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Research Director
Legal, Constitutional and Administrative
Review Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Sir / Madam

**RE: HANDS ON PARLIAMENT - A PARLIAMENTARY COMMITTEE INQUIRY INTO
ABORIGINAL & TORRES STRAIT ISLANDER PEOPLE'S PARTICIPATION IN
QUEENSLAND'S DEMOCRATIC PROCESS**

We make reference to the above. Please find enclosed Submission prepared by the Aboriginal Coordinating Council in response to issues raised in the Discussion Paper.

In addition, the ACC is willing to release information contained in a tape that was recorded during the last Full Council Meeting. This tape contains some of the comments as well as questions raised by the Members on the subject.

Please advise if you need a copy of the tape.

Sincerely

Thomas Hudson
Chairman
ABORIGINAL CO-ORDINATING COUNCIL

ENCL.

BARRIERS TO PARTICIPATION

ACC SUBMISSION

A response to issues raised in the
Discussion Paper:

*"Hands on Parliament" -
A Parliamentary Committee Inquiry into
Aboriginal & Torres Strait Islander People's
Participation in Queensland's
Democratic Process*

BARRIERS TO PARTICIPATION

The Aboriginal Co-ordinating Council submits that there are several factors that contribute to the barriers to participation in Queensland's system of democracy for Indigenous people from the standpoint of considering, contesting and winning seats to become Members of Parliament. Among the significant barriers are the following :

- **Yesterday, Today is Tomorrow's Concept : past History : 'Living Under the Act'**

We need to understand the meaning of the past if we are going to solve tomorrow's problem of representation in Parliament.

The Aboriginal people use the phrase "living under the Act." This refers to the period when the Aboriginal people were subject to the rules and regulations, and the policy and administration imposed by the Aboriginal Protection and Registration of the Sale of Opium Act 1887, and subsequent legislation. This Policy was designed to completely disenfranchise the Indigenous people from being seen as a group of people who should have political rights. The overwhelming effect of this legislation reflected the comprehensiveness of government regulations which controlled all aspects of the lives of Indigenous people "living under the Act" i.e. to full dispossession including political dispossession. This historical fact is significant in explaining the current situation. A lot of things that are happening today are a result of past practices. The shadows of the 1887 Act still linger in the Queensland Political arena. What have we learnt from past experiences? What lessons do they have for us in the future? This point is closely linked to the next one.

- **Policies, practices and hidden values of major political parties – Case of Political Slavery**

The attitudes, policies and practices of major political parties in Queensland namely;

Labour

Liberal

National One Nation

have been largely responsible for the non-representation of Indigenous people in Parliament. Some of the major political parties have adopted and continue to adopt policies which systematically make it hard for Indigenous people to be considered for pre-selection to represent major political parties during State elections. The ACC submits that political parties should be encouraged to ensure that they represent the whole population rather than a narrow section. It would seem as if these political parties have created a new strategy of political slavery of the Indigenous people. That is, they can vote but they cannot be leaders i.e. be considered to become Members of Parliament. The screening process used by the major parties need to be re-screened under a better microscope. White privilege asserts its right to dictate the boundaries and the issues in Indigenous Affairs. This has contributed to the continuing marginalisation of Indigenous people in the political landscape, economic landscape and technological landscape.

▪ Death of a Catalyst : The Australian Community Party

The death of the Australian Community Party (ACP) inflicted a very serious blow to the Indigenous people at a critical time when new values, along new political party lines were being developed. The death of the ACP forced many Indigenous Members to look for surrogate political parties to echo their concerns and views, but these new political parties that they became members of were not genuinely interested in the Indigenous hard core issues. They were interested in playing political games rather than being genuinely concerned with indigenous issues. The history of the Queensland Labor Party for example in pre-selection of candidates to contest State Elections is vividly clear : they count on Indigenous votes but do not trust them to be Leaders! Had a political party with strong Indigenous backing been allowed to exist, or be formed presumably after the 1967 Referendum, a new political structure could have been created which by now would today be the political mentor organisation for Indigenous people. The Indigenous people are still in search of such a political party.

▪ **Walking on Two-leg Policy – Not Quite**

In almost every country where the Indigenous people were oppressed, whether it be India, South Africa, in the case of former British colonies, the French colonies, German colonies etc., the “native” struggle for independence was greatly assisted by outside support. In the 1950’s for example, when the then British Prime Minister, Ian McMillan said that a wind of change was blowing across the empire where the sun never set, many colonised / struggling peoples took their cases to the United Nations Decolonisation Committees and the International Labour Organisation in Geneva etc., to seek support to regain their lost freedom and political rights. While this was the case elsewhere it seemed that the international community did not extend and exert the same kind of support to the Aboriginal people in Australia during this significant period in the history of decolonisation. A greater opportunity to join in this new global movement towards decolonisation was therefore missed. The Indigenous people had to wait until 1967 and subsequently until 1982 – the Commonwealth Games to gain greater recognition in the political landscape of Australia in general.

▪ **Non Supportive, Lopsided Strategy**

The Community Services (Aborigines) Act 1984 was (is) designed to provide an effective platform for the politization of DOGIT Communities, because in theory, the Act was supposedly designed to grant local government powers to the Community Councils, and like their mainstream local government councils, would provide the springboard for Councillors to get direct entry into State and National political arena. Take the case of local government Councillors who have successfully graduated from Council level to being Members of Parliament including Cabinet Ministers. What the Queensland politicians passed in the 1984 Act was incomplete at best. Community Councils were given public responsibility, but neutered in their authority to control their own resources. The restrictions contained in the Act was not and is not the self management we see in the mainstream; it was and is not local government; it is a continuation of government by bureaucrats. This quasi local government status has created some negative political effect on the elected members.

The other barriers to participation include :

- Isolation and remoteness of DOGIT Communities
- Poor as well as inadequate and ineffective educational platform to help energise interest in wider political debates. Education is the greatest equaliser for Indigenous people to catch up on all areas including the political area of representation in Parliament.
- Pre-occupation with many serious life threatening issues that require immediate attention. The welfare dependency syndrome at the expense of political rightfulness.
- Political meddling and muddling by various past and present governments, based on deceit rather than deep transparency; the surrogate case : the so called policy of “political correctness”.
- Lack of property rights and financial power to enter into politics at a higher level. Politics in the modern western system of democracy is closely linked to property rights – an issue which is still a major concern for indigenous people → the land question.

The existing Indigenous organisations should consider creating new political strategies for greater synergy with “correct” political parties, and/or a new political party that will articulate the values, and aspirations of Indigenous people. If the latter strategy were to occur, then mass mobilisation of Indigenous people into a structured political party system needs to be undertaken immediately.

STRATEGY 1

ENHANCE PARTICIPATION IN THE EXISTING PROCESS

While more work in the area of political/civic education and voter education may be a necessary condition to enhance future participation in the existing process, history however, has taught us that such a process in itself will not bring about the desired end result that we are seeking, namely having Indigenous people in Parliament. The Support system needs to extend well beyond just education. It must cover all areas of political support to make it effective, including support from the outside.

▪ True Reconciliation

The fundamental tenet of Australian race relations remains unchanged today. Against this background, unless an honourable agreement between the original Australians and the new Australians can be agreed to i.e. true and meaningful reconciliation can be achieved, nothing will change the present situation. The best result of true reconciliation is one that enables Indigenous people to have the right to speak for themselves on all issues that affect them in the most powerful house i.e. in Parliament.

▪ Networks

One practical way is to create a new forum that allows for political confidence building and networking to occur among all elected politicians in Australia. This forum would involve a regular meeting of the tripartite groups – Senators, Members of Parliament and Councillors, to help people share experiences, gain knowledge, gain confidence etc. If this system were to become operational, it would systematically reduce the current “barriers” to participation. It would create a new culture of political unity across all the three levels of government. There would in our opinion, be enormous multiplier effect including the potential to heighten the interest in State and Federal politics by indigenous people with the consequence that such a meeting could act as a catalyst to enhance participation in the existing process. In addition, quality leadership training must be offered to Indigenous people.

STRATEGY 2

DIRECT INPUT INTO PARLIAMENT

On the surface of it, this looks a very attractive option. It offers all the benefits which other alternatives do not provide, namely, providing political oxygen to the Indigenous people by having direct say inside Parliament. This can be done in a number of ways.

- **Setting up of Queensland Indigenous Commission**

It may be worth considering setting up an Indigenous Commission answerable to the Queensland Parliament and performing duties that are similar to bodies like the CMC, Anti Discrimination Commission etc. that would act as the Parliamentary watchdog on how the Indigenous people are treated. It should have powers to investigate Government Departments and Agencies that are not performing or providing services at the required level. Such a Body could also provide another arena for direct input into Parliament

- **Setting up Queensland Parliamentary Sub-Committee on Indigenous Affairs**

Through such bodies like the Parliamentary Sub-Committee on Indigenous Affairs, members of the various Indigenous organisations could be co-opted to become members and thereby be given the opportunity to have direct input on all issues that have both direct and indirect material relevance on Indigenous issues.

- **Aboriginal and Torres Strait Islander Assemblies**

The third option is considered under Strategy 3 which is an Aboriginal and Torres Strait Islander Assemblies which is the next point of our Submission.

There is some benefit in having these bodies which represent Indigenous peoples to have direct input into Parliament. Currently, Parliament has no Indigenous Members. Through such bodies, opportunities for better analysis of issues that affect Indigenous people will be undertaken. The Indigenous peoples must determine the composition of who should be on the representative .

A Sunshine Policy needs to be put in place simultaneously if this strategy is going to work. The Sunshine Policy will be a combination of constructive engagement, constructive negotiation and adequate inducement.

STRATEGY 3

AN ABORIGINAL & TORRES STRAIT ISLANDER ASSEMBLY

While the idea of an Assembly may provide a united approach to discussing and presenting a collective view of Indigenous people to the Government and other organisations, regrettably it falls way short of the idea of providing effective political oxygen for the Indigenous peoples.

The need for Indigenous people to be seen to be talking eye ball to eye ball in one room remains the only viable way of promoting true democratic principles of effective representation. The idea of assembly would create the mentality of Queensland House and the other house rather than a Single Queensland Power House / think tank institution. This idea thereafter is not appealing to the ACC.

STRATEGY 4

DEDICATED SEATS

The ACC submits that this proposition to create dedicated seats would significantly enhance the participation of Indigenous people in the democratic process in Queensland. This option would provide the easiest path to the political oxygen much needed by the Indigenous people. It would also provide opportunity for indigenous representatives to be on common ground with Queenslanders in Parliament.

Dedicated seats are an attractive option in situations where we have to cultivate or re-cultivate new political cultures into the system. History from many countries are full of examples where dedicated seats were used initially as a catalyst and later as a strategy to enhance political participation by natives in the affairs of their new nations. In addition, some countries, post – independence have gone ahead and created special seats in Parliament for various groups, notably women, youth etc. to create a broad base National Political Assembly.

In a somewhat similar way, the idea of dedicated seats needs to pervade all spheres of government / non-government operations. It would be nice if certain seats in the Cabinet were also deemed to be dedicated seats. Further, as a strategy for building the basis for dedicated seats, it would be nice if senior departmental positions, senior positions in overseas missions etc. could also be included in the category of “dedicated”. Is there any correlation between Linda Burney, the 11th Aboriginal MP victory in the safe seat of Canterbury in Sydney with her previous position as Departmental Head? Are there lessons that Queensland can learn from this victory from her southern neighbour who have been in some ways the mentor of Queensland on many issues?

Put simply, in answer to questions 12 and 13 the ACC submits that the answer is a big **YES**. Evidence from New Zealand is further proof of the results of such a strategy. Not only have these “dedicated” seats proved to be extremely useful, they have also acted as a catalyst to encourage many more Maoris enter Parliament.

The question of how many dedicated seats need to be created and how they should operate is a crucial one. Queensland currently has got 89 MPs, with no upper house. A rough figure of between 5 - 7 dedicated seats would have to be created. Any number less than 5 would make the effectiveness of dedicated seats less than effective. The number of dedicated seats should be adequate to enable such members to exert enough influence in Parliament.

On the subject of the functions of the Members in dedicated seats, the ACC submits that their function should be the same as the other Members of Parliament, otherwise the purpose of creating dedicated seats will be tantamount to tokenism.

Should people who vote for Members in dedicated seats also be able to vote for Members in their general electorate? Ideally under the principle of one man, one vote, one would be tempted to conclude that it would best be advisable if Members in the dedicated seats did not vote for Members in their general electorate. But this raises the question of electoral boundaries. What kind of boundaries are we going to come up with? Will dedicated seats be a subset of the general constituency or will they be distinctly separable? Do electoral constituent boundaries need to be redrawn?

The ACC submits that there is merit in organising a referendum on the introduction of dedicated seats. This is analogous with the 1967 Referendum. However, we need to be careful when drawing conclusions from the results of the referendum. What for example would happen if 98% of the Indigenous people said yes, but because of the small numbers of Indigenous people in Queensland, the majority of the rest said no. How should the results be read and interpreted? Remember in the decade of 1990 when Labour secured most of the votes but lost the majority in Parliament? What principle will be used to interpret the results of the referendum? Is it from the point of view of strugglers or everybody?

STRATEGY 5

CHANGES TO THE ELECTORAL PROCESS

At the outset it must be stated that political parties should be encouraged to ensure that they represent the whole population, not just a few sections. To this end, therefore, the Queensland electoral system must be designed and structured in such a way that the interest of minority groups are not completely neglected. A delicate balance between majority and minority must be maintained.

The definition of a minority group is a fairly tricky question in a country like Australia. The ACC contends that the debate on the representation of people in Parliament was not triggered off by the absence of "minority" groups in Parliament, but rather by the glaring absence of the various colours of people in Queensland and more specifically by the absence of the first owners of this country – the Indigenous people in Queensland Parliament.

Apart from the brief period almost thirty years ago when Eric Deeral was in Parliament, no Queensland Indigenous Leader has held any seat in Queensland Parliament since that time. Accordingly, the ACC definition of minority group will be restricted and limited to the first owners of this country. They need to be represented in Parliament. The other groups are already represented in Parliament in one way or the other.

GENERAL CONSIDERATION

There are many other strategies that could be considered to enhance the participation of Indigenous peoples in the democratic process in Queensland. These include :

- Improving the education system on Aboriginal Communities, culminating in the setting of a "Harvard" type excellence centre for Indigenous Leadership Training.
- Setting up of the Queensland Aboriginal & Torres Strait Islander Parliamentary Committee.
- Setting up of an independent Commission called the Queensland ATSI Commission that plays roles similar to those played by other Commissions eg. CMC, Anti-Discrimination Commission to act as a safety valve on indigenous issues.
- The appointment of Indigenous people to positions of policy including Senior Policy Advisors to Ministers and other elected Members. History has shown how many ministerial Policy Advisors have used these pathways to become parliamentarians. If it works for these people, it may well work for Indigenous peoples.
- The appointment of Indigenous people to Senior Strategic Positions in Departments where they have the opportunity to effectively influence policies and legislation -- the remote / indirect strategy. This includes appointment of Indigenous people to Senior Management Positions in the private sector as well. All these provide healthy training grounds for Indigenous people to prepare themselves for the political game.
- There is a need to set up a Local Government Aboriginal Network to encourage and support Aboriginal people to put up their hands to be considered to contest State Elections.
- Encouraging Indigenous people to run as candidates for mainstream Councils. This has proved to be a very fertile ground for the mainstream politicians to enter into State and Federal political arenas.
- Adopting of the broadening of the horizons strategies including arrangements to allow Indigenous people to a greater international exposure, studying overseas, visiting overseas countries, working in missions abroad and a greater degree of connectedness with the United Nations Decolonisation Committee.

- The Australian Government and indeed the Queensland Government making a clear unequivocal statement on affirmative action and following this Policy through until a logical conclusion is achieved. This was the case in the United States for African Americans as well as for Britain. This is no substitute to this strategy. It must be implemented, it must be allowed to work.

CONCLUSION

Some of these strategies are of a long term nature. Others are short term, but in general these strategies call for a concerted effort by adopting an incremental approach to dealing with the issues in the Discussion Paper.

One step followed by other successive steps which compliment the former step and connects with the next step will lead us to where all of us should be in the end : Having Indigenous people represented in the Queensland Powerhouse i.e. Parliament.

The political inertia which has acted so powerfully to exclude Indigenous people out of Queensland Parliament must be removed.