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FILE NO.

C

1097

PART NO.

PRIME MINISTER'S DEPARTMENT.

CABINET SECRETARIAT.

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TO BE PASSED BY HAND

IMPORTANT.

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INFORMATION.**

5775/58.

Social Service Benefits for Aborigines and Financial Assistance for States Responsible for the advancement of Aborigines.

1. The question of social service benefits for aborigines has been discussed between the Commonwealth and States on various occasions since 1927. At the Native Welfare Council in 1952 a resolution was carried as follows -

" The Council recommends further consultation between the Social Services Department and State authorities with a view to distinguishing between the various types of native settlements and reserves and with a view to investigating the possibility of replacing the test of "exemption" by a recommendation by the State authorities that certain persons are qualified by their manner of living for social service benefits."

2. The subject was again raised at the Premiers' Conference in July last, when the State representatives argued that there were anomalies and injustices in the present practice of paying age, invalid and widows pensions to aborigines who are exempted from the provisions of the Aborigines Preservation and Protection Acts of Queensland and corresponding legislation in other States, and who do not reside on aboriginal reserves. It was pointed out that many aborigines, particularly the aged and invalid, know no other home than the reserve on which they live. If an aboriginal was exempted from the Act and obtained a pension, the fact of his exemption compelled him to leave his home on the reserve. It was undesirable to have a policy of this kind because invariably the aboriginal went to an adjacent town or city and lived in less desirable surroundings merely for the purpose of obtaining his pension. The withholding of the maternity allowance from aboriginal women living on Government settlements, Church Missions or other reserves, while payment to half-blood women living on such a reserve was permitted was said to be a cause of a good deal of dissatisfaction. It was urged that aborigines, whether living under the supervision of a State or living in the general community, should, if they had paid taxes, have the right immediately and without question to enjoy the full benefits of citizenship. An extreme view was that all aborigines, regardless of their place of residence or mode of living, should be entitled to social service benefits.

3. It was agreed by the Premiers' Conference that the matter should be referred to the Native Welfare Council. A further item on the agenda of the Premiers' Conference - "Assumption by the Commonwealth of the Cost of Caring for Natives" - was not debated but was also referred to the Native Welfare Council.

4. A meeting of the Native Welfare Council to consider these and certain other matters relating to native welfare of common interest to the Commonwealth and the States will be held in Canberra on November 18th, all the Premiers except the Premier of Tasmania having accepted the invitation of the Prime Minister to send a Ministerial representative. The

Council meeting will be preceded on November 15th and 16th by a meeting of Federal and State officials for native welfare.

5. The purpose of the present agenda is to obtain Cabinet approval in principle to the viewpoints to be advanced at the Council on behalf of the Commonwealth Government. Cabinet is therefore asked to consider the following propositions:-

1. Social Service Benefits should not be regarded nor used as a means of financing native welfare. They should be made available personally to members of the community of aboriginal blood who qualify for such benefits.

The reasons for advancing this principle are:-

- (a) It is contrary to the general purpose of advancing native welfare to regard natives only as a distressed class. The chief aim of native administration should be to rehabilitate and advance them so that they can live on equal terms with the rest of the community, and to minimise the need to make special provision for them as a separate and submerged class. The test for entitlement to social service benefits should be individual need and not membership of a social group.
 - (b) It would be undesirable to pay social service benefits to State Authorities in respect of unexempted aboriginals to support State aboriginal welfare activities and thereby encourage the passive acceptance of an inferior status of aborigines. It would be equally undesirable to bring about a position where State authorities would face the prospect of diminishing revenue if they grant exemptions to aborigines.
2. To overcome some of the anomalies created by the present method of deciding entitlement to social service benefits for aborigines some real discretion should be placed in the hands of the Minister and Department of Social Services, rather than to leave entitlement wholly dependent on exemption by the States. In the exercise of this discretion the ability of an aboriginal member of the community to earn a taxable income, to lodge a taxation return and receive an income tax assessment should be regarded as indicating a degree of advancement such that, even if he has not been exempted from special State legislation, he may qualify for social service benefits. The payment of benefits should be made according to the entitlement of the individual regardless of place of residence.

The reasons for advancing this principle are:-

- (a) Many aboriginal people, some exempted and some not exempted, earn taxable incomes. There is a considerable amount of criticism of the withholding of social service benefits from a person merely because he does not apply for and is not granted the status of an exempted person. The criticism

gains force in the public mind when a person so excluded from social service benefits has paid taxation to the Commonwealth along with others who in the same circumstances would not be refused social service benefits.

- (b) Already the Social Services Act allows the Director-General of Social Services a discretion as regards unemployment and sickness benefits and may approve the payment of either benefit to an aboriginal member of the community who is not exempted under State aboriginal welfare legislation. The Director-General in applying to such applicants the tests which are applied to applicants at large is able to fall back on factual criteria :- that the applicant has been earning income; that he is suffering loss of income on account of the sickness; that he is able and willing to work and has satisfied the works test as applied by the Commonwealth Employment Service. It would be undesirable to leave the Social Services Department with a discretion in relation to other social service benefits if, in the exercise of the discretion, the Department had to depend mainly on an opinion or had to accept a certificate from State officials that the applicant, in their opinion, was or was not a fit and proper person to be paid a benefit. By regarding the applicant's capacity to earn a taxable income and comply with the taxation law as a factual criterion, the Social Services Department would, as regards these other benefits, be in much the same position as it is in regard to unemployment and sickness benefits.
- (c) The fact that an aboriginal member of the community may not be an exempt person does not necessarily indicate a lack of advancement or an incapacity properly to apply a cash benefit. Many aboriginal people will not apply for, and would be distressed by, exemption, because in some States exemption means exclusion from reserves and the society of their own people, still living on the reserves. Some very advanced aboriginal people on principle will not seek exemption. Qualification for exemption does not assure an aboriginal of general social acceptance in the community and he should not be cut off from, or penalised for preserving his personal access to the social group where he is accepted and where his life may be a good example.
- (d) The granting of the discretion proposed would disentangle consideration of the question of social service benefits from the complications presented by the fact that the term "reserve" has different meanings in different States. Some reserves are in effect group settlements with no element of State sustenance present and at most peculiar only in the exclusion of Europeans. Some reserves contain both self-supporting and

State-supported residents. On some reserves the State is responsible for the basic needs of all. In some States exempt persons are prohibited from reserves; in others exempt persons move in and out of reserves; in Victoria there is no system of exemption at all, aboriginals being free to come and go on reserves. While it would leave the States still free to release individuals from special legislation by exemption, this proposal would free the Commonwealth from restriction of action only to what respective State policies permits, and enable the Commonwealth to cure particular cases for which it might otherwise well be the target for criticism.

3. While the States have the clear constitutional responsibility for providing out of their own resources for the protection and advancement of aborigines, including health, education, housing and such other measures as each State Parliament considers to be desirable, the Commonwealth also has a national interest in the advancement of native welfare throughout Australia in order to satisfy both national and international standards for the welfare of the Australian people. Recognising the special nature of this social problem as it exists today, the Commonwealth will therefore also contribute to the cost on the analogy of the contributions which it already makes to the solution of great social problems which are not, in a strict sense, its constitutional responsibility. This contribution will be made according to the following principles:-

- (a) Financial support will be given to particular projects which are:-
 - (i) calculated in the shortest practicable time to increase the numbers of aboriginal people competent to live as normal citizens without the special care or limitation of protective State legislation;
 - (ii) of a character outside the facilities ordinarily provided for citizens at large, specially designed for the advancement of native welfare and exclusively required for members of the aboriginal community;
 - (iii) cover needs common to adjacent States or Territories.
- (b) Each proposal for financial support of a project, whether initiated by a State or States or by the Commonwealth, shall be examined separately by the competent authorities of the Commonwealth and of the State or States concerned and the decision made on it by the Commonwealth Government.
- (c) The limit of support in any one year for the total of all projects shall be £200,000, this amount to be subject to review in twelve months' time in the light of experience.
- (d) This financial support is not subject to any formulae, such as govern grants in aid to the States and the expenditure will be apportioned among States having regard solely to the relative importance of the particular projects as determined by the Commonwealth.

Reasons for this approach are:-

- (a) Native conditions are a national problem, affecting the whole of the people of the Commonwealth.
- (b) Notwithstanding the constitutional division of responsibility among the States and the Commonwealth Territories, the Commonwealth is the target for much internal criticism for the lack of advancement of aborigines throughout Australia.
- (c) The Commonwealth is answerable internationally for the conditions and status of the aboriginal community, and the Commonwealth cannot disregard the fact that the treatment of aborigines may affect the attitude of other nations to Australia and give rise to misunderstandings and criticism in the outside world.
- (d) The burden of native administration falls unevenly on the States, and while additional expenditure on native advancement projects by South Australia and Western Australia could be expected to be covered by the Grants Commission this recourse is not available in the case of Queensland and New South Wales. In the remaining States there is no burden.
- (e) More positive and vigorous measures by the States will be encouraged by Commonwealth financial aid and the Commonwealth will be better placed to stimulate and influence the direction of action in the States if it provides money for approved projects.
- (f) The proposals made above in regard to social service benefits are intended to remove any ambition on the part of any State to use social service payments as a means of financing native welfare. An alternative proposal in regard to finance will help the acceptance by the States of this viewpoint.
- (g) The more rapid improvement of native conditions would, over the years, tend to reduce the pressure of special claims by natives, either on social services or elsewhere, as a distressed class.

RECOMMENDATION:

That I be authorised to present these views on behalf of the Commonwealth at the next meeting of the Native Welfare Council.

(Paul Hasluck).

Minister for Territories.

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COPY NO. 2.

C A B I N E T M I N U T E

Social Services for Aborigines Committee

Canberra, 16th November, 1954.

Decision No. 190(HOC)

Submission No. 185 - Social Service Benefits for
Aborigines and Financial
Assistance for States res-
ponsible for the advancement
of aborigines.

The Committee:-

- (a) noted that the care of aborigines was, except in Commonwealth Territories, essentially a State responsibility;
- (b) did not agree to the proposals for variations in the entitlement of aborigines to Social Services payments or for establishment of a fund to finance particular welfare projects;
- (c) noted the view of the Minister for Territories that in the absence of concrete proposals by the Commonwealth on these two matters the proposed Native Welfare Council meeting would break down and that he would therefore defer the meeting;

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Cabinet Decision No. 190(HOC) (cont.)

- (d) agreed that there might be some advantage in the Commonwealth sponsoring a medical survey of diseases prevalent among aborigines such as hookworm, trachoma and leprosy; that the Prime Minister should discuss this proposal with the Minister for Health; and that Departmental officials (including Treasury, Territories and Health) should also have exploratory discussions.

Certified true copy.

K. Dunne

Acting Secretary to Cabinet.

PRIME MINISTER'S DEPARTMENT.

RM/MDA

THE PRIME MINISTER.

Social Service Payments - Aboriginal Natives

Attached is a draft Cabinet Submission from Mr. Robertson. It follows closely along the lines laid down at the Committee of Ministers over which you presided; in other words it recommends payment of Social Service benefits to all eligible aborigines, with the definition of eligibility being virtually that applying to the rest of the community.

One change from the understandings in the Cabinet Room is that it now appears that the States will receive very little money, and that the bulk of the pensions will be paid direct to natives or to the missions. This places a fresh face on the matter so far as the States are concerned. They will probably still ask the Commonwealth for extra money for native welfare. However, the Government will have to face this one when it comes to it.

Mr. Robertson asked for your personal reactions to this memorandum. I do not think you need to read it, since it follows lines that you already know about. If you agree I shall inform him that you have no objection to the proposal going forward to Cabinet.

You might also like to indicate that, Mr. Robertson having held his discussions, there is no reason why Mr. Hasluck should not go ahead with his proposed Native Welfare Conference. If you are happy, I will tell him so.

E. J. Bunting

(E.J. Bunting)

PRIME MINISTER'S DEPARTMENT.

EJB/JWM

Sydney.

Note for the File:

Social Service Payments - Aboriginal Natives.

The Prime Minister considered this matter and has read the Minister's submission. He suggests that it should go to Cabinet for consideration. He appeared to be troubled somewhat by the point, which now emerges, that most of the pensions will be paid direct to natives and not to the missions and the States. This means that a good number of natives will have more money than they have ever had, which may or may not be a good thing. But he would not oppose the plan because of this and therefore suggests that it should go ahead.

I conveyed this information to Mr. Goods. He was surprised, since I pointed out the paragraph (No. 12 on p 5 of the draft) in which the PM had made his reaction. His thought is that that was a mistake, a left-over from a previous draft; & he will re-examine it.

E. J. Bunting

(E.J. Bunting)
Secretary.

27/4/1959.

J.R. Mandelsohn.

Pls. see me re brief for Mr. MacEwen

*E-J-B 30
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30th April, 1959.

My dear Minister,

You sent to me last week a copy of your proposed Cabinet paper on Social Service payments for Aboriginal Natives with the request that, if possible, I should bring it to the Prime Minister's notice and obtain his views.

I did manage to engage the Prime Minister on it before he left on his journey overseas. He read your paper and gave me comments on the following lines.

First of all, he is content for the paper to be put up for Cabinet consideration and suggests that you go ahead with this action.

Second, he supports the general idea of extending Social Service payments to the natives.

Third, he had some nervousness, arising out of the point in paragraph 12 of your paper, that it now appears that the bulk of the pensions payable for natives will be paid direct to the natives and the missions and not to the States. The "missions" aspect did not worry him but he had doubts about the effect on the natives of direct payments in so many cases. Nevertheless, he had no ready alternative in his mind and he would be content to leave the matter to Cabinet and to accept whatever view Cabinet reached.

Yours sincerely,

(E.J. Bunting)
Secretary.

The Honourable H.S. Robertson, M.P.,
Minister for Social Services,
Parliament House,
CANBERRA. A.C.T.

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C O N F I D E N T I A L

COPY No 25

C A B I N E T M I N U T E

Canberra, 9th June, 1959

Decision No. 261

Submission No. 190 - Social Service Payments - Aboriginal Natives.

(1) Cabinet decided that eligibility for age, invalid and widows' pensions, and maternity allowances should be extended to include aboriginal natives, other than those who are nomadic or primitive, without any restriction as to race or degree of aboriginal blood and at the same rate as is payable to other people in the community. 'Pensions' includes appropriate allowances.

(2) Cabinet approved the general administrative arrangements proposed by the Minister for this purpose. However, in relation to two particular points, it indicated its attitude as follows :-

(a) Payments to State Governments:

Wherever possible, payments to or on behalf of aboriginals should not be made to State Governments but to the authorities in control of individual missions, settlements or government reserves.

(b) Misuse of Pension:

In the circumstances of particular cases where the pension is liable to be misused, part or whole of the pension which would otherwise be paid direct to the aboriginal should be paid to the authorities in charge of the mission settlement or reserve.

(3) Cabinet understood that the arrangement contemplated in (b) above already operated under the Social Services Act in relation to other pensioners and that discrimination against aboriginal pensioners was not therefore involved.

(4) Cabinet discussed the question of whether this decision should be associated with an undertaking by the State Governments that

Cabinet Decision No. 261 Cont'd.(4) Cont'd.

they will maintain their existing level of expenditure on natives and native welfare. It decided that, while the Commonwealth would welcome this sort of attitude on the part of the States, the Commonwealth's decision should not be contingent on State undertakings.

(5) It was agreed that the Minister for Social Services should in due course make an announcement of the Commonwealth's decision and that, if necessary, the Acting Prime Minister might refer to it at the Premiers' Conference.

(6) In the light of these decisions, Cabinet authorised the Minister for Territories to proceed with the proposed Native Welfare Conference.

Certified true copy

A. J. Bunting

Secretary to Cabinet