent were included in census counts when 'reckoning the numbers of people of the Commonwealth'. However, when reckoning the Aboriginal population, those of half Aboriginal descent were included, while those of less Aboriginal descent were not (see Rowse & Smith, 2010, pp. 96–97). Official

[16] In a 1993 speech celebrating the centenary of a step towards federation, Prime Minister Paul Keating, while making a case for Australian republicanism, referred to the States as 'an organic part of the Australian nation and quite possibly inseparable from it' which could not 'be easily abolished even if the nation thought it was worth doing'. See https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/~/~/link.aspx?_id=DC7CA40A4180463E9EA0C754B517FA3B&_z=z

[17] Westbury and Dillon were predominantly Commonwealth public servants during their careers, but both worked for the Northern Territory Government during the years of its first Labor Government under Chief Minister Clare Martin.

commentary on the 1966 Census suggested that this approach was in disarray, irrespective of the 1967 constitutional alteration referendum. That commentary conceded:

> *That even a total of all persons who are 50 per cent or more Aboriginal may be suspect, primarily because of the inclusion of persons who are less than 50 per cent Aboriginal and described themselves simply as 'Aboriginal', but also because of persons who are 50 per cent Aboriginal stating their race as 'European' (Commonwealth Bureau of Census and Statistics, 1969, p. 4).*

After 1967, Australian statistical authorities were no longer obliged by the Constitution to identify and exclude 'aboriginal natives' for certain constitutional purposes. As Rowse (2006, p. 2) has noted, it would have been open to these authorities 'to include, *without distinguishing,* Indigenous Australians', but this was not the course chosen. A new approach emerged recognising the Indigenous population as those with any Indigenous descent who were willing to self-identify, and who were recognised by their community as Indigenous.

This change of approach led to a large increase in the number of Aboriginal and Torres Strait Islander people identified in the census. As presented in Table 3 and Table 4, the Indigenous population count grew from 80 207 in 1966 to 115 953 in 1971 (an increase of 45%).[18] The change of approach also led to a significant southward and eastward redistribution of the Indigenous population. The four south-eastern jurisdictions went from having 20.04% (17.7+2.2+0.1+0.04) of the national Indigenous population count in 1966 to 26.9% (20.6+5.5+0.2+0.6) in 1971. Queensland also increased its proportion of the national Indigenous population count, from 23.7% in 1966 to 27.5% in 1971, which probably reflected that 'Torres Strait Islander origin' was specifically identified in the census question for the first time in 1971. The consequence of these large south-eastern and eastern increases was that proportions of the national Indigenous population fell significantly in Western Australia (from 23.0% to 19.1%) and the Northern Territory (from 26.3% to 20.2%), even though both had increases in their Indigenous population counts of over 10% between 1966 and 1971.

This increase in the proportion of the national Indigenous population in the south and east and decreased proportion in the north and west, has continued at the nine five-yearly censuses held since. Returning to the second column from the right in Table 2, it can be seen that the proportion of the national Indigenous population count in the four south-eastern jurisdictions had risen to 45.3% (33.3+7.4+3.6+1.0) by 2016, while Queensland had roughly maintained its proportion at 28.7%. Conversely, by 2016 the proportions of the national Indigenous population count had fallen further in Western Australia (to 11.7%) and the Northern Territory (to 9.0%). These are *big changes* in the distribution of the Indigenous population across Australia's eight sub-national jurisdictions over the last half century under the new census identification approach. Note, however, by comparing the third columns from the right in Tables 2, 3 and 4, that this has not had as great an impact on proportions of Indigenous people *within* sub-national jurisdictions. The proportion of Northern Territory population that identifies as Indigenous has declined just slightly over the 45 years since 1971 (from 27.1% to 25.5%), while proportions in all other jurisdictions have increased by 1–4% as the Australia-wide figure for Indigenous identification in the total census count has increased from 0.9% in 1971 to 2.8% in 2016.[19]

[18] Broom & Jones (1973, p. 43) reported a second figure from the 1966 Census which included those who had identified as of less-than-half Aboriginal descent. From this larger figure of 96 632 in 1966, growth to the 1971 figure was 20%.

[19] Markham & Biddle (2017, p. 3) note that moving from census counts to official ABS estimates of resident population increases the Indigenous proportion of the total population in 2016 from 2.8% to 3.3%, or 786 689. They also note large and growing numbers of census respondents whose Indigenous status is not stated (Markham & Biddle, 2017, pp. 8–12). Both observations should remind us that social statistics are constructed through complex administrative processes, and need to be used and interpreted with great care. Markham and Biddle, like many analysts, rely on census counts largely because their geographic, demographic and socioeconomic characteristics are better known than for ABS estimates of resident population.

Table 3 1966 Census Usual Resident Populations and areas of Australian jurisdictions

	Area Km^2	Total Persons	Total Persons /Km^2	Indigenous Persons	IP/TP as %	% of Indigenous Persons	% of Total Persons
Australian Capital Territory	2358	96 032	40.73	96	0.1	0.1	0.8
Victoria	227 945	3 220 217	14.16	1790	0.1	2.2	27.8
New South Wales	800 810	4 237 901	5.29	14 219	0.3	17.7	36.5
Tasmania	68 017	371 346	5.46	36	0.01	0.04	3.2
Australia	**7 688 126**	**11 599 498**	**1.51**	**80 207**	**0.7**	**100**	**100**
Queensland	1 730 172	1 674 324	0.97	19 003	1.1	23.7	14.4
South Australia	984 274	1 094 984	1.11	5505	0.5	6.9	9.4
Western Australia	2 526 646	848 100	0.34	18 439	2.2	23.0	7.3
Northern Territory	1 348 094	56 504	0.04	21 119	37.4	26.3	0.5

Source: Commonwealth Bureau of Census and Statistics 1969: 4–7.

Table 4 1971 Census Usual Resident Populations and areas of Australian jurisdictions

	Area Km^2	Total Persons	Persons /Km^2	Indigenous Persons	IP/TP as %	% of Indigenous Persons	% of Persons
Australian Capital Territory	2358	144 063	61.10	255	0.2	0.2	1.1
Victoria	227 945	3 502 351	15.40	6371	0.2	5.5	27.5
New South Wales	800 810	4 601 180	5.75	23 873	0.5	20.6	36.1
Tasmania	68 017	390 413	5.74	671	0.2	0.6	3.1
Australia	**7 688 126**	**12 755 638**	**1.66**	**115 953**	**0.9**	**100**	**100**
Queensland	1 730 172	1 827 065	1.06	31 922	1.7	27.5	14.3
South Australia	984 274	1 173 707	1.19	7229	0.6	6.3	9.2
Western Australia	2 526 646	1 030 469	0.41	22 181	2.2	19.1	8.1
Northern Territory	1 348 094	86 390	0.06	23 381	27.1	20.2	0.7

Source: ABS 1982.

This change in Indigenous demography lies behind a worry evident in Westbury and Dillon's Policy Insights paper (2019, p. 3) that 'Indigenous citizens from more remote or more disadvantaged backgrounds could be overshadowed or ignored' by governments in favour of 'the aspirations and needs of this rapidly expanding, newly identified cohort' of the Indigenous population in the more densely populated south and east of Australia. Westbury and Dillon (2019, p. 39) indicate support for the investments of the Rudd and Gillard Labor Governments in remote Indigenous housing and service delivery, but then note that Coalition governments since have shifted the 'policy narrative away from remote Australia towards the urban and regional Indigenous majority' by focusing on 'economic development, and in particular on Indigenous business development, as opposed to social and land programs'. They also note that their 2007 book *Beyond humbug* (Dillon & Westbury,

2007) was focused ‘primarily on remote Australia’ and argued a ‘national interest’ case for greater government engagement in remote issues (Westbury & Dillon 2019, pp. 49–50).

My perspective on remote areas and Indigenous policy is somewhat different from Westbury and Dillon’s. Like them, I was drawn to Indigenous affairs decades ago through an interest in remote areas, and how they relate to more densely populated Australia. When the Australian Bureau of Statistics (ABS) developed a fivefold remoteness geography for census statistics in the late 1990s, I used the new geography to show the great differences in housing tenure, income and employment between remote areas, regional areas and cities (Sanders, 2005, 2006b). Remote areas still intrigue me, but over the decades I have come to appreciate that Indigenous Australians in more densely populated locations also have strong claims to being dispossessed and disadvantaged. This is particularly so since land rights and native title processes of the last four decades have begun returning land to Indigenous people in remote areas. To borrow some words from former Minister for Indigenous Affairs, Amanda Vanstone, in remote areas Indigenous Australians can now be ‘land rich’ but ‘dirt poor’ in income. Conversely in more densely populated areas, Indigenous Australians can be land poor, but perhaps a little more income rich, through access to more developed labour markets. Who among Indigenous Australians have been more dispossessed and disadvantaged is a complex conceptual question, not easily resolvable by empirical analysis.

One interesting experience of the ATSIC years was to be drawn into work on the measurement of Indigenous housing need. An early CAEPR Monograph based on the 1991 Census had established the basic statistical techniques of measuring both housing adequacy, through homelessness and crowding measures, and affordability, through financial stress (Jones, 1994). However only the adequacy measures were costed in that early work and this helped direct most of ATSIC’s community housing dollars to remote areas, where housing adequacy issues predominated. This provoked reaction from Indigenous people in more densely populated areas. Work on the 1996 Census by an enhanced team of three academics with broader disciplinary perspectives was able to cost the financial stress measure as well (Neutze et al., 2000). This vindicated the perspective of Indigenous people in more densely populated areas, and enhanced debate about the allocation of ATSIC’s community housing funds between remote and more densely populated regions.

This experience, focused on housing need, convinced me that one of the great virtues of ATSIC during its 15-year existence was that a large network of elected Indigenous representatives debated and made decisions about the relative emphasis of Indigenous-specific programs between remote regions and more densely populated ones. Statistical and economic costing techniques could clarify and enhance these debates, but could not resolve them. This needed to be done by Indigenous people themselves, through their own representative structures and processes.

In their assessment of ATSIC, Westbury and Dillon (2019, p. 23) note that its regionalised representative structure ‘gave comparatively greater emphasis to remote populations when compared to the demographic profile of the Indigenous community nationally’. They also argue that the representation of ‘geographically-based’ groups compared to ‘a proportionate representation of the Indigenous population’ would be a ‘tension’ in the design of a future Indigenous Voice, as advocated by Indigenous people since the Uluru Statement from the Heart in 2017. While I agree that such tension is likely, Westbury and Dillon underrate the capacity of Australians to manage such tensions through federal structures. The Australian Constitution’s 1901 enshrinement of equal numbers of Senators (section 7) and five members of the House of Representatives (section 24) from ‘each Original State’ has set a deep precedent for how to manage divergence from population proportions in representative institutions. Indigenous Australians are, in my experience, aware of this precedent and likely to draw from it in the federal and regional balancing of their own new representative structure.

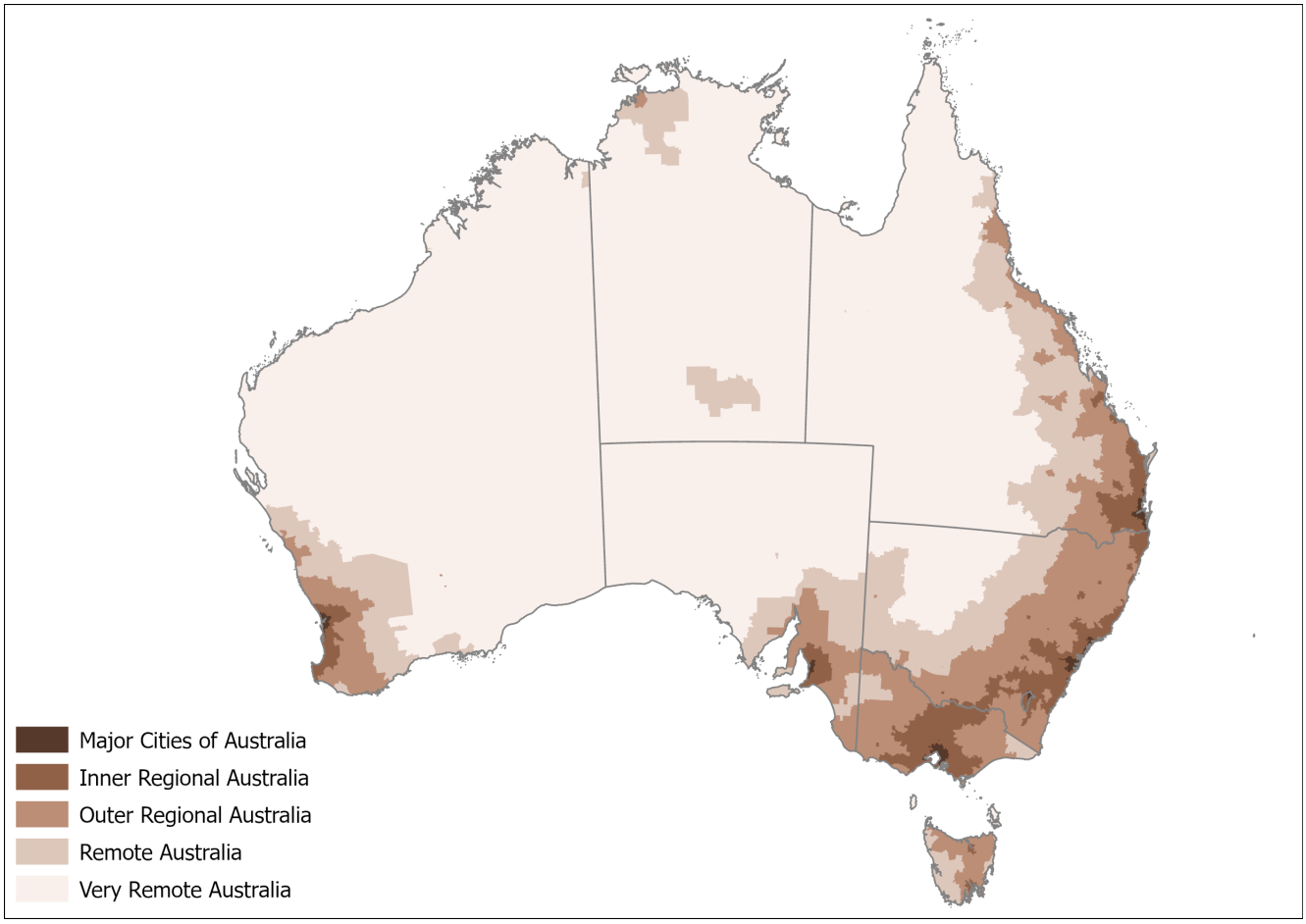
Westbury and Dillon worry that Indigenous people in remote areas may be overshadowed in Indigenous policy due to demographic change. My worry, articulated at the end of my 2018 deep structures essay (see Section I), was that Indigenous policy without ATSIC since 2004 had retreated to a comfortable, colonial focus on remote area programs. I acknowledge Westbury and Dillon's counterpoint about recent Indigenous business policies pushing in the opposite geographic direction, but still argue that a contracting, remote focus is the deeper structural tendency and danger in Indigenous policy.

CAEPR's most recent census analysis has shown that by 2016 the proportion of the Indigenous population living in remote and very remote areas was down to 18.7%, a fall of 2.9% since 2011 (Markham & Biddle, 2017, p. 8.) Fig. 6 depicts the 2011 fivefold remoteness geography of the Australian Bureau of Statistics on which this analysis was built. The analysis also showed that the incomes of Indigenous Australians in these geographic regions had stagnated or fallen since 2011, while the incomes of Indigenous Australians in more densely populated regions had risen (and moved closer to those of their non-Indigenous neighbours) (Markham & Biddle, 2018, pp. 11, 21). These income changes also reflected changes in employment rates, which were in steep decline among Indigenous people in remote regions between 2011 and 2016 with the closure of the long-running CDEP scheme (Venn & Biddle, 2018, pp. 4–6). This census analysis provides a strong basis for arguments, like Westbury and Dillon's, that Indigenous policy should be more focused on remote areas. But doing this by ignoring the growing proportion of Indigenous Australians in more densely populated areas is a win-lose framing and a recipe for future adverse reactions, as occurred back in 1994 following CAEPR's first housing need analysis. A better win-win framing could note growing numbers of Indigenous people in *all* geographic areas and argue thereby for the increased importance of Indigenous policy within Australian politics.

Rather than a remote focus by external decree, what is needed in Indigenous policy is a well-informed debate among Australia's increasing numbers of Indigenous people about their relative socioeconomic status in different geographic regions, and a process for reflecting this debate in policy and funding priorities. This points to the great loss of ATSIC in Indigenous policy since 2004 and the need for a new national Indigenous representative body with deep links to all regions (Sanders, 2018b).[20]

[20] Westbury & Dillon (2019, p. 11) argued that 'no Australian Government in the last 30 years has developed, resourced and implemented a comprehensive overarching long-term policy reform strategy in Indigenous affairs'. They went on to argue that the Rudd Government's Closing the Gap Strategy 'came closest', but 'was flawed' in a number of ways (Westbury & Dillon 2019, p. 12). I would argue that ATSIC was a far more comprehensive overarching long-term policy reform strategy than Closing the Gap. See Sanders, 2004, 2018b.

Figure 6 Australian Bureau of Statistics fivefold remoteness geography, 2011



Note: Being based on accessibility criteria, the ABS's remoteness geography can move slightly between censuses. Markham & Biddle (2018) and Venn & Biddle (2018) maintain the 2011 remoteness geography when looking at change between the 2011 and 2016 Censuses.

High moralism and generational revolutions: Failure and success dynamics

The fourth deep structure identified in Section I is high moralism. My original writing on this was in conjunction with the twin deep structure of generational revolutions, one of which I believed we had just lived through in the late Howard years (Sanders, 2008). I argued that this generational revolution was driven by the high moralism of 'failure and change' discourse; that failure was repeatedly diagnosed in order to promote major institutional change. In my teaching of postgraduate Indigenous policy students since 2008, I have encouraged them to think about *how* ideas of failure and success are used in policy analysis and debate, rather than simply *whether* particular policies have failed or succeeded. I have pointed to examples of established players in Indigenous policy being sceptical or cautious of analysis that uses 'failure and change' discourse – for example, the Chief Minister of the Northern Territory in 2006 Clare Martin (Sanders, 2007). But I have also been interested in established players who have embraced the 'failure and change' style of argument, and I have used as an example Dillon and Westbury's 2007 book, *Beyond humbug: Transforming government engagement with Indigenous Australia*. They argued in 2007 that policy had failed dramatically over the previous three decades in order to argue for major institutional change.

Westbury and Dillon's 2019 Policy Insights paper adopts a similar argumentative structure 12 years later. It diagnoses 'systemic policy failure in the Indigenous policy domain' and offers 'six rival analyses' (Westbury &

Dillon, 2019, p. 39). These rival analyses are each judged as 'worthwhile' perspectives, but also as 'partial and inadequate' because:

> *the mainstream is progressively impinging on the Indigenous policy domain, and Indigenous citizens' lives are progressively shifting to span both the Indigenous domain and spheres dominated by mainstream norms and institutions (Westbury & Dillon, 2019, p. 42).*

Westbury and Dillon then offer another instalment of their overly structural political settlement analysis, in which 'mainstream interest groups' are seen as 'shaping institutional frameworks' in ways that 'create the structural impediments to substantive Indigenous inclusion' (Westbury & Dillon, 2019, p. 43).

This analysis offers some useful crafted phrases, but does not take us far. What is missing is a sense of the moral dynamics of public policy processes in general and of Indigenous policy in particular; the high moralism of Indigenous policy as an arena within Australian public policy. To explain further, I first give a general conception of the moral dimension of public policy, then focus on Indigenous policy.

Public policy creates order through ideas of both authority and expertise (Colebatch, 2009, pp. 8–10). Policy processes always have a moral dimension, as they are forever identifying problems and attempting to improve past ordering.[21] As Bacchi (2009, p. xi) puts it, 'government cannot get to work without first problematizing its territory'. Existing orderings are judged deficient by government in some way and 'represented' as 'problems' which need to be 'fixed'. Fixes are then promoted as new policy approaches, even while they often draw on past approaches and experience. Old failing policies and practices are discarded, but some are also made new again, through reworked problematisations. In the short term, new approaches can often simply assert that they are succeeding. As Sullivan (2011, p. 87) put it when analysing the 'disenchantment' with Australian Indigenous policy during the 2000s, 'new policy' succeeds because it is 'future orientated' and can avoid scrutiny of its 'efficacy', while 'old policy is, by definition, wrong' because it is not sufficiently oriented to future improvement.[22]

Indigenous policy embodies a particularly acute version of this general public policy dynamic. This is because it is the enduring great moral challenge of Australian nationhood. The questions being asked are big and deep. How should the institutions of the colonial invaders treat the pre-colonial inhabitants and their descendants? And, how should these Indigenous people relate to the invading settlers and their overbearing institutions? When put in these stark terms, it is little wonder that disagreements abound in Indigenous policy over questions of success and failure.

While diagnosing failure encourages Indigenous policy towards future improvement, it can also lead to past policies being superseded when they are actually doing something useful. The abolition of ATSIC in 2004–05 was a prime example. Its regional representative structure and its distinctive programs, like CDEP and CHIP, were usefully addressing distinctive Indigenous needs and issues, particularly in remote areas and discrete communities (Sanders, 2004). But this was not enough to counter the dynamics of high moralism in Australian Indigenous policy. ATSIC was abolished in the course of a year, and CDEP and CHIP were reviewed-out-of-existence by their new departmental owners over the next decade (Sanders, 2014, p. 7–8, 2016).[23]

[21] Colebatch identifies order, authority and expertise as the three themes which make the idea of policy so attractive in discussions of government. In my teaching I have felt the need to add improvement as a distinct fourth theme. While there are elements of improvement embodied in Colebatch's three themes, particularly expertise, this did not seem adequate in analysing and teaching Indigenous policy. I argue that all public policy aims for improvement on the order created by past socioeconomic and policy processes.

[22] Dillon's second Policy Insights paper focuses on the limited influence of evaluation and review in Indigenous policy reform. I have not sought to engage with that paper here, though a good place to start would be thinking about public policy processes as a never-ending quest for improvement through reiterated problem constructions (Dillon, 2020).

[23] A new and very thorough analysis of ATSIC is available in Hobbs (2020), a book developed from a PhD. I have not sought to engage with this new publication here, but can recommend it as an authoritative and well-argued text for anyone trying to understand the ATSIC years and their relevance to current efforts at Indigenous policy reform.

To argue against 'failure and change' discourse is to move into a different rhetorical register. In teaching I have referred to this as the 'calming' register, which tends to defend current policy for its partial, fragile successes (Sanders, forthcoming). By contrast, 'failure and change' discourse is part of a 'challenging' rhetorical register, which feeds the high moralism of Australian Indigenous policy. The downside of always wanting to improve things is that good policies and programs, working slowly or partially, are often thrown away.

There is no neutral or ambivalent ground on which to stand in such a highly moralised policy arena as Australian Indigenous affairs. But perhaps by being aware of these twin deep structures of high moralism and generational revolutions, we can at least lessen some of their potential negative effects.

Decolonising through rebalancing idioms: An even deeper structure?

My response to Westbury and Dillon has led me back to three of the deep structures of Australian Indigenous affairs discussed in my first 2018 essay (Section I). I have not, thus far, referred substantially to my second 2018 essay (see Section II), which in many ways involves an even deeper level of structural analysis. The deep structures of the first essay are mainly institutional in nature, whereas those of the second are more conceptual and sociological.

The idea of a decolonising approach to Indigenous policy has attracted me repeatedly over the last four decades when trying to tell big-picture stories about Australian Indigenous policy. I argue that Commonwealth governments of both party persuasions between 1973 and 1995 did genuinely try to move Indigenous policy in a decolonising direction, but also that governments since, of both party persuasions, have lost the sense of what a decolonising approach to Indigenous policy involves.

The idea of two idioms of social justice and recognition, focused on 'populations' and 'peoples', is a conceptual tool through which to rethink, and reinvigorate, a decolonising approach to Indigenous policy. Building on Rowse (2012), I argue that the essence of reinvigoration would be to move more strongly into the 'peoples' idiom, in which Indigenous collective agency and rights are recognised and engaged with. Conversely, there needs to be less importance placed on the 'populations' idiom, in which Indigenous individuals and households are portrayed as disadvantaged demographic units. While there is no denying the adverse findings of 'populations' idiom analyses, nor their effectiveness in attracting remedial public policy resources, there is a price paid in the entrenchment of deficit discourses and the undervaluing of existing Indigenous capacities and rights. The way forward is not to abandon one idiom in favour of the other, but to become familiar and comfortable in both idioms and to think consciously, and strategically, about how to balance them.

Conclusion

Social science writing on public policy must both engage with detail and develop a big analytic picture. That was my aim in 2018 when I wrote two papers for an international gathering of political scientists in Brisbane. It is also what I have tried to do in responding to Westbury and Dillon's first contribution to CAEPR's Special Series of 30th anniversary Policy Insights papers.

The big picture of Australian Indigenous policy is more than a story of continuing exclusion. It is a story of continuing over-represented Indigenous inclusion in some *negative* regulatory sectors of Australian public policy, like child protection, youth detention and prisons. It is a story of strong federalism, in which much policy activity is decentralised even though the Commonwealth is financially dominant. It is a story of the three competing principles of equality, choice and guardianship interacting in complex ways, at levels from individuals and households to Indigenous communities and First Nations. It is a story of high moralism, in which diagnoses of policy failure are used to push for improvement, but sometimes have the inadvertent effect of destroying past

policies and programs which have been achieving significant success. It is a story of trying to move from a colonising approach, with a remote focus, to a decolonising approach. This involves working with the emerging new demography of Indigenous Australians, with a diversity of Indigenous historical experiences and contemporary socioeconomic circumstances. For this work, a national Indigenous representative body with deep roots in the regions will be essential. Deeply structuring such an Indigenous representative body into Australia's political institutions might begin to establish some foundations for better Indigenous policy in the years ahead.

References

Altman, J. (2009). *Beyond Closing the Gaps: Valuing diversity in Indigenous Australia* (CAEPR Working Paper No. 54). Centre for Aboriginal Economic Policy Research, ANU.

Altman, J. (2012, September 25). Aboriginal expenditure: It's a white thing. *Tracker.* http://classic.austlii.edu.au/au/journals/JlIndigP/2014/21.pdf

Altman, J. & Dillon, M. (1985). Land rights: Why Hawke's model has no backing. *Australian Society,* 4(6), 26–29.

Altman, J. & Hinkson, M. (Eds.) (2007). *Coercive reconciliation: Stabilise, normalise and exit Aboriginal Australia.* Arena Publications.

Altman, J. & Jordan, K. (2008). *Submission to the Senate Community Affairs Committee inquiry into government expenditure on Indigenous affairs and social services in the Northern Territory.* Centre for Aboriginal Economic Policy Research, ANU.

Altman, J. & Sanders, W. (1991). *From exclusion to dependence: Aborigines and the welfare state in Australia* (CAEPR Discussion Paper No. 1). Centre for Aboriginal Economic Policy Research, ANU.

Anderson, P. & Leibler, M. (Co-Chairs) (2017). *Final report of the Referendum Council.* Commonwealth of Australia.

Australian Bureau of Statistics (ABS) (1982). *Census of population and housing, counts of Aboriginals and Torres Strait Islanders, Australia, States and Territories, 30 June 1971, 1976, 1981* (ABS cat no 2164.0). Australian Government Publishing Service.

Australian Institute of Health and Welfare (AIHW) (2014). *Housing assistance for Indigenous Australians.* Australian Government.

Bacchi, C. (2009). *Analysing policy: What's the problem represented to be?* Pearson Australia.

Bamblett, A. (1994). *Review of the Aboriginal Employment Development Policy.* Aboriginal and Torres Strait Islander Commission, Commonwealth of Australia.

Brennan, F. (1995). *One land, one nation: Mabo – towards 2000.* University of Queensland Press.

Broom, L. & Jones, F. (1973). *A blanket a year: Aborigines in Australian Society 10.* ANU Press.

Cape York Institute for Policy and Leadership (CYIPL) (2007). *From hand out to hand up: Cape York welfare reform project, Aurukun, Coen, Hope Vale, Mossman Gorge–Design Recommendations.*

Colebatch, H. (2009). *Policy.* Third edition. Open University Press.

Commonwealth Bureau of Census and Statistics (1969). *Census of the Commonwealth of Australia 30 June 1966: The Aboriginal population of Australia – summary of characteristics.* Census bulletin issued 16 April 1969.

Commonwealth Grants Commission (CGC) (1995). *Equality in diversity: History of the Commonwealth Grants Commission.* Second Edition, Australian Government Publishing Service.

Commonwealth Grants Commission (CGC) (2008). *The Commonwealth Grants Commission: The last 25 years.* Australian Government.

Commonwealth Grants Commission (2015). *History of capital assessment: Information paper CGC2015-09.* Australian Government.

Commonwealth Grants Commission (CGC) (2016). *Trends in horizontal fiscal equalisation: Information paper CGC2016-01.* Australian Government.

Commonwealth Grants Commission (CGC) (2020). *Report on GST revenue sharing relativities, 2020 review.* Australian Government.

d'Abbs, P. (2015). Widening the gap: The gulf between policy rhetoric and implementation reality in addressing alcohol problems among Indigenous Australians. *Drug and Alcohol Review,* 34, 461–466.

DeMaria, W. (1986). 'White welfare: black entitlement': The social security access controversy, 1939–59, *Aboriginal History* 10, 25–39.

Dillon, M. (2006). Remote Indigenous housing in 2020: Vision or oversight? *Public Administration Today,* 6, 11–21.

Dillon, M. (2020). *Evaluation and review as drivers of reform in the Indigenous policy domain* (CAEPR Policy Insights Paper No. 2). Centre for Aboriginal Economic Policy Research, ANU.

Dillon, M. & Westbury, N. (2007). *Beyond humbug: Transforming government engagement with Indigenous Australia.* Seaview Press.

Dodson, M. & Pritchard, P. (1998). Recent developments in Indigenous policy: The abandonment of self-determination? *Indigenous Law Bulletin,* 4(15), 4–6.

Douglas, E. & Dyall, J. (1985). *Maori under-development.* Submission to the Maori Economic Development Commission.

Fforde, C., Bamblett, L., Lovett, R., Gorringe, S. & Fogarty, W. (2013). Discourse, deficit and identity: Aboriginality, the race paradigm and the language of representation in contemporary Australia. *Media International Australia,* 149, 162–173.

Hannaford, J., Huggins, J. & Collins, B. (2003). *In the hands of the regions – A new ATSIC: Report of the review of the Aboriginal and Torres Strait Islander Commission.* Commonwealth of Australia.

Hinkson, M. (2010). Media images and the politics of hope. In J. Altman & M. Hinkson (Eds.), *Culture crisis: Anthropology and politics in Aboriginal Australia.* UNSW Press.

Hinkson, M. & Beckett, J. (Eds.). (2008). *An appreciation of difference: WEH Stanner and Aboriginal Australia.* Aboriginal Studies Press.

Hobbs, H. (2020). *Indigenous aspirations and structural reform in Australia.* Hart Publishing.

Howard, J. & Vanstone, A. (2004, April 15). *Transcript of the Prime Minister the Hon John Howard MP Joint Press Conference with Senator Amanda Vanstone.* Parliament House Canberra.

Ivanitz, M. (2000). The demise of ATSIC? Accountability and the Coalition Government. *Australian Journal of Public Administration,* 59(1), 3–12.

Jones, R. (1994). *The housing need of Indigenous Australians, 1991* (CAEPR Research Monograph No. 8). Centre for Aboriginal Economic Policy Research, ANU.

Keating, P., O'Donoghue, L. & Bellear, S. (1992, December 10). *Speeches 1993 International Year of the World's Indigenous People*. Aboriginal and Torres Strait Islander Commission.

Kowal, E. (2008). The politics of the gap: Indigenous Australians, liberal multiculturalism, and the end of the self-determination era. *American Anthropologist,* 110(3), 338–348.

Kowal, E. (2015). *Trapped in the gap: Doing good in Indigenous Australia.* Bergahn Books.

Langton, M. (1981). Urbanizing Aborigines: The social scientists' great deception. *Social Alternatives* 2(2), 16–22.

Latham, M. & O'Brien, K. (2004, March 30). *Statement by Federal Labor Leader and Shadow Minister for Reconciliation and Indigenous Affairs: Opportunity and responsibility for Indigenous Australians.* Parliament House Canberra.

Mansell, M. (2016). *Treaty and statehood: Aboriginal self-determination.* Federation Press.

Markham, F., & Biddle, N. (2017). *Indigenous population change in the 2016 Census* (CAEPR 2016 Census Paper No. 1). Centre for Aboriginal Economic Policy Research, ANU.

Markham, F., & Biddle, N. (2018). *Income, poverty and inequality* (CAEPR 2016 Census Paper No. 2). Centre for Aboriginal Economic Policy Research, ANU.

May, R. (1971). *Financing the small states in Australian federalism.* Oxford University Press.

McCorquodale, J. (1987). *Aborigines and the law: A digest.* Aboriginal Studies Press.

Mulgan, R. & Sanders, W. (1996). Transforming Indigenous Affairs Policy: Labour's Contribution to 'Internal Decolonisation'. In F. Castles, R. Gerritsen & J. Vowles (Eds.), *The great experiment: Labour parties and public policy transformation in Australia and New Zealand*. Allen& Unwin.

Neutze, M., Sanders, W., & Jones, R. (2000). *Estimating Indigenous housing need for public funding allocation: A multi-measure approach* (CAEPR Discussion Paper No. 197). Centre for Aboriginal Economic Policy Research, ANU.

Pearson, N. (2000). *Our right to take responsibility.* Noel Pearson and Associates.

Powell, A. (1996). *Far country: A short history of the Northern Territory.* Melbourne University Press.

Prime Minister, Attorney General, Minister for Indigenous Affairs (2017, October 26). *Response to Referendum Council's report on constitutional recognition* (Media Release). Parliament House Canberra.

Robbins, J. (2007). The Howard government and Indigenous rights: An imposed national unity? *Australian Journal of Political Science,* 41(2), 315–328.

Rowse, T. (2001). The political dimensions of community development. In F. Morphy & W. Sanders (Eds.), *The Indigenous welfare economy and the CDEP scheme* (CAEPR Research Monograph No. 20). ANU E Press. http://doi.org/10.22459/CAEPR20.05.2004

Rowse, T. (2002). *Indigenous futures: Choice and development for Aboriginal and Islander Australia.* UNSW Press.

Rowse, T. (2006). Towards a history of Indigenous statistics Australia. In B.H. Hunter (Ed.), *Assessing the evidence on Indigenous socioeconomic outcomes: A focus on the 2002 NATSISS* (CAEPR Research Monograph No. 26). ANU Press. http://doi.org/10.22459/CAEPR26.06.2006

Rowse, T. (2012). *Rethinking social justice: From 'peoples' to 'populations'.* Aboriginal Studies Press.

Rowse, T. (2013). The politics of 'Aboriginal society'. *History Australia,* 10(2), 136–158.

Rowse, T. & Smith, L. (2010). The limits of 'elimination' in the politics of population. *Australian Historical Studies,* 41(1), 90–106.

Russell, P. (2006). *Recognising Aboriginal title: The Mabo case and Indigenous resistance to English-settler colonialism.* UNSW Press.

Sanders, W. (1986). *Access, administration and politics: The Australian social security system and Aborigines* [Unpublished doctoral dissertation]. The Australian National University.

Sanders, W. (1991). Destined to fail: the Hawke government's pursuit of statistical equality in employment and income status between Aborigines and other Australians by the year 2000 (or, a cautionary tale involving the new managerialism and social justice strategies). *Australian Aboriginal Studies,* 1991(2), 13–18.

Sanders, W. (2000). Decolonising Indigenous Australia: Labor's contribution? In J. Warhurst & A. Parkin (Eds.), *The machine: Labor confronts the future.* Allen & Unwin.

Sanders, W. (2004). ATSIC's achievements and strengths. *Journal of Australian Indigenous Issues,* 7(3), 14–21.

Sanders, W. (2005). *Housing tenure and Indigenous Australians in remote and settled areas* (CAEPR Discussion Paper No. 275). Centre for Aboriginal Economic Policy Research, ANU.

Sanders, W. (2006a). Indigenous affairs after the Howard decade: An administrative revolution while defying decolonisation. *Journal of Australian Indigenous Issues,* 9(2–3), 43–54.

Sanders, W. (2006b). Understanding housing outcomes for Indigenous Australians: What can the 2002 NATSISS add? In B.H. Hunter (Ed.), *Assessing the evidence on Indigenous socioeconomic outcomes: A focus*

on the 2002 NATSISS (CAEPR Research Monograph No. 26). ANU Press. http://doi.org/10.22459/CAEPR26.06.2006

Sanders, W. (2007). The political economy of self-government. In J. Altman and M. Hinkson (Eds.), *Coercive Reconciliation: Stabilise, normalise, exit Aboriginal Australia.* Arena Publications.

Sanders, W. (2008). In the name of failure: A generational revolution in Indigenous affairs. In C. Aulich and R. Wettenhall (Eds.), *Howard's fourth government: Australian Commonwealth Administration 2004–2007.* UNSW Press. http://doi.org/10.22459/RG.12.2010

Sanders, W. (2009). *Ideology, evidence and competing principles in Australian Indigenous affairs: From Brough to Rudd via Pearson and the NTER* (CAEPR Discussion Paper No. 289). Centre for Aboriginal Economic Policy Research, ANU.

Sanders, W. (2013). Changing agendas in Australian Indigenous policy: Federalism, competing principles and generational dynamics. *Australian Journal of Public Administration,* 72(2), 156–170.

Sanders, W. (2014). *Experimental governance in Australian Indigenous affairs: From Coombs to Pearson via Rowse and the competing principles* (CAEPR Discussion Paper No. 291). Centre for Aboriginal Economic Policy Research, ANU.

Sanders, W. (2016). Reframed as welfare: CDEP's fall from favour. In K. Jordan (Ed.), *Better than welfare? Work and livelihoods for Indigenous Australians after CDEP* (CAEPR Research Monograph No. 36). ANU Press. http://doi.org/10.22459/CAEPR36.08.2016

Sanders, W. (2017). Administrative arrangements in Australian Indigenous affairs: Will they ever settle? *Australian Journal of Public Administration,* 76(4), 400–402.

Sanders, W. (2018a). Beware the people-focused omnibus: Revisiting Whitlam's vision for organising Indigenous affairs. *Griffith Review: First Things First,* 60, 126–133.

Sanders, W. (2018b). Missing ATSIC: Australia's need for a strong Indigenous representative body. In D. Howard-Wagner, M. Bargh & I. Altamirano-Jiménez (Eds.), *The neo-liberal state, recognition and Indigenous rights: New paternalism to new imaginings* (CAEPR Research Monograph No. 40). ANU Press. http://doi.org/10.22459/CAEPR40.07.2018

Sanders, W. (2020). After reserves and missions: Discrete Indigenous communities in the self-determination era. In L. Rademaker & T. Rowse (Eds.) *Indigenous self-determination in Australia: Histories and historiography.* ANU Press. http://doi.org/10.22459/ISA.2020

Sanders, W. (forthcoming). Success and failure in Australian Indigenous policy: rhetorical registers and moral dynamics. In S. Maddison and N. Moodie (Eds.) *Public policy and Indigenous futures.* Springer.

Sanders, W. & Hunt, J. (2010). Sorry, but the Indigenous affairs revolution continues. In C. Aulich & M. Evans (Eds.), *The Rudd government: Australian Commonwealth administration 2007–2010.* ANU E Press. http://doi.org/10.22459/RG.12.2010

Sullivan, P. (2011). *Belonging together: Dealing with the politics of disenchantment in Australian Indigenous policy.* Aboriginal Studies Press.

Sutton, P. (2009). *The politics of suffering: Indigenous Australia and the end of the liberal consensus.* Melbourne University Press.

Venn, D. & Biddle, N. (2018). *Employment outcomes* (CAEPR 2016 Census Paper No. 5). Centre for Aboriginal Economic Policy Research, ANU.

Wensing, E. (2021). *Truth-telling about Aboriginal land right and native title in the ACT* (Discussion Paper). The Australia Institute.

Westbury, N. D. & Dillon, M. C. (2019). *Overcoming Indigenous exclusion: Very hard, plenty humbug* (CAEPR Policy Insights Paper No. 1). Centre for Aboriginal Economic Policy Research, ANU.

CONTACT US

Centre for Aboriginal Economic Policy Research
Research School of Social Sciences
ANU College of Arts & Social Sciences

Copland Building #24
The Australian National University
Canberra ACT 0200
Australia

T +61 2 6125 0587
W caepr.cass.anu.edu.au

ANU CRICOS Provider Number: 00120C