

No 38

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LEGAL, CONSTITUTIONAL AND
ADMINISTRATIVE REVIEW
COMMITTEE

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Please accept this as a submission in response to your committee's add.

Herb Bonney

BARRIERS TO PARTICIPATION

1. What are some of the reasons that Indigenous peoples are underrepresented in the Queensland

Parliament?

If we assume they are underrepresented then the following may apply.

[a] They have no inclination to be there.

[b] No party will overtly, and in a meaningful way foster them.

2. What are some of the reasons that Indigenous people might choose not to be involved in Queensland's Parliament and government?

It is possible that there may be no reason for presuming that there are specific reasons why aboriginals don't stand. If there are reasons then they are probably the reasons that apply to the population generally.

3. What factors make it difficult for Indigenous people to participate in Queensland's system of

democracy?

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There is no reason to believe that aboriginal people are underrepresented in the Parliament. There is certainly a paucity of aboriginal members in the house and nearly always has been. But they have been well represented by those elected members who are there irrespective of ethnicity.

In fact many sectors of the community could only wish for the results had by people of aboriginal decent, gained almost totally by the representations made by elected members of the Parliament, and certainly given effect to by them.

It is also a long established fact that for the purposes of administration and justice the "community" is homogenous. Juries are selected from the community as "peers" of the accused and it has long been decided that an accused who happens to be an engineer can't require a jury of engineers. Similarly aboriginals can't, and most likely don't expect direct racial representation in the Parliament.

Like everyone else they would want good representation and no doubt like everyone else would be equivocal about the result they presently get.

There are no barriers to entry as previous aboriginal members have shown and internal party politics is no more difficult on aboriginals than any other grouping within the community.

STRATEGY 1: ENHANCE PARTICIPATION IN THE EXISTING PROCESSES

4. Is more civics education and voter education targeted specifically to Indigenous people necessary?

NO

5. What other strategies might promote greater participation by Indigenous people in the existing

democratic process?

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Civics education is lacking in the community generally. Probably what is needed in the education system is more honesty and frankness. There is no reason to believe that aboriginal and Torres Strait people need political education, in fact its an attribute that may be difficult to teach. There is also no evidence that they don't participate at least as enthusiastically as any other group.

STRATEGY 2: DIRECT INPUT INTO PARLIAMENT

6. Would avenues for bodies which represent Indigenous people to have direct input into Parliament

enhance the participation of Indigenous peoples in the Parliament?

Direct input into Parliament is already made on behalf of all sorts of people by the presently elected people. If the present suggestion is that lobbyists, for any group, should have the ability to be counted in a division then that clearly is a nonsense.

Any lobby group can influence, some more than others, but that the limit of their authority, that is persuasive only. In this regard the aboriginal sector of the population can hardly feel let down.

7. Is it a good idea to enable bodies which represent Indigenous peoples to have direct input into

Parliament? Why or why not?

Either we have a democratic system or we don't. If the democratic system of governance in Queensland is going to be aborted please let me know so that I can start lobbying against such a move.

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

For example:

- Who should be on the representative body?
- What forms of direct input should the representative body have?
- What else would be necessary to ensure Parliament considered matters raised by the representative

body?

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Generally in response to propositions 6, 7 & 8 it should be pointed that there is already a number of bodies that make representations to Parliaments on behalf of aboriginal. Few would claim that these have been unsuccessful.

However this whole concept opens up a dangerous precedent in that once one group gets special access to Parliament then others will surely follow. Where this leaves the democratic principle can only be guessed at. It would be unlikely to get popular support, though were it to be taken to its natural conclusion popular support may not be needed.

Consequently no additional bodies should be formed, there should be no enhanced representation and Parliamentary representatives should be allowed to perform as they see fit. If their performance doesn't meet expectations there is the opportunity for redress at the ballot box.

STRATEGY 3: AN ABORIGINAL AND TORRES STRAIT ISLANDER ASSEMBLY

9. Would an Aboriginal and Torres Strait Islander Assembly contribute to the participation of Indigenous people in the democratic process in Queensland?

Probably not. Once you have ascertained what authority such an assembly would have and how it fitted in with the present administrative system, and whom it had authority over you may like to consider the costs, and even more outrageously the cost benefit of such a move.

There are already a number of very well funded aboriginal representative bodies about and to gain an idea of their success you only need to read the newspapers.

10. Is an Aboriginal and Torres Strait Islander Assembly a good idea? Why or why not?

No! For the reasons already given.

11. If an Aboriginal and Torres Strait Islander Assembly was to be established, how should it operate? For example:

- How should members of an Aboriginal and Torres Strait Islander Assembly be selected?
- What would be the specific role and functions of the Aboriginal and Torres Strait Islander

Assembly?

- How should the Aboriginal and Torres Strait Islander Assembly have input in the Queensland

Parliament?

- What else would be necessary to ensure the Aboriginal and Torres Strait Islander Assembly

contributed to representation of Indigenous people?

- Would one Assembly be appropriate, or should there be separate Assemblies for Aboriginal people

and Torres Strait Islanders

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This idea should be stopped here. Unless of course it is intended to offer the same type of facility to all other ethnic groups. The concept of a Nation within a Nation, or even more imaginatively Nations within a Nation simply can't work. Its time for a reality check.

STRATEGY 4: DEDICATED SEATS

12. Would dedicated seats enhance the participation of Indigenous people in the democratic process in

Queensland?

Probably not but it would destroy the concept of representative Government in the State.

13. Are dedicated seats a good idea? Why or why not?

No! See answer to 12

14. If dedicated seats were to be introduced, how should they operate? For example:

- How many dedicated seats should there be?
- In what ways, if any, should the role and functions of members in dedicated seats differ from

members in other seats?

- How should members in dedicated seats be selected?
- Should people who vote for members in dedicated seats also be able to vote for members in their

general electorate?

More importantly who should qualify to be members of whatever assembly or group. There has been a similar fact example in the recent Tasmanian aboriginal situation which has resulted in DNA testing.

While genetically the Tasmanian situation is reasonably proximate, it does raise the question of what constitutes aboriginality. While this question seems to have been dealt with in America it has been, apart from the recent Tasmanian example, completely swept under the carpet.

It is ultimately a question that has to be addressed, if for nothing else than for auditing purposes.

15. Should there be a referendum about the introduction of dedicated seats?

NO!

STRATEGY 5: CHANGES TO THE ELECTORAL PROCESS

16. Should Queensland's electoral system seek to achieve representation of minority groups in Queensland?

The number of cases where minority groups, even of the purportedly affluent are poorly represented by their Parliamentary representatives, and cannot achieve a result even when their case is proven and a State benefit.

Aboriginal representation generally has been much better but the answer lies not in obscuration of the process but rather to encourage democratically elected members of the Parliament to be objective and conscionable rather than ideologically driven.

The money spent by and on this subcommittee would surely be better directed to representative education rather than simply increasing the number of members of whatever style.

17. Should the electoral system be reviewed to ensure that it is the most effective electoral system to

represent the diverse interests of the Queensland community?

Yes it should. The present perceived alienation of the "bush" is partly a result of the Fitzgerald Inquiry even though subsequent electoral legislation did give them consideration. Similarly the closing down of rural government offices did little to get the thing off to a good start.

To get the best representation you need to respond to the most meaningful expression the public can give at an election and that can be best achieved through proportional representation.

18. Would a different electoral system be likely to ensure greater representation of Indigenous peoples?

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Probably yes. As in fact it would for everyone else.

GENERAL CONSIDERATIONS

19. What other strategies could be used to enhance the participation of Indigenous peoples in the democratic process in Queensland?

Aboriginal and Islander people can be best served by professional non aboriginal do gooders getting out of their way and letting them exercise their own wit and guile to

achieve their own success. Aboriginal people may see election to a Parliament as a negative step in their career paths.

What I believe is most needed is a realistic cultural platform from which they can launch their own ambitions in a dignified way. Its possible that they can do that without gratuitous external help.

20. What strategies or combination of strategies would best achieve enhanced participation of Indigenous peoples in the democratic process.

Perhaps getting their name on the electoral roll?

General Response

The presumption is made that the aboriginal and islander people need the type of affirmative action that permeates this document. Many, including many aboriginals I suspect do not. The best thing that could come out of this inquiry would be the closure of the "aboriginal industry" and as an alternative develop schemes with the money saved, and it would be billions of dollars, to enhance opportunities for all disadvantaged groups so that they could achieve their own personal success in their own time and by their own efforts.

In this way they succeed, gain dignity and respect within the community which is recognised by all as their own achievement.

The recent exposure of the black arm band version of Australian early history by Keith Windshuttle and of course the walking away of the publisher of Manning Clark very shortly after Manning Clark's death should be markers of the change in the community attitude.

The aboriginal industry has been tolerated for a long time but is now coming to the end of its run and hopefully after this reality will prevail.

Members of the committee should take the opportunity to read an article styled "From the Diary of a Protector of Aborigines" by Leslie M Marchant a retired Protector of Aborigines in Western Australia which can be found in the April 2003 edition of Quadrant magazine.

Herb Bonney