Mapping Local and Regional Governance: Reimagining the New South Wales Aboriginal Sector

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Abstract

With reference to four case study localities in New South Wales, this paper offers new insights into calls from Indigenous Australians for recognition within the national political discourse. Examining the literature on the history of the Aboriginal sector that emerged following the 1970s self-determination policy era, this paper argues earlier conceptions of the 'Aboriginal sector' are insufficient and do not grasp the wider shift that Aboriginal people seek within the political life of the nation. Instead, the four case studies reveal Aboriginal initiative and interest in creating a sense of association and being, drawing on pre-colonial patterns of identification and shaped by new imaginings of 'nations' and 'political communities'.

Keywords

Aboriginal Voice; Governance; New South Wales; Policy; Representation

Introduction

Federal and state governments are presently considering forms of recognition that will enable a different relationship between Australia's First peoples and its political institutions, and the processes and outcomes that should flow from this recognition. It is widely held that the recognition or acknowledgement of Indigenous peoples within the national political discourse is the outstanding business that will right the long legacy of denial and policy failure. Treaty and agreement-making are the leading mechanisms through which this process of recognition or acknowledgement is being advanced (Norman, Hunt & Howard-Wagner 2021). In this paper, we explore the ways that Aboriginal people are going about the business of looking after their people. As we will show, we found the range, diversity and character of Aboriginal organisations in these four urban and regional sites prompts an undeniable legal and political shift with real opportunities emerging that advance conceptions of sovereignty and which call for new ways of thinking about Aboriginal organisations from an earlier conception of 'sector' to one of 'polities' and 'nations'. In this paper, we canvas the history of Aboriginal policy and rights recognition before turning to consider the possibility and limits that broader recognition, and Aboriginal initiative, might yield in the spaces of NSW where colonial violence has been most sustained and where new ways of coming belonging are being forged.

From self-determination to normalisation

Across Australia, significant shifts in Aboriginal policy have occurred at every level of government from the 1970s as the post-colonial architecture of government sought to accommodate Indigenous worlds. Political scientist Will Sanders (2018) characterises the past fifty years of federal Aboriginal affairs administration in terms of two key policy shifts: the adoption of Aboriginal self-determination from the 1970s and secondly, the abandonment in 2005 of the statutory authority, the Aboriginal and Torres Strait Islander Commission (ATSIC). The self-determination policy and the ATSIC model had encouraged community-based Indigenous organisations in the delivery of services, the holding of assets and political representation. These organisations marked out what Tim Rowse (2005, p. 207) refers to as a unique 'Indigenous Sector' that shares some features of civil society organisations. Will Sanders (2002) offers a more elaborated and transformative character of Aboriginal organisations saying they represent 'an Indigenous order of Australian government'.

The strengthening trajectory of the emerging Aboriginal order of government is widely considered to have diminished with the abolition of ATSIC, the mainstreaming of Indigenous programs to functional departments and then outsourcing via competitive contractualism, mainstreaming/normalisation and welfare reform (Hunt et al. 2008; Sullivan 2011). From a high point where an Aboriginal 'order of government' (Sanders 2018) was growing in capacity and confidence, by 2013 the only Aboriginal voice or input on policy and decisions was reduced to an Indigenous Advisory Council handpicked by the Prime Minister. Senior Aboriginal bureaucrat and policy reform advocate, Pat Turner, captured the circumstances Aboriginal people now find themselves in their relationship with governments as 'on our knees'.

Recognition of Aboriginal polity

In this context, changing the Australian constitution to recognise Aboriginal and Torres Strait Islander peoples emerged as a key strategy by Aboriginal peoples to secure a rightful place in relation to the Australian state. The sustaining argument by Aboriginal peoples is that because its ancient pre-colonial law and governance have not been adequately recognised, Aboriginal people have neither a clear nor a just relationship to Australian political institutions (Langton 2001). Momentum was renewed in late 2010 when the Gillard government appointed the Expert Panel on Constitutional Recognition of Aboriginal

and Torres Strait Islander Peoples to investigate how to give effect to constitutional recognition (McQuire 2019).

Australian governments are currently canvassing ideas, models and views to help drive significant transformations in their relationships with Aboriginal Australians. The NSW Government's stated aim is to 'fundamentally change the relationship between the Government and Aboriginal peoples from one that began as unilateral to one of bilateralism/multilateralism' (Aboriginal Affairs NSW 2019, p. 7; Aboriginal Affairs NSW 2017; Thomas et al. 2019). In Victoria in 2019, Treaty planning was underway and governments in Northern Territory and Queensland also announced plans for Treaty.

The deliberative dialogue process adopted by the Referendum Council sought to build an informed consensus among Aboriginal people on the way forward and was delivered in 2017 'to the nation'. The *Uluru Statement from the Heart* outlined three central reforms: 'Voice, Treaty, Truth'; a First Nations Voice, to be enshrined in the constitution; a Commission to supervise a process of agreement-making between governments and First Nations; and 'truth-telling' in recounting Australia's First Nations' history (Norman, 2019). In October 2019, the Australian Minister for Indigenous Australians, Ken Wyatt, appointed a Senior Advisory Group (SAG) to develop a structure, membership and functions of the Indigenous Voice to Parliament and how local, regional and national interests will be best captured. The SAG have proposed possible models for the Indigenous Voice in an Interim Report released in October 2020, which is currently subject to public consultation (National Indigenous Australians Agency 2020).

'Political communities'

We now turn to present the initial phase of our case study research where we mapped Aboriginal organisations as illustrative of Aboriginal peoples' continued interest to realise governing ambitions.

The four case studies of urban and regional localities demonstrate the complexity of Aboriginal governance in NSW, reflecting local histories and concepts of place, along with the impacts and structural requirements dictated by contemporary government Aboriginal affairs administration. Above all, we observed Aboriginal people, through a multitude of organisations and programs, seeking to create places of belonging and attachment to Country and kin. In various ways, these intentions reveal an interest in 'acting like a nation' and can therefore be understood as a re-emergent Aboriginal polity that focus on shared connections, belonging and community accountability (Cornell 2015). We mapped Aboriginal-run organisations in the four localities in the period August-October 2018. The localities overlayed local government areas (LGA) and were selected on the basis that they represent different regions across NSW: urban, coastal, rural/regional central and south west.

Methodology

Our research was limited to publicly available information that we compiled to form a detailed database of Aboriginal organisations in each locality. The sources used to inform these lists include those organisations registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth), the *Native Title Act 1993* (Cth) and the *Aboriginal Land Rights Act 1983* (NSW) (ALRA); information held by the Office of the Registrar of Indigenous Corporations (ORIC), funded organisations listed in the Australian Government's Indigenous Advancement Strategy (IAS) (2014-2018) and businesses registered with Supply Nation.

We also studied a broad selection of sources including media, social media, literature, directory listings and Aboriginal community service listings, government records including Hansard, local government minutes, newsletters and reports, and official communiqués. These sources aided in the compilation of profiles of the organisations, and the characterisation of their purposes and activities, in each locality defined as Aboriginal run and/or controlled. In some instances, we counted programs running within government

departments or those which were a subset of larger non-government organisations (NGOs), where we were able to confirm significant Aboriginal involvement and leadership. In these cases, we used community-managed websites as sources to confirm Aboriginal-run programs in mainstream organisations and checked with local informants.

We finalised the list of Aboriginal organisations operating in each locality in October 2018. We shared the list for feedback from leading Aboriginal community members with detailed 'on the ground' knowledge of their communities. The purpose of our desktop mapping was to quantify at a 'moment in time', the number and self-identified purposes of the organisations that make up the Aboriginal sector, to inform discussions of the Aboriginal polity. This method runs the risk of missing smaller organisations which do not have an internet presence, and less formally constituted community groups. The next step in this study will see ethnographic research undertaken that will provide much needed detail.

For each locality we detailed the number of organisations, their funding sources, functions, character and governance structures. We also looked at the ways these organisations interact with governments, each other and non-Aboriginal society.

Findings

We identified the following number of Aboriginal organisations operating in each locality:

> 46 in the Western Sydney LGA,
> 35 in the Mid North Coast NSW LGA,
> 47 in the Central West LGA and
> 21 in South-Western NSW LGA.

The most striking finding was the diversity of the Aboriginal organisations identified. The majority of Aboriginal organisations in each locality were unique; they also varied in size, purpose and governance. Some serviced specific language or family groups, others were pan-Aboriginal services.

The de-identified case studies localities shared both similarities and striking differences. Each of the locations included organisations dedicated to human services (health, housing, education, childcare and justice), the presence of peak bodies, and organisations promoting broad themes of belonging and inclusion in Aboriginal worlds characterised in the literature as 'community building' and 'nation building'. In each locality, at least one Aboriginal organisation functioned as an interagency for several organisations, facilitating networks and disseminating information to the wider Aboriginal community. Membership or participation in organisations is voluntary and key personnel were present in several organisations. These individuals were often leading community members active in several organisations, holding memberships of multiple organisations and serving on several boards.

SIMILARITIES ACROSS THE CASE STUDIES

Unique organisations

In all case studies, there was a high proportion of organisations that were distinct to the locality. We refer to these as 'unique organisations' as they only exist at that site. Unique organisations are not aligned to an umbrella or peak body. For example, in Western Sydney 77% of organisations only functioned within that LGA; on the Mid North Coast and in South-Western NSW, unique organisations made up 88% and 54% respectively. ln the Central West, the proportion of unique organisations was 79%. We suggest these unique organisations arise from the interaction between community leadership and drive – sparked by burning

issues or needs – and the extent of available funding. As these organisations are generally small and tend to be funded by small, one-off competitive grants, they are forced to be entrepreneurial, gaining funding from multiple sources (government, private, philanthropic) and relying on pro-bono assistance.

The presence of peak bodies

In each of the LGAs examined, 'peak bodies' were active. For our purposes, 'peak bodies' are defined as Aboriginal organisations with a state or national identity and a network of local and/or regional offices. They often have an overarching central structure which co-ordinates local and regional offices, provides administrative support, allocates funding, liaises with local and state governments and has an advocacy function. We identified the following 'peak bodies':

- NSW Aboriginal Education Consultative Group (AECG)
- Aboriginal Land Council (NSWALC)
- Aboriginal Employment Strategy (AES)
- NSW/ACT Aboriginal Legal Service (ALS)
- Wirringa Baiya [state-wide Aboriginal women's legal service]
- Link-Up Aboriginal Corporation
- Aboriginal Child, Family and Community Care State Secretariat (AbSec)
- Aboriginal Health and Medical Research Council (AHMRC)
- First Peoples Disability Network (FPDN)
- NSW Aboriginal Tenants Advice and Advocacy Services (NSWATAAS)
- NSW Coalition of Aboriginal Regional Alliances (NCARA) and the
- NSW Aboriginal Cultural Heritage and Arts Association NSW (ACHAA).

Several of the peak bodies have operated continuously since the 1970s; they vary in role and purpose – ranging from 'shopfront' service provision such as the ALS, to those comprised of members or partnerships like AES, FPDN or AbSec. In other cases, the state body comprises local committees who contribute to furthering each other's interests through information sharing and advocacy (eg. NCARA).

Each of the case studies featured one or more Aboriginal Community Controlled Health Service (ACCHS) (NACCHO n.d.)[1]. ACCHSs are represented by the peak state body, the Aboriginal Health and Medical Research Council of NSW (AHMRC), and the national peak body, the **National Aboriginal Community Controlled Health Organisation (NACCHO)**. In one instance, a regional body had been formed to represent the interests of ACCHS across specific territories, but it remains aligned within both peak bodies (Bila Muuji Aboriginal Health Organisation n.d.).

The peak bodies mostly rely on recurrent government funding. This reliance can at times curtail their capacity to best represent their constituents. This is the case with the ALS which has faced significant fluctuations in its funding since it began in 1970 (NITV 2017). The NSW Aboriginal Land Council network is an exception: the funding base for the 120 Local Aboriginal Land Councils and operations of the state office and its elected Council was established by statute in 1983 and is now self-funding (Norman 2015).

In 2018 the 'Coalition of Peak Aboriginal Organisations' (CAPO) formed and includes the NSWALC, AbSec, Link-Up (NSW), NSW AECG Inc., ALS NSW/ACT, AHMRC, and FPDN (CAPO, 2018).

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1   NACCHO is the national peak body representing 143 Aboriginal Community Controlled Health Services (ACCHSs) across the country on Aboriginal health and wellbeing issues. It has a history stretching back to a meeting in Albury in 1974. In 1997, the Federal Government funded NACCHO to establish a Secretariat in Canberra which greatly increased the capacity of Aboriginal Peoples involved in ACCHSs to participate in national health policy development (NACCHO n.d.).

CAPO explains its purpose as providing a 'united voice' for its member organisations and negotiating with government ([Allam, 2018](#)).[2]

Regional Alliances

Three out of the four case study localities hosted Regional Alliances. These are organisations which have partnered with the NSW Department of Aboriginal Affairs under the Local Decision Making (LDM) accord ([Aboriginal Affairs NSW, 2013](#)). The LDM accord takes a place-based approach to agreement making, distinguishing it from the previous 'one-size fits all' approach. Commencing in 2013 with three pilot sites, LDM uses existing networks and alliances between Aboriginal organisations to facilitate negotiations between local Aboriginal communities and the NSW Government about the design and delivery of services to communities[3]. The governance structure of each regional alliance varies and is determined through internal negotiations. For example, in one locality the Regional Alliance is comprised of Local Aboriginal Land Councils (LALCs), another emphasises representation by clan and nation representatives, while others bring service agencies together.

Advisory Boards and Councils

In each locality, we identified Aboriginal and Torres Strait Islander member advisory boards or councils with relationships to institutions including local government and universities. These advisory boards offer advice and guidance related to institutional governance through to high-level policy and protocol.[4]

Organisations have multiple functions

A key finding was that many of the organisations identified were site-specific and were based on local priorities. Although many organisations had a primary and self-identified purpose, they also often served other purposes outside this explicit activity. Many of the larger organisations serviced a range of community needs. In the South-Western NSW LGA, one organisation was significant as it provided several functions to a community. Originally constituted in the early 2000's to house historical and cultural material as part of a local research project and exhibition, the organisation had since expanded to provide cultural, genealogical and environmental services, such as cultural heritage assessments, arts, sports, carers and education programs. This organisation had received two IAS grants: $950,000 of which the bulk went towards a forest management project and the other $270,000 towards a project relating to community well-being and prevention of family violence. In the Mid-North Coast NSW LGA, a profitable tourism enterprise was using part of its revenue to fund another Aboriginal organisation dedicated to youth services and cultural education. Many organisations also engaged in some level of advocacy, as was the case with this organisation.

DIFFERENCES ACROSS THE CASE STUDIES

Local history and Aboriginal polity

In Western Sydney LGA locality, we identified 45 Aboriginal organisations and 1 Torres Strait Islander organisation. These organisations had a stated objective to address the impact of dispossession through

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2   We note that the National and NSW Governments announced in July 2020, as part of the 'refresh' with new targets and commitments of the Closing the Gap strategy, the role of CAPO in leading community discussions and fora. This approach announces shared decision making between the leading organisations and NSW Government and will be taken up in subsequent work.

3   As of 2020, there are nine Aboriginal Regional Alliances across NSW. The Regional Alliances are significant as they take a site-specific approach to forming relationships between government and Aboriginal communities.

4   At the time of writing Western Sydney University did not have terms of reference listed on their website, although all other committees did. See https://www.westernsydney.edu.au/about_uws/leadership/board_of_trustees/board_standing_committees_and_advisory_councils. Accessed 13 April 2019.

cultural revival and activities centred on fostering a sense of belonging. Cultural education centres, health services with a broad focus on healing and wellbeing and a resource centre to facilitate connections to family, all operated in the locality. The organisations in this region declared a focus on supporting young people and encouraging young leaders. While there were many services dedicated to creating a sense of belonging in the community, eight organisations bore the name of their family group or invoked the original peoples of the area.

In Mid North Coast NSW LGA, we identified 35 Aboriginal community-controlled organisations. Here, there were eight organisations focused on (coastal) land management and activities associated with connection to Country. This locality has had native title rights recognised and a Traditional Owner corporation has formed to manage those rights.

The boundaries of the South-Western NSW LGA have negotiated Traditional Owner interests in relation to the local river and the surrounding red gum forests. The use of the traditional languages by Traditional Owners in the area is an important aspect of their connection to Country. This is reflected in the high proportion of organisations which engage in activities relating to the revitalisation of language and culture. There were several 'On Country' language projects within the study area and five of the 14 organisations identified have an interest in language revitalisation. The other key priority in the area is land management. The river system is an especially significant aspect of Country for the two traditional language groups and the wider region. Six of the fourteen organisation in the area either participate in or were specifically constituted to manage lands in and around the LGA.

In Central West NSW LGA, we listed 45 Aboriginal organisations. Compared to the other localities studied, this region had the highest number of Aboriginal organisations and the highest representation of Indigenous business (individual enterprises comprised 22% of the total number of organisations). The Central West LGA is the service centre for several regional and remote towns. As such, the locality is a key site for Aboriginal service delivery and a preferred government pilot site for new programs and services. As one senior Aboriginal community member and public servant surmised, this contributes to a high turn-over of organisations and programs in trial phases. In this region, we also noted 13 non-Indigenous organisations, operating in the Aboriginal focused services that competed for Commonwealth Indigenous Advancement Strategy Funding and Aboriginal service users. These included NGOs with youth and community development services and private enterprises with adult training and employment programs.

Limited government and Aboriginal community-controlled partnerships

The four case studies identified a total of 149 organisations. Of these, we identified 19 organisations that worked in partnership with government, had on-going funding and a five-year plan. We defined these organisations as 'leading organisations'. They were different from 'peak bodies', as they did not have state or national reach. Leading organisations tended to have a working partnership with government and were likely to be formalised through a 'Regional Plan', 'Memorandum of Understanding' or funding agreement. In these partnerships, the government devolves limited powers to a leading organisation, which allows a greater degree of autonomy and reduces reporting requirements. The leading organisation may also gain more responsibilities, such as supervising smaller organisations in the region as a devolved government function.

Partnerships with government are usually accompanied by a long-term funding commitment. Leading organisations tend to have a single and consistent source of funding. While funding sources varied, in our case studies funding was frequently designated through the non-competitive streams of the Federal Government's Indigenous Advancement Strategy or through other government departments such as Aboriginal Affairs NSW or NSW Health.

In the Western Sydney LGA, we identified six leading organisations; eight in the Mid North Coast NSW LGA; two in South-Western NSW LGA and three in the Central West NSW LGA. Across these four localities, leading organisations were diverse in character and included LALCs, Regional Alliances, health and well-being services, social enterprises, language and culture centres, and coalitions of nations formed around water interests. LALCs will be considered in detail below.

LOCAL ABORIGINAL LAND COUNCILS (LALCS)

Local Aboriginal Land Councils (LALCs) were included as leading organisations. LALCs operate in each locality and receive an annual allocation from the peak body, the NSWALC. There are 120 LALCs across the state and while the Aboriginal Land Rights Act outlines, in Part 5, provisions for LALC Constitutions (ss 49-50), Objects (s 51) and Functions (s 52) each LALC pursues priorities set by its members and reflecting local circumstances, capacity and resources. We can see in the 'Objects' (s 51) LALCs are required:

> to improve, protect and foster the best interests of all Aboriginal persons within the Council's area and other persons who are members of the Council.

LALCs operate independently of the NSWALC, albeit with ongoing compliance and reporting requirements; they are always embedded in place. Each LALC within the case study localities had diverse activities underway. As a group they had very different portfolios of property and recovered lands. The graph below shows the Aboriginal land claims in NSW from 1983-2018. These are organised in relation to the Local Aboriginal Land Council (LALC) boundaries – rather than the local government areas (LGAs) of our case studies – and show the number of land claims granted, as well as land claims awaiting government action. In Central West NSW the LALC has successfully repossessed 29 land parcels and six await determination. On the Mid North Coast 42 land claims have been approved and 27 await approval. In South-Western NSW the LALC has had 11 land claims approved and in Western Sydney 178 land claims have been approved over several LGAs and 1278 await NSW Government action. In each of the LALC areas it is apparent that land recovery provisions have been highly constrained and are yet to achieve the intentions of the ALRA.

Table 1.　Data arranged by LALC as at October 2018

LALC	Granted/ part land claims	Undetermined land claims
Central West NSW	29	6
North Coast	42	27
South Western NSW	11	0
Western Sydney	178	1278

While it is beyond the scope of this study to detail the history of the development of land rights and the rationale that informed the structure of the Aboriginal Land Council network and defined their operations, it is useful to highlight the limited land recovery achieved to date and the and disaggregation of land recovery from recognition of Aboriginal polity. The ALRA was configured as a social justice package that included a model of Aboriginal power that would interface with government. LALCs are member based and therefore have some claim as representatives of Aboriginal voices. However, the interests and roles of

LALCs do not always coincide with understandings of traditional connections to place, nor do they define connections to Country (other than in relation to joint management of National Parks). Several LALCs are experimenting with ways of layering membership that reflect patterns of movement and Traditional Owner rights and obligations.

LALCs have a statutory obligation to undertake a host of roles including the management of land and development of enterprises for the benefit of their members. While by no means exhaustive, we identified a range of publicly listed LALC activities in each of the case study locations. In the Western Sydney, the LALC is actively engaged in local development and planning, including in areas where significant public infrastructure projects are underway. The LALC are participating members of the statutory planning and development commission for the region. While they are the largest single private land holder in the region, the delays in land claim approvals continues to limit their ability to utilise their land holdings for the benefit of their members.

The Mid-North Coast LALC has 54 social housing properties they manage for members, as well as offering environmental service contracts, land management and site survey work. In South-Western NSW, the LALC reports that it organises and runs cultural camps aimed at connecting their young people to Country, local history research and a program supporting children's transition to school and access to disability services, funded by the IAS scheme. This LALC also runs a government service portal accessible to the whole community. The Central West LALC reports duties in the provision of social housing and assists with linking Aboriginal members with Aboriginal service providers and social support networks. Although this is by no means a detailed account of the activity of LALCs, it does illustrate the place-based function and objectives of LALCs and their diverse activities relative to their land holdings, opportunities and member priorities.

In this research project, we have offered an account of the organisations within each case study locality and have developed a schema for grouping them. This has been in terms of peak bodies, unique organisations and leading organisations.

Indigenous Advancement Strategy

We identified trends in relation to funding secured under the Indigenous Advancement Strategy (IAS). Introduced in 2014, the IAS is the Federal Government's mechanism for managing the $1 billion fund for Aboriginal programs and services run through a central grants process located in Department of Prime Minister and Cabinet. Funding is available through both open competitive and closed non-competitive streams. Aboriginal organisations must submit a grant application to be eligible for competitive funding.

In the Western Sydney LGA site, 22 IAS grants had been awarded (as at December 2019), totalling $6,413,420.95. Just under half, 49%, had gone to Indigenous organisations whereas 51% went to non-Indigenous (including schools and local councils). In Western Sydney, churches and NGOs were also awarded grants to run programs for the Aboriginal community. In the Central West LGA site, 17 IAS grants had been awarded totalling $4,4672,239.18. Indigenous organisations received 54% of the total and non-Indigenous organisations 46%. Large grants were awarded to non-Indigenous organisations including a government health agency that administered funding to partner ACCHS, a public school, and a private business offering Indigenous employment and training programs. In the Mid-North Coast NSW LGA, organisations received seven grants totalling $1,356,882.16 and in the South-Western NSW LGA, three grants totalling at $1,479,489.98 awarded. In both these LGAs, 100% of IAS funding was allocated to Indigenous organisations.

Interaction with all levels of government and Aboriginal organisations

The case studies demonstrate that while the Aboriginal organisations identified interact with all levels of government (local, state and federal) the extent of engagement varies. However, beyond the provision of grant funding, we found little evidence of interaction between the federal government and local Aboriginal community organisations.

In each of the sites studied, interaction between governments and Aboriginal communities was typically facilitated by a consultative committee, advisory group or interagency. The level of recognition of Aboriginal organisations by local councils varied from locality to locality. In the Mid-North Coast NSW LGA, there was an Aboriginal Consultative Committee which had been active since 1997. Its self-identified purpose was to act as a formal channel of communication between the local government and the local Aboriginal community. In the Central West NSW LGA, an interagency was specifically dedicated to facilitating networks between all Aboriginal public servants in the region. In the Western Sydney LGA, the local council has an Aboriginal Community Development Worker who is responsible for co-ordinating meetings with an Aboriginal Advisory Committee. In the South-Western NSW LGA case study, however, we found no specific Aboriginal advisory or consultative body with this role.

At a state level, interactions can occur in a number of ways. As noted above, peak bodies and regional alliances provide an interface with the NSW government, particularly in relation to advocacy, for peak bodies, and the co-ordination of service delivery for regional alliances. Organisations also interacted with specific government departments. This was particularly so for Circle Sentencing, a restorative justice program in which Aboriginal elders work with presiding magistrates to decide on the sentences of Aboriginal offenders, which ran in partnership with NSW Department of Justice, and for the ACCHS, which often had close relationships with the various NSW Area Health Services. Similarly, Traditional Owners or Elders groups often worked on land management with various state government departments including Local Land Services, the National Parks and Wildlife Service or the Department of Primary Industries (in relation to marine parks). For example, in the Mid-North Coast NSW LGA study a partnership had been formed between a university, several NSW government departments (environment and land management), and a local Elders Group. Funded by a grant from the NSW Government Environmental Trust, the resulting project centred on knowledge sharing, the recording of the traditional fishing and harvesting practices and the development of conservation land management practices within the local marine park. In Western Sydney, one Traditional Owners group had recently repossessed a site of cultural and historic significance from the early contact period. After many years of debate, this site had been transferred by government to the group who had registered as a charity.

Conceptualising Aboriginal polity

In each of the four case study sites we found a high uptake of what can be characterised as 'nation building' activities (Cornell 2015). Before relating this concept to the four case studies some discussion of the term is necessary. Nation building is a concept attributed to the scholarship of the Harvard Native American research program. Through rich ethnographies, it describes Indian community interests 'acting like a nation' despite being subject to marginalisation, dispossession and dispersal (Cornell 2015). Nation building is broader than looking at traditional pre-settlement nation groupings, but rather accounts for historic connections between people and place forged up until today. It differs from notions of 'self-determination' or 'self-management' which refer to the *right* or *authority* of Indigenous peoples to determine their own future. Instead, it refers to the *doing* of self-governance (Cornell 2015, p.1). Nation building is less concerned

with how governments account for Indigenous rights, and instead focusses on how Indigenous peoples themselves assert those rights, particularly where governments fail to recognise them (Cornell 2015, p.2).

Over half the organisations in the Mid North Coast case study were underpinned by nation building-like purposes and were constituted by Traditional Owners or Elders of the region. In South-Western NSW we found 43% of organisations promoted 'nation building'.

In the Western Sydney LGA, eight organisations were focused on 'being a nation'. Nation building in this urbanised location was complicated by colonial dispossession and an ongoing lack of legal recognition of the area's Traditional Owners. Nation building momentum, however, had been restored through a land handback in 2017, some 200 years after its dispossession. The nation building-like character of some organisations in this region also facilitated identification and attachment to place for young people who grew up away from their own Traditional Country, a process identified as key to their sense of belonging and self-knowing.

We found a distinct and common pattern, from the city to the bush and the coast, of old people creating opportunities for their young people to grow through knowledge and belonging. These activities did not appear to be framed as political, nor were they designed to contest settler sovereignty. Cornell (2015, p. 1) in his 'Processes of Native Nationhood' contends that Indigenous communities living within larger polities are reclaiming Indigenous self-governance as an Indigenous right and practice. Some elements of this include to 'act like a nation'; to focus less on what 'they' (government, settler society) want Indigenous communities to act, instead on what 'we' do; and doing it (Cornell 2015, 16-18).

The process of nation building implies a collective sense of self which, we argue, is characteristic of many of the organisations identified in this study. This sense of the collective self might draw on pre-colonial concepts, or the reclamation of cognitive processes requiring intentionality and creativity. Consequently, nation building is broader than traditional pre-settlement nation groupings and can cover historic connections between people and place forged right up until the present. While nation building involves a connection to place, it is not necessary that organisations have land holdings, but that they operate within a specific locality.

Communities of interest

One further concept that could provide a useful framework for considering our findings is the 'Communities of Interest' model of Aboriginal government introduced by the 1996 Canadian Royal Commission on Aboriginal People. The Report of the Commission contributed the concept to explain the phenomenon of Aboriginal peoples living in urban centres with 'ties to different nations, who share common needs and interests arising out of their aboriginality, [who] may associate voluntarily for a limited set of governing purposes' (Canadian Royal Commission on Aboriginal Peoples, 1996, Volume 2, p. 235). The concept resonates with the dynamic character of organisations within the Aboriginal sector in NSW. We have observed that Aboriginal organisations and peak bodies are in a constant process of forming and reforming, growing and dissipating, unifying and dividing for a variety of reasons.

Conclusion

The argument we have developed in this paper is that the British and settler Australian government history of denial of Aboriginal polity has been met by strategies developed by Aboriginal people to variously continue to survive as a distinct political community within the life of the of the nation-state, as unique and to an extent, self-governing. An appreciation of Aboriginal agency and resistance has long been a feature of historical inquiry, however, more subtle forms of exercising and realising Aboriginal polity are often overlooked. The structures that came from the self-determination era have surely been undermined,

but do continue to provide a basis for Aboriginal people to organise collectively. And to this end, the Aboriginal Land Council members who spend their weekends in community meetings, all in a voluntary capacity, devising ways to manage their land, create opportunities for their community and return benefit to members; the members of regional alliances who innovate to reproduce nation-based like affiliations to oversee a range of service delivery in their regions: these and countless others are illustrative of the conviction to continue and constitute Aboriginal polities.

We have highlighted the shift from organising as a community to one of a 'nation' and therefore a 'political community'. There is now a near 50-year history of Aboriginal community everyday effort to create, rethink, navigate and negotiate the terms on which government constitutes one's interests and governance. In our study of four separate localities we identified enormous local level effort, that has little comparison in wider Australian society, to organise as a polity, or emerging polity, in the management of lands and local economy and the delivery of services. It is these subtle and enduring actions that require closer attention to appreciate the larger and more substantive reforms needed.

Acknowledgements

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