

# Cultural care and Aboriginal land rights in New South Wales

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## Abstract

An appreciation of Aboriginal land rights in New South Wales (NSW) is characterised by two dominant narratives. One is that land rights are central to achieving and advancing recognition and support for the existence and survival of Aboriginal peoples in the settled spaces of south-eastern Australia. In this view, Aboriginal land rights realise intrinsic political power. The second dominant narrative is that the land estate restituted to Aboriginal people's Local Aboriginal Land Councils (LALCs) is to be “activated” and “leveraged” for economic prosperity of collectively defined groups and shared to support and sustain individuals and families. This perspective holds that land enables realisation of wealth and prosperity. Although these narratives are based in truth, they have served to make some important work and values held by Aboriginal people less visible in any evaluation of the benefits of land rights. It is this less visible work, the work of care that is unique to Aboriginal worlds and made possible by the resources and structures of LALCs realised through the Aboriginal Land Rights Act, 1983, that is the focus of this paper.

## KEYWORDS

Aboriginal land rights, care, self-determination, sorry business

## 1 | INTRODUCTION

Appreciation of Aboriginal land rights in New South Wales (NSW) is characterised by two dominant narratives. One is that land rights are central to achieving and advancing recognition of, and support for, the existence and survival of Aboriginal peoples in settled

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south-eastern Australia. In this view, Aboriginal land rights and the Local Aboriginal Land Councils (LALCs) the laws created realise intrinsic political power. The second dominant narrative is that the land estate restituted to Aboriginal people's member-based LALCs is to be "activated" and "leveraged" for economic prosperity of collective groups and shared to support and sustain individuals and families. This perspective holds that land rights underpin economic power.<sup>1</sup> Although these narratives are based in truth, they have served to make some important work, and values, held by Aboriginal people less visible in the story of NSW Aboriginal land rights. This research details how Aboriginal-led care, as this relates to support in times of grief, loss and mourning is realised through the structures created by the NSW Aboriginal Land Rights Act (herein NSW ALRA). Developed in this paper as "cultural care", I argue this is a unique dimension that is under-examined in accounts of the 40 year history of Aboriginal Land Rights in NSW.

This paper references a larger study about the perceived benefits of land rights (Collins & Norman, 2018). Fieldwork with LALCs conducted by the author in the period 2018–2021 drew attention to the role of LALCs in a wide range of activities that revolve around cultural care for their members, especially in the context of Sorry Business. This dedicated labour is less concerned with political power or development, but rather attends to important and valued cultural activities and obligations. Cultural care is made possible, in part, by the infrastructure and resources that have flowed from the recognition of Aboriginal land rights in NSW.

Sorry Business, in contemporary Aboriginal society, broadly speaking refers to responses to grief and loss in the past and present, including death, and extends to responsibility for Ancestral Remains and more-than-human loss and destruction. Cultural practices around death, broadly referred to as "Sorry Business", are an important and prioritised commitment for Aboriginal peoples in NSW. As Carlson and Frazer (2015, p. 212) explain, Sorry Business refers to "a term used by Aboriginal people across Australia to describe a broad range of practices associated with death, dying and funerals." Glaskin et al. (2008) emphasise the diversity and richness in expressions of Sorry Business across Australia and the many associated activities, rituals, traditions and practices inflected by the distinct histories and values of communities. Strathern and Stewart emphasise that common to these varied examples of Sorry Business are the ways that Indigenous communities can "turn funerals into reassertions of community values" and "rebuild their solidarities around the very practices of grieving that mark their life-worlds and experience of death" (2008, p. xiii).

## 2 | RESEARCH

In 2021, amid the global COVID-19 pandemic, the fieldwork interviews with LALCs were conducted by phone, in accordance with public health directives. Research Assistant Therese Apolonio and I undertook a series of interviews with focused questions about how LALCs responded to Sorry Business in their communities. This focused research was prompted by earlier interviews with LALCs where themes around cultural care were consistently identified by participants. In most cases, the LALC Chief Executive Officer (CEO) or elected Chair was interviewed; on one occasion, a staff member who managed the LALC Funeral Fund, and on another, the LALC's cultural heritage officer were interviewed. LALCs were selected for interviews based on geography and availability; we sent them an introductory letter that detailed the questions and indicated that we would follow up with a phone-call interview. We made extensive notes, recorded interviews and returned summary notes to participating LALCs with the opportunity to make any corrections. The LALCs interviewed were Awabakal, Bahtabah, Bathurst, Birpai, Bega, Cobowra, Coonabarabran, Darkinjung, Deniliquin, Forster, Glen Innes, Jali, Merrimans, Mogo, Moree, Mudgee, Narromine, Nyngan, Onerwal, Purfleet/Taree, Ulladulla, Unkya, Wee Waa, West Wyalong, Wilcannia and Worimi; three further

LALCs were interviewed and were de-identified at their request. We spoke informally with Deerubbin LALC and analysed the documents they supplied. We also searched news and social media coverage of relevant LALC activity.

The research revealed that LALCs support their members and community in bereavement in a range of different ways and that this 'cultural care' is a valued and prioritised part of their responsibility to members. Support is provided for funeral-hosting and organising costs; funeral travel, including fuel vouchers or the loan of an LALC car/bus and petrol card; access to LALC property for holding wakes; and catering for wakes. Several LALCs act as liaisons between mourners and funeral providers. In one instance, the funeral home offered special arrangements for Aboriginal families, where they could make a deposit and pay off funeral costs in instalments. In the course of their work, LALCs may find that they need to liaise with other services. One CEO explained it was difficult for her LALC to be the sole provider of funeral support because, as she said, "there are so many funerals" (Thwaites 2021); instead, they work with the Aboriginal health service.

### 3 | BACKGROUND: ABORIGINAL LAND RIGHTS AND LALCS

It is useful to provide a brief overview of the motivation and rationale of the NSW Government in recognising Aboriginal land rights after nearly 200 years of colonial land dealings. The driving force in the recognition of Aboriginal interests in land came from Aboriginal people, and while the focus and possibility of securing government support changed over time, land justice was an ever-present demand from the opening decades of the always violent and moving colonial frontier.

By the mid-1970s, the culmination of local concerns for land security, alongside an international and national mood for change, fired organising for land rights among skilled and long-time dedicated Aboriginal Elders and their younger generation, some now with tertiary qualifications and with strategies to realise political power. These skilled activists met a reforming and electorally bolstered Labor Government in NSW. As the NSW Government commenced an inquiry in 1978 that was to broadly recommend a land rights response and examine the state's Aboriginal affairs policy, Aboriginal Elders directed the government's attention to land rights and protection of sacred sites. The two reports (known as the Keane Reports) generated from the inquiry first focused on land rights and sacred sites and the second mapped out a range of initiatives in government programs and services (1980, 1981).

In 1983, the NSW ALRA announced the policy of self-determination and aligned with this policy shift was the establishment of a responsible Minister for Aboriginal Affairs and department. The NSW ALRA established the Aboriginal Land Council (ALC) network, comprised of 120 autonomous LALCs across NSW, nine Regional Aboriginal Land Councils (RALCs) and the state peak body, the NSW Aboriginal Land Council (NSWALC), a land claims process for recovering (limited, available) Crown land and a 15-year funding stream to support the long-term operations of the ALC network and fund ALC initiated enterprises. Initially established as a three-tier local, regional and state ALC network, by 1990, it was reduced to a local and state office network with the latter becoming responsible for regulating the finances and governance of LALCs. Aboriginal land rights in NSW recognised colonial violence and dispossession and Aboriginal strategies to survive and regenerate their social, cultural and economic systems. The ALRA thus acknowledged Aboriginal people's lives were shaped by colonial history and that new patterns of historical attachment and movement of people were hallmarks of Aboriginal survival. The laws were conceived as a social justice package that intended to support Aboriginal polity and build an economic base through the restituted Aboriginal land estate.

LALCs carry out a range of activities in service of their members' needs. The NSW ALRA sets out in section 51 that the object of each LALC is “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.” These functions (s 52) include land acquisition, land use and management, culture and heritage protection, and financial stewardship. While the Act sets out legally enforced parameters of what an LALC can and cannot do and the state office of the ALC network oversees compliance, the richness of LALC activities and how they are informed by community priorities and aspirations is rarely explicated.

In earlier work, we argued that LALCs are examples of Aboriginal polity/polities and rather than being extensions of bureaucratic governance by the settler state, are pluralist models of Aboriginal self-governance that are informed by, respond to and represent the aspirations and priorities of their cultural and political member-based group (Norman et al., 2021, p. 2).

#### 4 | DEFINING CARE—WHAT THE LITERATURE SAYS

The literature on care is diverse and evolved from an initial gender studies focus, to include family, kinship, health and well-being, culture and gender, and country. Gender studies have emphasised the reproduction of a capitalist patriarchal order that explains the care economy as gendered and unvalued. Extending beyond gender, care literature has been more widely considered in the context of public debate (Power & Mee, 2020; Ziwick, 2022; Slaughter, 2021) on the role and importance of care with regard to infrastructure, for ageing western populations and in a world reeling from the pandemic health crisis. Other scholarship emphasises care as less confined to gender norms and instead defines care as a relational practice that extends beyond family structures and public policy concerns to describe the social dimensions of human existence that includes “... everything that we do to maintain, continue, and repair our ‘world’ so that we might live in it as well as possible” (Fisher & Tronto 1990, p. 40). Developing this further, Peters et al. suggests “an ethic of care begins with the notion of the irrefutability of human interdependence and the centrality of relationships and care in human existence” (Peters et al. 2010 p. 176). Another definition of care is “an open-ended process which, as a dimension of social security, connects a giving and receiving side in practices aimed to satisfy socially recognized needs” (Thelen 2015, p. 509). Thelen is keen to conceptualise care practices as “vital elements” of multiple forms of social relations—not just familial. She argues that much of the existing literature on care (deriving from Social Reproduction Theory (SRT), disability studies and kinship studies) is “fragmented” as well as “framed in western normative notions and relational categories” and “firmly in the ‘family box’” (p. 508). She continues: “this division can be attributed to the immense stability of relational classifications, which made care practices visible (and important) in some but not other realms of life that are considered public or political” (p. 508). For example, although kinship studies “developed a procedural understanding of how significant ties are created through care practices,” this was still primarily “limited to what was always perceived as the realm of the family” (p. 510). Thus, Thelen proposes that care should be understood as a “central element of social organization,” crucially important “for the (re) production of [multiple different] significant relations” (p. 498). Furthermore, following from kinship and feminist studies, Thelen (2015) asserts that it is the practices of caring which form relationships between people, not the other way around. In this way, she underscores care as a process (p. 509). Elsewhere, Thelen & Coe (2019) argue that “the generative or productive force of care is often overlooked” in feminist scholarship, literature on global care chains and literature exploring care through the lens of neoliberal policy (p. 284). Again, there is an emphasis on a “processual understanding of care,” which “denotes its negotiation in practices that aim at satisfying socially constructed needs” (p. 284).

In public policy discourse, care is often aligned with state “protection” of its Aboriginal subjects. Consider the public policy discourse “out of home care” that denotes state provision of

care for children. Vincent makes the distinction between “caregiving” and “care.” in her study of the “Cashless Debit Card”—a punitive welfare measure administered to Aboriginal people from 2016 and later extended to other welfare recipients. “Caregiving” refers to “the intimate and domestic process of maintaining life,” involving a “constellation of... practical tasks” (p. 9), whereas “care” in Vincent’s schema refers to “the state’s provision - or otherwise - of conditions that sustain the lives of its most marginalised citizens” (p. 9). Vincent’s intention here, in discussing the everyday work of caring for others “within the larger landscape of the welfare state’s provision of care” (p. 14), is to offer “insight into how grounded practices of care articulate with larger regimes of care” (p. 16). Vincent observes “caregiving” as “distributed” (via Finlayson et al, 2000) where she observes “Aboriginal people took pride in the intensive provision of caregiving across multiple, kin-connected households”; this approach to caregiving, rather than being in crisis or in need of state intervention, is instead “a source of pride and cultural value” (p. 16).

Thus far, the care literature has largely focused on debates over social reproduction in the public and private spheres. Consideration of care in the context of Aboriginal worlds introduces care as extending beyond the human realm. The discourse “caring for country” describes approaches to Australian Indigenous land and sea management, but more so understands relation to country, land and place, as care. This language became more recognisable and legible to governments from the 1990s and is increasingly documented as generative of social-political, cultural, economic, and physical and emotional Indigenous well-being (Weir et al., 2011, p 1). The literature reveals that the activity of caring for country is increasingly measured as maintaining cultural life, identity, autonomy and health (2011, p. 3).

The recent Australian Human Rights Commission’s (2020) *Wiyi Yani U Thangani (Women’s Voices): Securing Our Rights, Securing Our Future Report* draws together a range of perspectives on care, including gender, cultural context and country to account for the role of Indigenous women today. The report equates care as “the law,” explained as “a universe of intricate relationships where we all have roles, responsibilities and obligations to care for and protect one another and the country” (p. 77; Arabena, 2020). In these last two accounts, what emerges is an account of care that encompasses gender, family and kinship, and connection and responsibility to country. Importantly, Indigenous care is generative of social connections, of country and connection to country. This dimension of care as cultural care, emerges from the fieldwork and interviews with LALCs.

## 5 | LALCS “CULTURAL CARE”

The work of LALC members in cultural care associated with Sorry Business reflects a host of interconnected phenomena. With the passing of the NSW ALRA, LALCs gained possession of what remained of Aboriginal reserves and settlements, including adjoining cemetery. Secondly, land recoverable by the NSW ALRA is confined to certain available crown lands and often the land LALCs have recovered adjoins the town cemetery. Thirdly, material conditions have given rise to LALCs finding ways to support members when it comes to Sorry Business. The experience of financial disadvantage for many Aboriginal people, combined with the political economy of the Australian funeral industry and laws governing burials, compels LALCs to devise ways to support their members.

## 6 | DISPOSSESSION, HONOURING THE DEAD AND CARE OF ABORIGINAL GRAVES OVER TIME

Honouring the dead through ritual and ceremony is an enduring and central part of Aboriginal worlds that continues in different ways today (Glaskin et al., 2008; MacDonald 2008). Cultural

rituals in relation to death and mourning were dramatically interrupted as settlers invaded, taking control of Aboriginal lands and denying access to resources. Death, initially by disease on Gadigal land, was devastating: smallpox decimated coastal Gadigal people, western woodlands Sydney people and beyond. Observing this, it was lamented, “not a living person was in sight; they had left the dead to bury the dead” (Collins, 1804, p. 384). Moving over the ranges to western and north-western NSW, the death toll from frontier violence depleted clans of carefully delineated knowledge, cultural responsibility and obligation for ceremonies. In the period of heightened frontier conflict in the first half of the 1800s, defence of burial places was a feature in frontier conflict, and in the third quarter of the century, changing economies created some opportunities, however exploitative, to return to one's land, now as domestic and rural labour and enabled the ability to care for sites, including burial grounds. By the end of the century, drought and economic downturn impacted rural industries and demand for Aboriginal labour collapsed along with access to your country, however limited.

In response, Aboriginal family groups made decisions to create settlements, often in safe distance but proximity to towns, and on lands with overlaid significance, including important sites with access to springs and creeks. Rituals relating to loss and mourning survived colonisation and adapted to these rapidly changing social and economic conditions. While most settlements were self-selected and petitioned small areas, by the beginning of the 20th century, they came under the control of the state government's Aborigines Protection Board (from the 1940s, Aborigines Welfare Board).

On the missions and reserves Aboriginal people created dedicated burial areas or cemeteries, and concern to protect and care for these graves was always present in land-rights demands as these lands came under threat of revocation by the government until the 1970s (Goodall, 1996; Norman, 2015). A few examples here are useful. Aboriginal woman Mary Jane Cain was successful in securing 1000 acres from 1880 that became home to displaced Aboriginal families up until the late 1950s. Known as Burra Bee Dee, families made homes from kerosene tins lined with glued sheets of newspaper, grew vegies, milked their cows and hosted pantomimes; lives on Burra Bee Dee, and the many other missions and reserves are recalled with enormous fondness and with the fullness of the oppressive context in which they emerged and came to be administered. Adjoining the mission at Burra Bee Dee the Aboriginal cemetery has remarkable graves marked by sandstone headstones, quarried and crafted by family. Several bear the inscription atop a Tudor arc, “In Sad But Loving Memory” (Norman, 2019). At Collarenebri, in north-western NSW, the Aboriginal camp community that formed near a lagoon four miles out of town began its own burial grounds and traditions. Historian Heather Goodall documents how the rituals and ceremonies of remembering and belonging have continued to evolve with long-standing practices of burning bottles and crystalising glass to decorate graves (Goodall, 2001).

From the 1950s as the NSW Government escalated revocation of reserves lands, they wound down maintenance of the already neglected houses and infrastructure, an action that was a mobilising force in the Aboriginal-led campaign for land rights. Concern over the care of the Aboriginal cemeteries on the reserves and missions was a central anxiety as the government neglected maintenance. When Balranald Aboriginal man John S. Murray wrote to the Aborigines Welfare Board in 1952, he expressed his deep concern about the lack of maintenance of the fence around the Aboriginal cemetery that allowed stock “to walk all over the graves”; he viewed the AWB lack of upkeep an “utter disgrace” and “deplorable” (cited in DECC 1998, p. 42).

As Aboriginal cultural heritage came to greater prominence in Aboriginal rights campaigns from the 1970s, care for graves was a leading petition to the agency with responsibility for Aboriginal cultural heritage protection, the NSW National Parks and Wildlife Service (NPWS). When a team from NPWS, made up of an anthropologist and several Aboriginal site officers, travelled around NSW recording sites of significance to Aboriginal communities, they noted that the first priority everywhere they went was the protection of local Aboriginal

cemeteries (DECC, 1998). With the passage of the ALRA in March 1983, the remaining missions, and Aboriginal cemeteries, were transferred to the LALCs as freehold and recorded on the Register of Aboriginal sites.

## 7 | FINANCIAL SUPPORT FOR FUNERALS

Alongside concern to protect Aboriginal burial places and cemeteries, support for funerals was a priority in the Aboriginal rights movement. The Victorian Aboriginal Advancement League, which was established in 1957 by Doug Nicholls, among others, pursued support for funerals. Anxious about the burdensome cost and risk of a pauper's funeral in an unmarked grave burial (Thorpe, cited in Perkins, 2017), the League hosted funerals and commenced organising for funeral support. Key people from the League established a funeral fund in 1960s inner city Fitzroy, where they held dances and ran raffles to raise money for funerals; by 1974, the League was lobbying for an Aboriginal cemetery and burial plots to reduce the costs of funerals. League members drove the length and breadth of Victoria, and beyond in a Chrysler hearse, its doors proudly emblazoned with the Aboriginal flag, clocking up thousands of kilometres, hymns on the radio their travel companion (Perkins, 2017). In 1980, the League established a funeral service for Koories and their request for a burial ground eventually came to fruition in 1992 when Weeroona Cemetery at Greenvale was dedicated to Aboriginal people.

In western NSW, similar work was underway to establish a funeral fund. In the 1960s, Wiradjuri man Fred Powell started up a fund in his hometown of Peak Hill and then Dubbo, where he moved for work. As reported to anthropologist Gaynor MacDonald (2008, p. 11), Powell and his wife, Evelyn, first conceived of a funeral fund when they helped a young mother, grieving over the loss of her baby, meet the cost of the funeral from a collection at a card game. From there, an idea formed for a funeral fund based on membership and modest weekly contribution (Smith, cited in Macdonald, 2008, p. 11; see also Powell & Macdonald, 2001).

## 8 | THE ABORIGINAL LAND COUNCIL NETWORK: SORRY BUSINESS SUPPORT NOW AND THEN

One early initiative of the NSWALC was to establish a Funeral Fund. The NSWALC Funeral Fund commenced in 1991 as a member-based and fee-paying fund to cover funeral expenses. Its demise by 1994 was a result of litigation from a private operator seeking to eliminate any competition, who went by the name “Aboriginal Community Benefit Fund” (see *The Aboriginal Community Benefit Fund Pty Limited v Batemans Bay Local Aboriginal Land Council* [1997] NSWCA 310). The Aboriginal Community Benefit Fund (ACBF) commenced operation around the same time NSWALC recruited members to its Funeral Fund; ACBF also offered life insurance. By 1996, ACBF had about 1500 funeral fund members and 3000 life insurance members; it was a registered corporation, operating for-profit, with no Aboriginal ownership, governance or community connection, despite its name and explicit target market. It has continued to operate, albeit with changing names (it was known as “Youpla Group” at one stage), and its unscrupulous and predatory business dealings have been noted by legislators, regulators and Royal Commissions of Inquiry over the last 30 years.<sup>2</sup> As of November 2020, the fund was under investigation by the Australian Securities and Investment Commissions, who allege that its “Funeral Plans engaged in misleading and deceptive conduct and made false and misleading representations” between 1 January 2015 and 30 November 2018’ (ASIC, 2020). In March 2022, the company (Youpla Group (formerly ACBF)) entered liquidation leaving many thousands of Aboriginal people without coverage, despite years of contribution to their funeral fund (ASIC, 2022; Butler & Allam, 2022).

It is beyond the scope of this paper to detail the litigation that ensued and the legislative changes and so I rely on the narrative provided by NSWALC in their public reports. The deregistration of the NSWALC Funeral Fund followed a complex legal contest at the time where NSWALC report that they were unable to secure exemption from the NSW Government (NSWALC, 1994) and thus were unable to trade (NSWALC, 1995).<sup>3</sup> Subsequent litigation ruled that, as NSWALC explained, they “did not have the power to run a commercial business and were therefore prevented from operating their own Funeral Fund” (NSWALC, 1996). At the same time, the for-profit funeral fund that operated under various names demonstrates the priority of funerals in Aboriginal worlds, including not just the importance, but the desire of many Aboriginal people to mitigate the financial burden of their funeral on family members.

## 9 | NSWALC FUNERAL GRANTS SCHEME

After its dissolution in 1994, the *Aboriginal Land Council Funeral Fund* ceased accepting new members and has since operated a funeral grants scheme.<sup>4</sup> The funeral grants scheme entitles Aboriginal members of their LALC to apply for a small subsidy from NSWALC that meets some of the costs of Sorry Business from the mid-1990s. To be eligible for the grant, an applicant must not be a member of another funeral fund or have funeral insurance and must supply proof of Aboriginality. The grant is paid directly to funeral service providers and can be used to contribute to the costs of a funeral that usually including funeral service, the casket or coffin, cemetery, removal fee, death certificate or doctor's certification for cremation, and preparation of the body for burial. According to NSWALC's Annual Report 2019–2020 (NSWALC, 2020), 447 grants were approved, and the expenditure on funeral support totalled \$705,261.

## 10 | LALC FUNERAL SUPPORT

The NSWALC distributes its \$1,500 funeral grant to the LALCs, who also have their own programs and funding streams for community support (Norman & Apolonio, 2021a, 2021b). There is currently only one Aboriginal-run, member-based Funeral Fund governed by a LALC. In 2006, Darkinjung LALC established a trust named “Darkinjung Funeral Fund Pty Ltd” for LALC members and dependants. The Funeral Fund meets the cost of the funeral, and the grant is paid directly to the funeral home directors. As set out in the Darkinjung LALC Annual Report for 2019, the current cost of membership to the Funeral Fund is \$3.50 per week for adults and \$0.50 per week for children. The maximum benefit available to a contributor is \$6,850. The benefit can be used to pay for site fees, headstone, medical certificates, cremation or burial, shared sites, coffin and clergy/celebrant/Elder, Indigenous Ceremony, press notice, condolence book, hearse, organist fees, floral tributes and bereavement payment (capped at \$850). The benefit does not cover travel for relatives, mourning cars, family vehicles, chapel or venue hire, notifications (other than the press notice), multiple services, after-service gatherings or artistic performers other than an organist provided by an Approved Funeral Service Provider. Membership of the Darkinjung Funeral Fund is open to Darkinjung LALC members and the option to list their spouse and dependents, subject to weekly contributions. Individuals can remain in the trust even if membership to the LALC lapses, but they must continue to pay contributions. The fund benefit is paid to the approved funeral service provider upon the receipt of a tax invoice and Darkinjung LALC's approval of the nominated expenses. As of June 2019, there are 202 members of the Funeral Fund (113 are members, 65 are spouses and 24 are dependents). The entity is valued at \$272,785 with a projected 10 per cent member growth (Darkinjung LALC 2019, p. 30).

At the same time, the for-profit funeral fund that operated under various names demonstrates the priority of funerals in Aboriginal worlds, including not just the importance, but the desire of many Aboriginal people to mitigate the financial burden of their funeral on family members.

Typical LALC activities supporting funerals include sharing death notices through member networks; contributing public narratives about deceased persons—for example, their legacy and importance to the Aboriginal community and LALC; and sharing the NSW Health department's policies around funeral gatherings, which at the time of writing were frequently changing in response to the coronavirus pandemic. In the pandemic environment, where limitations were placed on in person group gatherings, LALCs created and enabled groups to gather, mourn and pay respects. For example, Bathurst LALC supported a family to livestream a funeral and host multiple memorials after the event for members who could not attend the funeral gathering in person (Aleksandrovics-Lovegrove, 2020).

The work of LALCs in relation to member and community funeral support is not limited to present-day bereavement. LALCs, often in conjunction with Elders and government heritage departments, care for Aboriginal graves and cemeteries. The NSWALC Community Fund, for example, supported several projects dedicated to the restoration and care of Aboriginal graves and cemeteries: in 2017, Balranald LALC worked to extend and restore the historical Balranald Aboriginal Cemetery; and in 2016, Collarenebri LALC constructed amenities at the Collarenebri Aboriginal Burial Ground for local families and visitors. Efforts to care for Aboriginal graves continue in town cemeteries, which are often divided by faith, class and race and have been less welcoming of Aboriginal mourners. At such sites, as well as properties and former leaseholds, Aboriginal graves are often without enduring markings, or they may be marked by wooden crosses that degrade over time. Visiting Baradine in 2019, with respected Elder Uncle Sonny Magann, we visited our Aboriginal family graves in the town cemetery where the LALC had installed slabs and plaques on graves previously marked by wooden crosses. This work involved making a template for the grave slab. At the time, the LALC held ambitions for future social enterprise and envisaged a role in the region supporting community bereavement.

## 11 | LALC SUPPORT FOR SORRY BUSINESS

The overwhelming response from the interviews with LALCs is that Sorry Business is a priority for them; all LALCs see themselves as supporting their community members and non-members during Sorry Business. All are mindful of the cultural obligations and protocols around grief and mourning. One LALC included additional leave and counselling support as part of their staff working agreements. All but one LALC reported that they “do as much as they can” and “we will do whatever is asked of us” to support their LALC members and the wider community in relation to Sorry Business. All LALCs, despite their comments, were anxious to communicate their concern about compliance with the NSW ALRA as limited by what their membership defines as “community benefit,” what the LALC could afford and assuring their community of equal allocation of resources to families.

All LALCs interviewed assist members with applications to the NSWALC Funeral Grant Assistance and Funeral Transport programs. LALCs will, by request, assist with the printing of funeral service booklets and the publishing of funeral notices. The majority of LALCs will contribute to the catering for the wake by way of coffee, tea, water and biscuits; some will send flowers. Some LALCs will make their own facilities—such as kitchens—available, so families can do their own catering, or they may make their staff available to assist with the cleaning of wake venues. Only a few LALCs have venue space for hosting wakes. With the family's request or consent, Purfleet/Taree LALC's women's group assists on a voluntary basis to make wreaths and graveside floral decorations.

LALC assets (that included oval, community hall, cultural centre and keeping place) are made available for the purpose of Sorry Business. Onerwal LALC loans laptops and projectors so that families can make commemorative presentations. Several LALCs assist with transport for the community to attend Sorry Business. At Cobowra LALC, the community bus can be used free of charge; Glenn Innes LALC has a 15-seater bus that can be used to transport community within a 200 km radius (Parsons 2021); Awabakal LALC has a community benefits scheme in place to enable travel for LALC members (Russell 2021), and Darkinjung and Worimi LALCs have a bus available for members to hire (Shields 2021; Smith 2021). Several LALCs have spaces that can be used for the hosting of wakes. One LALC was approached by a non-Aboriginal family to host the wake of a family member at the LALC cultural centre. The deceased was an ally of Aboriginal people and his family wanted to honour this. The LALC supported what they explained as an “unusual” request.

Several LALCs have made application to the NSWALC Community Fund (formerly the NSWALC Community Benefits Scheme) to upgrade assets for the purpose of supporting their Aboriginal community during Sorry Business. In regional towns, where LALCs have successfully claimed the Town Hall, they aspire to bring the infrastructure up to a suitable standard. This is an obvious benefit for not only the local Aboriginal community, but also the broader community. Anaiwan LALC, in Tingha, for example, refurbished their town hall to support community gatherings, foremost among them funerals and wakes (Livermore 2019). Another LALC made its office premises available as a memorial venue (Prince 2018). Unkya LALC (Donovan 2021) and Purfleet/Taree LALC (2021) noted that they paid funeral costs for members or indirect expenses, such as flowers or travel. They were quick to explain they were able to make these direct payments to the community as per their LALC community plan and as recognised by the Australian Charities and Not-for-Profits Commission Register.

Many LALCs aspire to build facilities that can be used as venue spaces. For example, Ulladulla LALC wants to build a cultural centre that will include space for wakes to be held (Carriage 2021). Similarly, Forster LALC (2021) is working toward rebuilding the community hall, which was damaged in a fire, to enable wakes to be held there. One LALC listed several items that could be used to support Sorry Business—for example, a “bigger printer as most members need to travel almost 100 km to print out funeral booklets and pamphlets,” “machinery to assist with burials in the cemetery” and “shade and chairs” for outdoor burials and wakes (Anonymous LALC 2021a).

Several LALCs mentioned the voluntary contribution of LALC members to support their people, including volunteers who will dig the grave and backfill after the service. In all but one case, this is done by shovel, rather than a hydraulic digger (backhoe) that local government workers use to dig graves. Volunteer gravedigging can offset the cost of a funeral by up to a few thousand dollars. LALCs have identified that access to a backhoe would be useful. Two LALCs owned a tractor and one of these also owned a backhoe for their cemetery.

There is also a range of ways that LALCs symbolically honour Aboriginal people who have contributed to their community. Many LALCs send flowers, lower the flag, close the office and notify Sorry Business on the door, and ensure that the LALC is represented at the funeral as a sign of respect. Nyngan LALC explained that with the passing of a board member, a plaque would be installed in their place at the LALC board table for a period (Dutton 2021). Many LALCs honour Elders who have passed with their picture (sometimes a painting) in the LALC office. As the CEO of Birpai LALC (2021) explained, they also ensure that “non-Aboriginal organisations and stakeholders know how to respond when Sorry Business is happening in a culturally sensitive manner.” Birpai LALC provides advice to Hastings Council through the Aboriginal Advisory Group on responses to Sorry Business.

## 12 | ABORIGINAL LAND AND SORRY BUSINESS

LALCs are involved in a wide range of activities to support their members during Sorry Business, but this involvement far exceeds the immediate funeral and mourning period. The LALCs interviewed are involved in the management of Aboriginal cemeteries, burial sites and land adjacent to town cemeteries. On this latter point, several LALCs envisaged their land could extend the cemetery footprint or be developed as an enterprise. In several examples, Sorry Business did not just apply to recent loss, but also referred to far longer timeframes that include, for example, repatriation of Ancestral Remains, reburials and the maintenance of Aboriginal cemeteries. This also extends to massacre sites. In north-western NSW, Wee Waa, Narrabri and Moree LALCs, along with Narrabri and Moree shire councils, successfully applied to have the Waterloo Creek massacre site heritage-listed. In the Waterloo Creek massacre, which occurred on 26 January 1838, 40 Gomerioi men were killed in reprisal for an attack on a mounted police trooper. LALCs are working together to ensure this important site is a place of commemoration and mourning, spiritual care and healing, and truth-telling about the past.

Nyngan LALC was recently granted a land claim that adjoins the town cemetery, which is being developed as a cultural walking track for people to visit during Sorry Business. As Veneta Dutton (2021) explains, “the mob like to stay around for a little while so we usually take them there and have a walk around and look at the scar trees and just talk”. The site location and proximity to the cemetery is important, enabling a special place for healing which they see as aligning with the LALC's values and community aspirations.

## 13 | FUNERALS ON COUNTRY

Jali LALC CEO Chris Binge (2021) highlighted the growing community appetite for funerals being held on country. According to Binge, Cabbage Tree Island, over which the Jali LALC has a title, “is a very significant place ... where a lot of people, particularly anyone that's 60 or 70 years of age grew up. That is their home. That is their country.” He says most community members request that their funeral service be hosted “on country, out on the island” before burial at the Wardell town cemetery. Jali LALC also has land that is now declared an Indigenous Protected Area, which adjoins the Wardell cemetery. The IPA (Indigenous Protected Area) is a large stretch of land that encompasses what was formerly Aboriginal reserve lands and an Aboriginal cemetery. The LALC can manage those graves, and the broader IPA creates a larger Aboriginal footprint alongside the town cemetery where a range of projects linked to “caring for country” are run.

The CEO of Birpai LALC, David Carroll (2021), says his community has “started a conversation” about burials after the passing of a community Elder who had asked to “be buried on our traditional lands.” The LALC investigated the Health Department guidelines, but “we couldn't do it in time” (Carroll 2021). As Carroll explains, they will need to undertake geotechnical studies and further investigation and approvals before they can go down that path, which he describes as “a medium to long-term project” (Carroll 2021). Another LALC explains that it has a dedicated cemetery committee for the Aboriginal cemetery that it manages. The committee is not involved in funeral or burial arrangements because families often have special requirements, but they were recently able to accommodate what they referred to as a cultural ‘upright burial’, at the request of the family. The committee needed to ensure there was enough space for families to undertake the burial in their way and with enough room to install a headstone.

## 14 | REPATRIATION OF ANCESTRAL REMAINS

Several LALCs interviewed have long been working to repatriate Ancestral Remains that were taken against their communities will for scientific purposes and held in collecting institutions (Norman & Payne, 2022). La Perouse and Brewarina LALCs oversee a special cemetery for the repatriation of Ancestral Remains. Metropolitan LALC has a dedicated area on Crown Land where they oversee reburials of Ancestral Remains. The CEO of Cobowra LALC, Lee-Anne Parsons (2021), said that they were meeting to discuss with Elders what they would like to do about Ancestral Remains that were recently exposed because of erosion. Of this, Parsons (2021) says, “We’re going to go pick the Elders up, because they have to sit down and discuss what they would like done ...”. Similarly, CEO Steve McIntosh (2021) said that Moree LALC, which has had difficulty meeting due to COVID-19 and then floods, had some important decisions to make regarding the return of Ancestral Remains from a Sydney museum. It was a challenging task for board and members to decide “not just the location, but also the appropriate ceremony” be they “male or female” (McIntosh 2021). He explained further, “There are no easy responses to those things ... they all have to be negotiated ... There is a lot of considerations regarding that and to ensure proper process: it is a very important process” he emphasised (McIntosh 2021). In some cases, Ancestral Remains are held in the nearest morgue until community members have the chance to meet and decide on appropriate repatriation protocols.

At West Wyalong LALC, Linton Howarth (2021) spoke about the repatriation of a burial tree held in a Brisbane museum. He explained the burial tree was not able to be returned to the place it was taken in the 1930s as this site is now an active mining lease, it is however, safely held in the LALC Keeping Place. Howarth explained the decision to hold the tree in the Keeping Place because it “would be at risk of destruction or negative impacts if we return it to that site.” He added, “We make sure [people are] aware that it's a burial tree and an appropriate ceremony was performed picking it up and before installation in the Keeping Place” (Howarth 2021). West Wyalong LALC has been invited to several repatriations where the community has wider kinship connections and obligations joining neighbouring LALCs, such as the repatriation of Mungo Man and Kiacatoo Man.

Awabakal LALC CEO, Robert Russell (2021), also explained their LALC are discussing the repatriation of Ancestral Remains from the Australia Museum in Sydney and in consultation with the Federal Government, Ancestral Remains in Germany and India taken from Australia that are provenanced to Newcastle.

At Bahtabah LALC (2021), there is a range of activities around the repatriation of Ancestral Remains. The acting CEO noted, “We do actually have a repatriation site within our area, and we maintain it; we make sure it's mowed and respected with signage” (Bahtabah LALC 2021). The LALC has partnered with a local marine rescue organisation to maintain the site and is involved in the cleaning of carved sea-stone flats, the installation of signage and protection from vandalism. The LALC plans to continue its work in the repatriation of Ancestral Remains and artefacts, including advocating for the return of the remains of a young girl held in a university museum.

Ulladulla LALC CEO Shane Carriage (2021) explained how their LALC recently “buried the bones of three individuals.” The repatriation happened in the boundary of a neighbouring LALC, and care was taken to ensure that the site was undisclosed and located away from foot traffic. Carriage (2021) noted “the decision about where and how to deal with repatriation was made by the members, many who are Traditional Owners, who worked in conjunction with National Parks and Wildlife Services ... where one of our members works.”

Some LALCs appeared to defer repatriation to a trusted officer at the Office of Environment and Heritage. In north-western NSW, LALCs mentioned that they liaise with Gomerioi man

Steven Booby on cultural heritage. Wee Waa LALC explained that it works closely with Steven, who coordinates the repatriation of Ancestral Remains with LALCs (Keefe 2021).

In several instances, LALCs were leading advocates in the protection of Ancestral Remains on private property. For example, Unkya LALC was involved in repatriation a few years ago, when remains were uncovered after a house was removed (Donovan 2021). One LALC shared that there was local knowledge of Aboriginal Remains on private property and the LALC was “waiting for the right time” to negotiate with the landholder to protect the site (Anonymous LALC 2021b).

Care and protection of Aboriginal graves have long been a feature of Aboriginal land rights. In a recent example, Jerrinja LALC was active in the campaign to block a residential development on the site of the old Husskinson Holy Trinity Church (Wellington 2020). The LALC was instrumental in the documentation of the local Aboriginal community's oral history, which affirmed the site contains the grave of South Coast ancestor James Golding, known as King Billy II or the “King of Jervis Bay” (Patton, 2020).

## 15 | ABORIGINAL CEMETERIES AND BURIAL LAND

As discussed earlier, LALCs often hold title to reserves and missions, many of which include cemeteries with graves dating back to the late 1800s. Most LALCs, in one way or another, have been working to restore and record Aboriginal graves in mission cemeteries, town cemeteries and on non-Aboriginal lands. From 2005 to 2015, Merrimans LALC was involved in the Wallaga Lake “Caring for the Ancestors” project where they worked in partnership with the Eurobodalla Shire Council (n.d.). The Aboriginal cemetery is a site of immense cultural significance to the South Coast Aboriginal community, and the project aimed to research the location of graves and names of people buried there. The idea for the project arose when old burial sites were accidentally uncovered in the process of digging new graves. The Wallaga Lake Aboriginal community wanted to ensure this was never repeated. The “Caring for the Ancestors” project involved the identification of unknown grave sites through multiple methods. Project participants used Ground Penetration Radar surveys, oral history and archives of the Registry of Births, Deaths and Marriages to find the names of Aboriginal people buried at the site. This allowed them to mark graves, develop a long-term plan of management for the cemetery and associated records, and create a landscape plan marking out locations safe for future burials. As part of the project, they constructed a commemorative wall featuring the names of people known to be buried at Wallaga Lake cemetery. The work was possible by combining several small grants from various government and non-government funders; they creatively drew together funding then Commonwealth Departments of Sustainability, Environment, Water, Population and Communities, and NSW Department of Corrective Services. This latter grant saw offenders work on the restoration. The success of the project was recognised with the awarding in 2015 of the Cultural Heritage Award at the “Keep Australia Beautiful Blue Star Sustainability Awards.”

Purfleet/Taree LALC undertook similar work. In collaboration with the Office of Environment and Heritage, they used technology to survey the old burial grounds at Purfleet mission to ensure graves were all marked and documented. Future plans include installing signage, plaques and listing the names of people known to be buried at Purfleet mission. Onerwal LALC (2021) also has work underway to care for and maintain graves and land at its former reserve. Interviewees explained that grass-growing at the burial sites is now being managed through cultural burns. Cobowra LALC has hosted workshops to maintain graves and construct wooden crosses. Forster LALC has also constructed crosses for graves in the past and noted the need for these to be replaced or restored. Under the Indigenous Heritage Program

2013–2014, Lightning Ridge LALC received \$70,000 to restore the Aboriginal cemetery and the Angledool Aboriginal Mission (Commonwealth Department of Indigenous Affairs, 2014).

Mogo LALC CEO Linda Carlson described a “great big land claim” over land surrounding the existing Mogo town cemetery (Carlson 2021) that gave rise to several possibilities including extending the boundaries of the cemetery, the possibility of cheaper funerals for its members and community, a greater role for Aboriginal Elders and community members, jobs and business income. Carlson (2021) mused, “We could put some really nice things there, and probably very minimal costs for repatriations into the cemetery”. She suggested that the LALC could send people to decorate the graves: “We could put some really nice designs there, like a Dreamtime serpent leading up to the path. It would be all community orientated”. Carlson imagined the possibility of such a site for bringing the community together and for collective healing: “We could maintain it better; we could have all the families come together and do a big clean up around the cemetery”.

## 16 | LALCS NEGOTIATING ABORIGINAL ACCESS TO BURIALS

In 2017, La Perouse LALC successfully negotiated with the Southern Metropolitan Cemeteries Trust and the NSW Government to create a new Aboriginal cemetery in Port Botany, opposite the bay where Indigenous forebears, on separate occasions, witnessed the landing of Lieutenant James Cook and La Perouse. The negotiation involved the withdrawal of an Aboriginal land claim over a 3.8-hectare parcel at Bumbora Point to enable the extension of the Eastern Suburbs Memorial Park in Botany. In exchange, the LALC negotiated licences to allocate 125 double-depth graves and 100 cremation sites for its community. The removal of land claims gave way to the availability of land for 2000 double-depth graves for use by the general community. As part of the negotiation, Southern Metropolitan Cemeteries Trust also relinquished its licence over the heritage-listed Chinese Market Heritage Garden, a culturally significant site which was originally proposed as the area for cemetery expansion. The CEO of La Perouse LALC Chris Ingrey explained the Aboriginal cemetery was a “long-held community aspiration” that had been under discussion for some 40 years and suggested that land negotiation could be a future possibility for LALCs with land adjoining cemeteries (Power, 2017).

Deerubbin LALC, based in western Sydney, is progressing a joint venture cemetery enterprise on its land holdings that will also see subsidised burials for Aboriginal people. The LALC has been engaged in negotiations with Rookwood General Cemeteries to establish a forest cemetery at Londonderry. In 2018, they entered into an exclusivity and due diligence deed to explore the potential for collaboration in the management and development of Deerubbin's land. Deerubbin's land in Londonderry comprises 440 hectares of regrowth forest. Currently, Deerubbin describes their land holdings at Londonderry as “defensively managed” and “is vulnerable to illegal dumping and other misuse by trespassers” (Deerubbin LALC, 2019). Deerubbin LALC is optimistic about the prospect of gaining development approval for the cemetery. If the enterprise is successful, it will attract associated enterprises such as funeral services, hospitality and landscaping, and facility management. Some of the expected benefits for Aboriginal people are “affordable, secure and culturally appropriate burial space for Aboriginal persons in the area,” “social and economic opportunities” and employment aligning with the LALC's aspirations in their Community Land and Business Plan (Deerubbin LALC, 2019). At the time of writing, the discussion is ongoing, Deerubbin states that parties are committed to “exploring suitable commercial arrangements which can endure for the life of the project,” hundreds of years, in their estimation. For Deerubbin LALC, it is imperative that ownership of the land remains with the LALC and that Rookwood General Cemeteries leases

the land with “areas being made available for burials gradually in stages over hundreds of years.” Deerubbin LALC acknowledges they will need to negotiate significant policy reforms for the funeral enterprise to proceed, including changes to the Cemeteries and Crematoria Act 2013 (NSW) and Biodiversity Conservation Act 2016 (NSW).

## 17 | MORE THAN HUMAN

This paper has focused on Sorry Business mostly in relation to the long-held Aboriginal concerns to care for the dead and honour the lives of their community members. Several LALCs also raised the impact of climate change—in this case, what was then only the recent fires on the NSW South Coast in 2019. In this context, it was the destruction and trauma to landscapes, animals and people. Linda Carlson, CEO of Mogo LALC, made this connection explicit saying in relation to the fires: “We are in a constant state of Sorry Business”. She sees the grief of the recent fire as continuous with the destructive colonial relationship with the country separated from human relations. Loss of life—plants, animals and human—is viewed through the prism of the wildfires. Carlson sees their futures seriously jeopardised, that the poor management of the land for so many generations means that “it’s too late”; “It certainly is Sorry Business” she repeats. Carlson highlights the link between the fire-induced destruction and trauma with colonisation and Sorry Business. She sees the loss of lives and the impact of the fires on their health, the landscape and wildlife destruction, and the impact of climate change as Sorry Business for their South Coast community and that they need help dealing with Sorry Business. The impact of Climate Change was raised also in relation to coastal erosion that was increasingly exposing burial sites.

## 18 | CONCLUSION

Contemporary Aboriginal social worlds are often discussed in terms of deficit and disadvantage to be acted upon to address chronic and enduring indicators. What is often omitted from these accounts is the primacy of care as a feature of Aboriginal society. This paper has documented aspects of Aboriginal care enabled by the structures that support and sustain Aboriginal polity – LALCS – that are outside the realm of government. It remains true that the relationships of care that are a feature of Aboriginal social relations are enmeshed in the material experience of disadvantage and the reality of funeral industry monopoly. However, what is often overlooked in land-rights and public policy discourse are ways that *care* for members of our Aboriginal community, and beyond, is enabled by the existence of Aboriginal Land Councils and their land estate. Care as a feature of Aboriginal worlds is in part realised through the structures created by the NSW ALRA but is rarely canvassed as a beneficial outcome of land rights recognition.

The NSW ALRA and the LALC structures that it created have enabled the continuation of care as a central feature of Aboriginal social and cultural worlds in the challenging context of broader social and economic forces and in the context of new ways of organising and being Indigenous in the southeast of Australia.

This paper has detailed the longstanding practices of care and maintenance of Aboriginal graves and for dignified burials as a leading aspiration to realise Aboriginal self-determination. All LALCs interviewed provided some level of care to their members and the Aboriginal community when it comes to Sorry Business. The work that LALCs do in sustaining cultural practices of care associated with death and mourning is an underappreciated feature of land-rights politics and an overlooked consequence of the stated objectives of the ALRA that

created LALCs and land claims process. The role that the Aboriginal land estate and LALCs play in mourning, commemoration and care for burials contributes a more detailed understanding of the “benefits” of land rights and land restitution to Aboriginal community control and community labour supporting grieving and Sorry Business in contemporary Aboriginal society. This paper has sought to reveal a new and rich dimension of Aboriginal land rights in NSW and community responses to funerals and mourning, where cultural care is centrally defined by Aboriginal communities themselves, rather than by the state and its interventions in Aboriginal lives and where LALCs reproduce important and valued aspects of Aboriginal social worlds.

## AUTHOR CONTRIBUTIONS

**Heidi Norman:** Conceptualization; writing – original draft; methodology; writing – review and editing; funding acquisition.

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## ENDNOTES

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<sup>2</sup> In February 2002, the Legislative Council passed laws to enhance the operation of the funeral funds industry. Speaking about the Funeral Funds Amendment Bill in 2003, then Member for Canterbury and Wiradjuri woman Linda Burney said the reforms aimed “to strengthen the prudential regulation of funeral funds” to protect consumers' prepayments for funeral services (NSW Legislative Assembly, 2003). Burney directly addressed the operation of the Aboriginal Community Benefit Fund Pty Ltd (ACBF), which she said “epitomises everything that is bad about the way in which some funeral funds have operated in the past” (NSW Legislative Assembly, 2003). In 1994, following regulation passed by then Coalition Government, ACBF was granted an exemption from registration under the Funeral Fund Act after it agreed to post a \$50,000 bank guarantee to give voluntary undertakings to comply with the more important provisions of the Act. Burney goes on to say that by 2003, she is pleased that her government “is closely monitoring the ACBF” (NSW Legislative Assembly, 2003). Burney went on to describe the ACBF as taking advantage of the Aboriginal community, where death rates are too high and working knowledge of bureaucracy is low. In these circumstances, she alleged, the ACBF was “out to rip off these families” by dishonestly representing itself as an Aboriginal organisation, managed by Aboriginal people. Burney said, “I believe that not only have the consumer rights of the people who have been touched by this benefit fund been abused but, to some degree, their moral rights have also been abused” (NSW Legislative Assembly, 2003). In 2016, consumer advocates applauded an Appeal Court decision that allowed the Commonwealth government to ban ACBF from accessing the direct debit, Centrepay (McLeish, 2016). The 2018 Banking Royal Commission also raised concerns about the operation of the ACBF, particularly the targeting of Aboriginal children at events such as the NSW Koori Knockout (Chalmers, 2018). By 2019, ACBF rebranded as “Youpla” and recruited prominent former rugby league player Jamal Idris for its promotion (Osental, 2019).

<sup>3</sup> In 1994, the NSW Parliament passed the Funeral Funds Regulation. Further work is required to clarify how these events are linked.

<sup>4</sup> Where Aboriginal people joined the NSWALC Funeral Fund, they continue to be covered by the Fund even though it ceased operating after 1994.

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## CASE LAW

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