

DR BARBARA ANN HOCKING, ASSISTANT DEAN, RESEARCH, QUEENSLAND  
UNIVERSITY OF TECHNOLOGY, FACULTY OF LAW, FORMER TREASURER,  
INTERNATIONAL COMMISSION OF JURISTS, QLD CHAPTER

(email: [b.hocking@qut.edu.au](mailto:b.hocking@qut.edu.au))

CLEOPATRA MAGWARO, TREASURER, INTERNATIONAL COMMISSION OF JURISTS, QLD  
CHAPTER

(Email: [c2.magwaro@qut.edu.au](mailto:c2.magwaro@qut.edu.au))

No. 24

SUBMISSION TO THE LCARC HANDS-ON PARLIAMENT  
PARLIAMENTARY INQUIRY INTO ABORIGINAL AND TORRES STRAIT ISLANDER  
PEOPLES' PARTICIPATION IN QUEENSLAND'S DEMOCRATIC PROCESS

**BARRIERS TO PARTICIPATION**

**What are some of the reasons for the under-representation of indigenous people or their choice not to be involved and what factors make it difficult for them to be involved?**

In our view there are numerous barriers to indigenous peoples' participation, and many of them are similar to the barriers that confront women. We recognise that the reasons that they may choose not to be involved and reasons they are underrepresented are however best known to other indigenous people not to ourselves. However in our view those reasons could include that they are largely poor, less well educated, lacking access to resources (for eg urban seminars, discussion forums, think-tanks like the Brisbane Institute, etc), that they are more likely to live in remote areas and to lack access to the law, including legal aid, that they may be caught up in cycles of poverty, illness and violence that are more likely to lead to involvement with the criminal justice system not the political process. They may also feel disempowered by the predominance of young white middle class men in the political system, they could be disillusioned with the process, they might have more communitarian values than individual values, they might feel distanced by the nature of the debates, and the adversarial nature of the parliament may seem unpleasant. There may also not be a genuine representation of indigenous issues and therefore a drawing away by indigenous people who believe that they are being treated as part of a politicised process and not as equals in the community.

**What other strategies (besides civics & voter education) might promote greater participation by indigenous people in the existing democratic process?**

Civics and voter education is important, but at the grassroots level: in schools and communities; and maybe if indigenous communities had more of their own education and this included their own civics education and civics and voter frameworks, that might assist. This could include for example, exploring understandings of the role of elders, of secret women's business, of constitutional processes, of their businesses, of issues such as sovereignty, self-determination and nationalism. It could include ways in which (for example) the Northern Territory has contributed to a change in their own framework of constitutional and civic governance.

The above strategies should strengthen indigenous political claims and self-determination that indigenous people have been deprived of for so long. As people who pre-existed the current demographic make-up of Australia's society and form unique communities within it, indigenous people should have a governing political entity within government that recognises the first Australians.

**Other strategies could include:**

1. To involve elders in decision-making and education, as this could harness the respect of young people;
2. To take active steps to raise the profile to indigenous rights issues and an ongoing discussion of their values (for example why not fund a seminar series as currently we see biotech seminars funded);



3. To hold workshops and provide transport to and from the workshop venue for indigenous people and generate interest in such a seminar in regions around Qld as well as in Brisbane;
4. To guarantee indigenous representation on a very wide range of committees so that their voices are heard far more regularly: for example in New Zealand there is guaranteed Maori representation on health ethics committees;

**Is it a good idea to enable bodies which represent indigenous peoples to have direct input into Parliament?**

Yes – it seems axiomatic that their views would be sought on a wide range of topics in policy development. Indigenous self-determination was first adopted as Commonwealth government policy in late 1972. New Zealand's, Maori people, have not had an opportunity to exert their political freedoms in mainstream government or via parliamentary processes and policies in recognition of their disadvantages and status as that country's indigenous people. In New Zealand, Maori people have had reserved seats in Parliament since 1867!

**If a representative body with direct input into Parliament was to be established how should it operate?**

The representative body perhaps should not be representative – there are many indigenous leaders who are “representative” of a key section of the community but as for the white community, how representative are they of women? Perhaps consideration should be given to women and men having representative bodies that can provide input to Parliament but it seems imperative that they have separate channels of representation.

## **AN ATSI ASSEMBLY**

We believe that an Assembly along the lines of the Sami Parliament (on which we can provide material) should be considered for Qld, possibly for both Aboriginal and TSI separately although the appropriate ratio might be difficult to ascertain. The assembly will foster pride in indigenous cultures and traditions and provide the community with a truthful insight into Aboriginal issues as well as allowing indigenous people to share their knowledge and heritage to better the whole of Australia. The assembly should represent all regions of Australia.

## **DEDICATED SEATS**

This is certainly worth considering for Qld following the ways in which these seats have raised the Maori participation in New Zealand across a wide range of public policy areas. Dedicated seats are a good idea as they give a voice to indigenous people and allow access to the parliamentary system. As to how many there should be, and their role and function, there could perhaps be a proportionate system at first that could then be reviewed. The members in the dedicated seats could represent their constituency as does any politician. As to how they should be elected, or selected, this is a minefield, perhaps they could nominate and have to be accepted by a section of their voters? As to whether we should hold a referendum on this matter of dedicated seats, we are not sure as so many referenda fail despite their obvious merit. If we can't get daylight saving we probably can't get this: many meritorious matters won't pass a referendum!

## **CHANGES TO THE ELECTORAL PROCESS**

Yes, Queensland should seek to achieve representation of minority groups in Qld. Yes, the electoral system should be reviewed to ensure that it is the most effective electoral system to represent the diverse interests of the Qld community. As to whether a different electoral system would be more likely to ensure greater representation of indigenous peoples yes that is quite likely: if we improve on participation through seats for indigenous people, maybe we don't need to change the whole system; which is unlikely to change anyway.

## **GENERAL CONSIDERATIONS**

As to other strategies that could be used to enhance the possibility of indigenous participation, we raise the possibility of indigenous appointments in various walks of public and professional life. We ask that consideration be given to specific State government prizes: for example, that approaches be made to academia for a best indigenous researcher in constitutional law prize, for a legal studies prize in conjunction with the Qld Law Society; for a Chair in Aboriginal Studies; for sponsorship of indigenous workshops and positions; for documentaries on Aboriginal achievers and achievements and on civic issues as they specifically impact on indigenous people. Every University that has a so-called "indigenous centre" should be mandated to make at least one submission and run at least one workshop and generally raise the profile. The Universities should be forced to move outside internal matters (eg incorporating indigenous issues and perspectives into curricula) and to take a far broader approach to the role of their indigenous centres: they should be running major public workshops and get into the public arena, they should be using their resources to broadcast the issues – the State Govt should sponsor the few seminars that have been held such as the "Over-representation" seminars from which the attached letter was then sent to the Premier. That workshop was run by QUT Faculty of Law under the "Talking Justice" umbrella and sponsored by ANTAR: there should be State Government funds available for such initiatives. A broad-based seminar series could flag that there are other Indigenous issues needing attention besides the violence that the Courier Mail has flagged in its (admittedly admirable) series by Tony Koch. That said, there is no doubt, from our perspective, that it is the perspective of indigenous women that we need to hear.

