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"City and Town Dwellers"
"BAGOT"

Bagot

304. The third special case to which I wish to refer is that of the Bagot Reserve. I think it is worth setting out the history of this reserve in some detail, since it illustrates the way in which Aboriginal interests can be lost sight of when other requirements become pressing. It also shows that the general Darwin community owes some land to Aborigines on the basis of past understandings. The history to which I refer appears sufficiently from the following correspondence.

305. On 4th October, 1961 the Administrator of the Northern Territory (Mr Roger Nott) wrote to the Secretary of the Department of Territories (Mr. R. C. Lambert) saying that 'the question of recommending revocation of portion of the Bagot Aboriginal Reserve has been under consideration . . . for some time'. The letter went on:

'The Bagot Reserve was declared to be a Reserve for aborigines in 1938. It was developed in the first instance, immediately pre-war and was near completion at the outbreak of war when it was taken over by the Services and used as a R.A.A.F. centre. Immediately post-war, owing to the return to the area of large numbers of part-coloured families, it was used for a time to accommodate these people. Over this period the full-blood aboriginal population of the Darwin area was accommodated at Berrimah in old Army huts.

In 1949/50, following difficulties associated with the control of the aboriginal community at Berrimah, it was decided to transfer the part-coloured population from Bagot and to return the full-blood aboriginals from Berrimah to that location. When this transfer to Bagot took place, the aboriginal population at Berrimah would have been approximately 200 with a considerable number of itinerants. Over the past five years this community is becoming more stabilised as more people are coming to regard Bagot and Darwin as their home country; as a result the numbers have been steadily increasing to the present where the population is reasonably static at between 300 and 350.

Whilst the area of the Reserve is approximately 750 acres, at least half of this is swamp or semi-swamp land which would require considerable reclamation and drainage work if it were to be developed for housing sub-divisions . . .

Because the Government has a considerable capital investment at Bagot and having regard to the fact that a large group of people now regard this area as home, many of whom will not move from the settlement into the normal community, I do not think that we could justify movement of the settlement to an area outside the Darwin town area even if a suitable place could be found. Moreover large numbers of the natives from Bagot now undertake employment in the Darwin area and with the Settlement situated as it is, these persons can travel to and from their jobs by normal transport. If the settlement were moved further out of Darwin, quite obviously special arrangements as presently apply at Amoonguna, would have to be made to transport these persons to and from Darwin each day.

In these circumstances I think we should consider retaining the present built up area of the settlement, including the garden area, and should provide a small green belt around this area to give opportunity for possible future development and to provide some insulation from the proposed housing sub-divisions. If this were done, the area of the Reserve would then be approximately 84 acres which, in my view, would be sufficient for the immediate and future needs of this settlement.'

306. On 11th December, 1961 the Secretary replied, quoting his then Minister, now Sir Paul Hasluck, as follows:

'No decision of this significance can be made until after the elections. In any case, we cannot reduce an aboriginal reserve on grounds related solely to the need for land for housing. I suggest that the approach has to be from the starting point that the land has been dedicated for the use and benefit of aborigines. That includes not only their present but also their prospective use and benefit. It is true that we hope that the need for separate 'settlements' for them will gradually disappear but it is probable that even in the long term there will be a continuing need for some institutions for them near Darwin. As they progress towards assimilation it is our intention that they should live in and with the rest of the community and that there should be no 'native' quarter in Darwin. To serve this purpose and also to be fair to the aborigines we have to make sure that during the next thirty years there are blocks of land available and within their reach. I could not justify cutting up some hundreds of acres of the

Bagot Reserve for housing if in thirty years' time the only land left for the next generation of aborigines was to be a long way out in the paddocks that nobody else wanted. Any proposal regarding housing on land taken from the Bagot Reserve would have to include provisions that would ensure not only the certainty of access but some degree of preference to aborigines in getting blocks and as they may not have the means to compete for blocks now, that assurance would have to be good for many years to come. I suggest that we have to look at a proposal for the future development and use of the reserve for aborigines and not simply at a proposal for taking away some of it'.

307. On 5th January, 1962 the Administrator wrote again concluding his letter with the following paragraph:

'Perhaps the Minister would be prepared to further consider this proposal on the basis that land withdrawn from the reserve and suitable for residential sub-division would be made available for the Housing Commission on the understanding that there would be a judicious selection of tenants for such sub-divisions to assist in the policy of assimilation and that aboriginal applicants would receive equal consideration'.

308. On 12th March, 1962, the Secretary replied quoting the following minute of the Minister:

'Not approved. The most that I would be prepared to consider at the present stage of advancement of the aborigines would be a proposition to excise a specified area (for example 50 acres) for handing over to the Housing Commission, the size of the area being determined in ratio to the number of aboriginal and mixed blood families ready to move into the tenancy of Housing Commission Homes as soon as the homes are ready. To illustrate my meaning, if we fixed the ratio at 2 to 1, then, assuming that there were 30 aboriginal and part coloured families ready, we could excise enough land to provide 90 residential blocks. From time to time, as more aboriginal families advanced to the stage where they could take tenancies, more land could be excised to meet the further requirements. I am not prepared to reduce the reserve at one sweep but will only approve of a reduction stage by stage in keeping with the growing capacity of the aborigines to use the land in a new way'.

309. On 20th June, 1962 the Administrator wrote again saying:

'Outstanding applications held by the Housing Commission from part-aboriginal persons for tenancies of Housing Commission homes in Darwin as at this date total 49. Outstanding applications from aborigines total 5. The Welfare Branch have advised that the Housing Commission can expect another 7 applications from aborigines in the next two years. It could be expected that in the next two years the Commission will receive applications from another 40 part-aboriginal families for tenancies. Based on these, and remembering that it will take at least two years for housing, the number of aboriginal and mixed blood families ready to move into the tenancies of Housing Commission homes as soon as the homes are ready could be taken as 100. If the ratio of 2:1, to which the Minister's minute referred, were adopted, this would require land to provide 300 residential blocks . . .

If the Minister approves of sub-division to provide 300 residential blocks, it is considered that this might be staged as follows:

Stage I — 40 acres on the Ludmilla side of the Reserve

Stage II — 60 acres immediately on the settlement side of the aerodrome runway approach.

This would leave an area of about 36 acres between any sub-division and the settlement'.

310. On 10th July, 1962 the Secretary replied as follows:

'After considering the recommendation contained in your memorandum of 20th June, 1962, the Minister approved on 5th July, 1962, your recommendation —

"... on the clear understanding that one out of every three blocks obtained by the resumption and the subsequent sub-division will be kept for aborigines; that the resumption is made in two stages and that the Administrator indicates when stage 2 will be commenced; that the total area resumed does not exceed 100 acres".

640 acres
= 260 ha
reduced to
57 acres
= 23 ha

311. The Secretary wrote again on 1st November, 1962 referring to a memorandum of 26th October, 1962 and saying:

'The first matter dealt with in your memorandum is the proposal of the Housing Commission to disperse the 100 blocks to be made available for coloured tenants within the next two years instead of providing them at Bagot in the ratio of 1:3, as was directed by the Minister. Your memorandum does not give your own comments on this and I should be glad to have your views'.

312. On 13th December, 1962 the Minister wrote a minute in which he said:

'I have approved of the excision of part of the Bagot Reserve in successive stages so as to provide blocks for building purposes on the condition that one in three of these blocks is kept for the purpose of housing aborigines. Our policy against segregation would require that the one block in three was set aside throughout the whole sub-division and not in any one section of it. If there are 120 blocks of land, 40 blocks of land have to be kept for aborigines. These 40 blocks need not be built on immediately if there are not enough aboriginal applicants for housing who are waiting at this particular moment. They need not all be found in Stage 1 of the Bagot sub-division, so long as the blocks found outside the Bagot sub-division (Stage 1) are no less eligible than those in the Bagot sub-division (Stage 1) and so long as the interspersing of aboriginal householders with non-aboriginal householders gives no larger a proportion of aborigines to non-aborigines than 1 out of 3'.

313. On 15th March, 1963 the Administrator wrote to the Secretary saying:

'During his recent visit to Darwin, the Minister had some discussion with the Director of Welfare and the Chairman of the Housing Commission and the following represents a statement of the proposals which were then placed before the Minister —

Revocation and sub-division of Bagot Reserve:

(i) This process is to take place, as you know, in two stages, each stage to comprise one residential sub-division. The built-up area on the reserve comprising the present settlement area and the Bagot Hospital will remain as an aboriginal reserve for some considerable time, but may be considered in the long term as a further residential sub-division;

(ii) To ensure that the aboriginal people for whom the reserve was originally set aside, retain some land rights following the revocation, the Housing Commission will make available to equivalent of one in three residential sites from the sub-division of the reserve throughout the other Darwin sub-divisions. This will mean that if there is a total of 240 sites obtained from the two sub-divisional stages, aboriginals will be entitled to 80 blocks throughout the Darwin area, which will, of course, include some blocks in the reserve sub-divisions when these are developed'.

314. On 14th May, 1963 the Secretary wrote to the Administrator in the following terms:

'On 24th April, 1963, the Minister approved the following proposals:

- (a) Funds will be provided to the Housing Commission, additional to its normal funds, for building transitional houses for aboriginal tenants.
- (b) These transitional houses will be built on land of the Commission in numbers agreed each year between the Director of Welfare and the Chairman of the Housing Commission, in compensation for the Bagot resumption, though not limited to the numbers that would result from that obligation; the houses to be the property of the Commission'.

315. On 8th April, 1964 the Administrator wrote again, referring to planning delays which had occurred and saying:

'It will be necessary, however, to revoke the Reserve before sub-divisional development may take place, and to obtain the Minister's approval to proceed with this revocation as soon as possible. To this end, the attached design has been prepared showing the boundaries of the present Reserve, the area of the Reserve recommended for revocation, and the proposed development of the lands in the area to be revoked. About 30 per cent of the Reserve is unsuitable for housing, being tidal and covered with mangroves, and these areas as you will note from the plan are to be used for public purposes; i.e. for extensions to the University site and as park lands. Another section is also excluded from housing development because it lies within the 'flight funnel' of the main airport runway area so this area is also to be used as park lands . . .

The Minister's requirement that land comprised in the Reserve should be replaced after revocation in the form of housing sites for Aborigines will be honoured (see your memos of the 14th May and 11th September, 1963) and the first 25 houses are currently being erected by the Housing Commission. A further 50 houses will be constructed next financial year, with the extension of the scheme to other towns. After next financial year, the Commission will continue to build these houses throughout the Territory as the need arises so that it can be expected that the total number of houses eventually made available for Aborigines will comprise a land aggregate well in excess of the present area of the Reserve'.

316. The Secretary (now Mr G. Warwick Smith) wrote to the Administrator on 28th August, 1964 as follows:

'In placing your proposals before the Minister it was noted that Bagot Aboriginal Reserve was proclaimed in 1938 when Aboriginal welfare policy was protection and segregation. There were then very few other persons living in the immediate area. Vehicular access was specially constructed. The reserve is now bordered to the south by a residential sub-division. To the north are some leases; the suburb of Nightcliff has developed and the number of personnel at the aerodrome has increased. The reserve contains a little over 700 acres.

The developed area is small and accommodates Aborigines working in or passing through Darwin. There is an annex to the Darwin hospital for Aboriginal patients. There is a special school. The Welfare Branch is responsible for all welfare and municipal services within the occupied area. The Branch resources are fully taxed and it is unable to develop or improve the unoccupied portion which requires clearing, drainage and beautification. The scrubland and swamps provide the seclusion ideal for drinking and gambling orgies and other forms of anti-social behaviour. The very nature of the land prevents adequate supervision by authority. There is no value in the land as separating the Aborigines from the suburbs.

On 5th July, 1962, the previous Minister approved the release from Bagot Reserve of an area of 40 acres between the existing settlement and Ludmilla Creek to the south, to be followed by 60 acres between the line of approach of the aerodrome runway and the existing Bagot settlement to the north on the clear understanding that one out of every three blocks obtained by the resumption and the subsequent sub-division will be kept for Aborigines; that the resumption is made in two stages and that you indicate when stage 2 will be commenced; that the total area resumed does not exceed 100 acres . . .

It has been agreed that for the land allotted to the Housing Commission from within the Bagot Reserve the Commission will make available to Aborigines at least one block somewhere in Darwin for every three taken at Bagot. You have stated that this will be honoured and the first 25 houses will be built in 1964/65 with the extension of the scheme to other towns. The Commission will continue to build houses for Aborigines throughout the Territory as the need arises and you expect that the total number of houses eventually made available will occupy a land aggregate well in excess of the area of Bagot Reserve suitable for housing. It might be noted also that very few of the Aboriginal occupants of Bagot are descended from the original inhabitants of the Darwin area . . .

You sought the Minister's approval to —

- (1) revoke the Bagot Aboriginal Reserve;
- (2) proclaim as an Aboriginal Reserve the portion outlined in red in the attached plan;
- (3) proceed with the sub-division of the remainder of the residentially usable 40% for housing purposes (ultimately to provide 500 blocks);
- (4) subsequently develop the remainder as park lands.

Your proposal represents a considerable change from the previous Minister's approval in that it would result in considerably more land being taken for general community housing and much greater vagueness about the numbers and location of houses to be allotted to Aborigines in lieu of land taken from the Aboriginal reserve. It was thought that the only logical use for this land is for sub-divisional development and that the policy of assimilation would be negated by keeping the land as a sub-division exclusively for Aborigines. It was considered, however, that to limit the possibility of the revocation being criticised as depriving Aborigines of their interests in reserves without any proper recompense, the Housing Commission obligation should be more specifically stated as to provide at least one third of the number of houses in Darwin for allocation to Aborigines, as and when suitable Aborigines apply for houses, as the number of allotments made available as the result of the revocation.

On 6th August, 1964, the Minister agreed that the previous Minister's decision stated at paragraph 4 be revised and approved that, on the understanding that the Housing Commission will make available in Darwin, to Aborigines, houses at least to the number of one third of the allotments taken from the reserve, as and when suitable Aborigines apply for tenancies:

- (1) the existing Bagot Aboriginal reserve may be revoked;
- (2) the area outlined in red in the attached plan be proclaimed as an Aboriginal reserve;'

317. The explanatory memorandum for the Executive Council minute began as follows:

'By Proclamation dated 20th January, 1949, the Governor-General reserved the present Bagot Aboriginal Reserve for the use and benefit of the Aboriginal inhabitants of the Northern Territory.

The developed area of the reserve is small and accommodates Aborigines working in and passing through Darwin. The unoccupied part, much of

which is scrub and swamp, requires clearing, drainage and beautification.

Since the reserve was originally proclaimed, considerable urban development has taken place in Darwin and the unoccupied part of the reserve could best be used to provide further housing sites which are urgently needed.

It is proposed that the Housing Commission will make available in Darwin, to Aborigines, houses at least to the number of one third of the allotments taken from the reserve. This will aid assimilation and there will be sufficient land within the area proposed to be retained for the living and recreational needs of those Aborigines who require special education, care and training.

318. On 27th May, 1965 the revocation and the fresh reservation of a decreased area were approved by the Executive Council.

319. On 2nd June, 1965 the Minister made a press release in the following terms:

The provision of a new housing sub-division is one of several changes in the uses of the Bagot Aboriginal Reserve, near Darwin, which were announced today by the Minister for Territories, the Hon. C. E. Barnes, M.P.

Mr Barnes said that when the 640 acre Bagot Reserve had been set aside in 1938, the policy had been protection and segregation of the Aborigines.

Since then progress in two important directions had led to a review of the future of the Reserve.

Social change among the Aborigines living in the Reserve, and among those now ready to move from more remote settlements and missions to employment, had resulted in numbers now being ready to enter the wider community and live in normal suburbs.

With the progress in the development of Darwin, as a city, the Bagot Aboriginal Reserve had changed from an isolated area on its outskirts to a largely developed area in the midst of expanding suburbs.

Since its establishment Bagot had served a very useful purpose, providing a home for Aborigines working in Darwin, and acting as a transit centre for those coming to the city for medical attention or special occasions.

For these people the Reserve had had its own hospital, school and other facilities. There was currently a programme for improvement of the buildings and facilities, and for the construction of individual homes where Aboriginal people could gain experience of normal home life under some guidance, and be fitted to become fully responsible tenants in the general community.

Mr Barnes said that only part of the Reserve was now needed for these institutional purposes.

On the other hand, there was a need for expanding opportunities for Aborigines to obtain normal housing and employment in Darwin, whether they came direct from outlying settlements or through the special housing at Bagot.

The area of the Reserve not needed for the institution was therefore to be used for a housing sub-division. One section was to be kept clear to meet air safety requirements associated with the nearby international airport, and would be developed as a park for people living in the sub-division and reserve sections.

A vital consideration in these plans had been to promote normal housing for Aborigines, but avoiding the segregation of their families into closed groups anywhere in Darwin.

For this reason, and in keeping with its overall assimilation policy, the government had arranged with the Northern Territory Housing Commission that houses for Aborigines should be dispersed throughout new Darwin suburbs and that at least one house for each three blocks in the Bagot sub-division will be made available for Aborigines.

Mr Barnes said that the action being taken was in keeping with government policy which was to ensure that Aborigines would benefit from the sub-division of any Reserves.

Tenancies of Housing Commission homes in the new Bagot sub-division, elsewhere in Darwin, and in other Northern Territory towns would provide Aborigines with real opportunities to participate in the normal life of Territory communities'.

320. It will be seen from the above correspondence that the Minister of the day was adamant in 1961 that the long-term needs of Aborigines should be provided for. In particular his statement that,

○NB ['I could not justify cutting up some hundreds of acres of the Bagot Reserve for housing if in thirty years time the only land left for the next generation of Aborigines was to be a long way out in the paddocks that nobody else wanted ...'

was prophetic of the actual events. It lends force to the urgent requirement to retain Aboriginal living areas such as Kulaluk and Railway Dam.

321. In the event, all the things which the then Minister feared came about. The reserve was reduced 'at one sweep' and not 'in keeping with the growing capacity of the Aborigines to use the land in a new way'.

322. None of the Minister's three conditions — one out of every three blocks kept for Aborigines, resumption in two stages and total area resumed not to exceed 100 acres — was observed. In fact few of the blocks were retained for Aborigines; the resumption was at one time and it amounted to some 580 acres. I understand that at about this time 25 houses were built specifically for Aborigines, but only twelve were ever occupied by them and only one family remains today in those houses. However the position is not entirely clear because no particular records of Aboriginal tenancies are kept.

323. It will be noticed that the whole tone of the correspondence changed in August 1964 with a new Secretary writing on behalf of a new Minister and putting on record all the arguments which the Administrator had been advancing for the drastic reduction of the area of the reserve. It might be noted in passing that nowhere did the final press release state that the Bagot Reserve was being reduced from an area of 640 acres to one of 57 acres. It is difficult to see today how it was ensured 'that Aborigines would benefit from the sub-division'. The simple truth of the matter was that the scattered integration of Aborigines was not what they wanted. They lost a large area of useful land and have nothing to show for it.

324. As stated earlier, I have drawn attention to the case of the Bagot Reserve for two reasons. First, it is an interesting recent example of how developments believed to be in the interests of the community generally can be rationalized so that they are thought to be in the best interests of Aborigines also.

325. Secondly, it highlights the strength of the Aboriginal case for more land in the township of Darwin. In spite of submissions to the contrary on behalf of the Gwalwa Daraniki, I take the view that what was done in 1965 cannot now be undone. But this does not mean that compensation in the form of land and houses cannot be made available, in areas acceptable to Aborigines, elsewhere.

326. So far as the particular case of the present Bagot Reserve is concerned, I stand by what I said in my first report (para. 156), namely that I see no difficulty in vesting title to the reserve in a properly elected and incorporated committee of residents. The interests of transients will have to be protected unless and until other camp or hostel-type arrangements are made for them. In any event I would suggest that the community council should receive an appropriate long-term lease of the land and should have power to sub-lease building allotments to Aborigines. Where houses are erected at public expense or by the efforts of the community, there should be no right to assign the lease or to sub-lease the premises. Where the Aboriginal lessee has himself paid for, or arranged finance for, the construction, he should be able to realize the value of his asset by receiving a longer term lease, with power to assign or sub-let to another Aborigine.

Other places

327. Before leaving this topic of city and town dwellers I should say that I have not dealt specifically with other areas such as Knuckey's Lagoon at Berrimah or the various camps at Alice Springs, Tennant Creek or Finke, because I do not feel sufficiently well informed about them to make any helpful comments. The general principles outlined above should be applied to these cases.

*"Wallaby
Cross"*

Summary of recommendations

328. (i) Planning for Aborigines in towns must involve consulting them to discover their wishes. Their preferences will range from normal town houses, through clustered community accommodation to permanent facilities for camping.
- (ii) Such preferences, along with tribal affiliations, must all be provided for in town planning and in the provision of housing funds.
- (iii) Aborigines should, generally speaking, be housed or otherwise accommodated in the places where they are accustomed to live, provided that is their wish.
- (iv) Regional Land Councils should each assign an officer to find out the housing requirements of Aborigines in towns within the region.
- (v) The Land Councils should then make submissions to town planning authorities and to the Aboriginal Land Commission.
- (vi) The Land Commission after considering these submissions, making its own investigations and consulting with planning authorities,

should make recommendations to the Government concerning the acquisition of the necessary land for Aborigines in towns.

(vii) Where moneys are required for such acquisitions, they should come from the Aboriginal Land Fund. It is expected that such purposes would probably receive a high priority because the need is so pressing in many places.

AB | (viii) By the end of 1976 all Aboriginal groups, except those actually travelling, should be living on land where they are content to be and where they have a recognized right to be, because it is held on their behalf by Aboriginal trustees.

(ix) Land held for Aborigines in towns should have the same tenure as is normal in each town. The holders should be trustees, approved corporations or community councils as appropriate in the particular case.

(x) Land should be acquired for Aborigines at Kulaluk and, unless there are very strong arguments to the contrary, Railway Dam.

(xi) The Bagot Reserve should be leased to a committee of residents and the terms of the lease should protect the rights of transients to use the area.