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LEGAL, CONSTITUTIONAL AND  
ADMINISTRATIVE REVIEW  
COMMITTEE

TABLELAND ELDERS LOCAL JUSTICE AUTHORITY

HANDS ON PARLIAMENT  
SUBMISSION  
2003

For: The Legal, Constitutional and Administrative Review Committee

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Tableland Elders Local Justice Authority

3 July 2003

The Research Director  
Legal, Constitutional & Administrative Review Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Dear Administrative Committee,

The representatives of the Tableland Elders Justice Authority, their descendants and local traditional landowners would like to voice our say as Christians, voters, taxpayers and fellow Australians that our people have become since European settlement in the last <sup>Two</sup> ~~few~~ hundred years. We refer to the Australian Constitution that did not recognise the indigenous people of this country but as terra nullius.

We kindly remind the Queensland Parliament that we should no longer have to negotiate over our rights. Your <sup>government</sup> ~~governance~~ of our people sees us no nearer to that of African American's whose quality of lifestyle is far grater than our lifestyle of welfare dependency that the previous governments and current government who like to think we are incapable of representing our people. The approach to recent inquiry to see indigenous people in this country have special seats in parliament, still deny the right to handle our affairs.

Our members recognised for years that we need an Indigenous Party with representatives of all the tribes in the country, because of the gross unfairness due to political constraints imposed on us and little or no responsibilities held of those who do wrong by all community organisations.

The Indigenous Party needs to be consistent to an equal lateral triangle, all sides equal and symmetrically equivalent at the three points and sides. For instance take a look at the map of Australia, it has a peculiar triangular shape, this represents our nation of indigenous people made up of boundaries and each tribal connection <sup>with</sup> ~~which~~ their own land, lore, custom and culture.

A party, at the top, based in Canberra, as its spearhead of the nation's frontline politics in the capital would give indigenous people and equal advantage as voting rights. It would ensure positions for indigenous Male and Female in each electorate as candidates, to get elected on their own merits according to the Elections of State, Federal and Local Government Elections. This model should reflect our ancient cultural method of trusted Elders, who once governed and who represent their tribes rather than the now leaders of our current modern system ATSIC who represent our indigenous people in frontline and political arena of this country.

Special positions available for elders to have direct access in the major political arena and have the authority to have decision making power at parliament and local levels for their respected tribes and communities.

The indigenous party of course would need to be register but no special privileges made at the top level. A party leader can be chosen as the current parties do to choose their leader for prime ministership this is obviously fair in the sense to gain entry into parliament with the party as its political backing force. Investigation into a candidate's suitability is important as no person who has destroyed, stolen or used improperly any organisation should stand as leader for the indigenous people.

It should be decided upon whether the party will represent in State, Federal and Local Elections. This would depend on how much interest is pursued by the indigenous people as individuals.

Voting rights of the wider Australian people can vote just as they would for their preferred party and can vote for the indigenous party without fear of prejudice or pressure thrown at them by some bureaucrat, novice or opposition from some other parties.

## **Feedback**

### **Barriers to Participation**

1. **Here are some reasons why indigenous people are unrepresented in the Queensland Parliament. There is no one there for a start to represent us.**
  - a) A long history of no freedom and liberty caused by removal from homelands, dependency on welfare and inappropriate education in a European lifestyle.
  - b) The government determination to place restrictions on all indigenous people by placing us under certain Acts.
  - c) Aboriginal Affairs Ministers were mostly always European people and those that were not, their decisions were not of that of the indigenous people.
  - d) The Labour Government party gave us some recognition due to post election promises but once the temperature dropped off aboriginal affairs became stale. With each new government in power another agenda for indigenous Australian's is produced. The few indigenous leaders of the day cannot possibly represent a nation of indigenous people but as a political party we can expand our voice in the upper and lower houses and thus autonomy over our own lives.
  - e)
2. **Some of the reasons why indigenous people might choose to be involved in Queensland Parliament.**
  - a) Indigenous living standards are socioeconomic and welfare dependent, we struggle from pay to pay and day to day not sure of our future when it comes to government policies. With indigenous jobs we are unsure if our jobs will be there in the next year.
  - b) Many indigenous people carry the burden of having a criminal record and are ashamed to disclose it. Anything from a parking ticket can be assumed as not eligible to take up positions such as becoming a politician.
  - c) Indigenous people have a long history of unfair treatment in the justice system. Over-representation of Indigenous people in



prisons right around Australia. If a family member or members have been in trouble with the law, they think it's useless to try and rise up. The Royal Commission into Black Deaths in Custody set up the Justice Programs.

However support from State and Federal Governments did not ensure the workings of these programs to become as serious as Children Welfare. The expectation for the local justice programs is volunteering not wages. An office is funded for only one worker who works long hours but does not get paid for it. DATSIP workers should have been more instrumental in starting programs not shut down so that the money could go directly to the Local Justice Programs where it is needed. Those who hold certificates in Aboriginal Legal studies feel it's of no use they can't get a job in these areas unless they volunteer. We are currently using CDEP to recruit staff, but funding needs to be made available to employ permanent staff.

d) Lack of interest and no formal education to get too these places.

**3. These are some types of factors, which make it difficult for indigenous people to participate in Queensland's System of Democracy.**

a) Constant changes

b) Integration of marriages

c) Not many indigenous people can speak on political levels.

d) Young people face domestic violence, broken homes. Drugs and alcohol. Their only future is a defacto relationship and children or unemployment benefit.

e) Most indigenous people rather perform practical work then theory.

f) Elders not doing the right thing. All these factors and many more stops indigenous people from representing in the Government System of Democracy.

## **Strategies:**

### **1. Enhance Participation in the Existing Process**

#### **A) Education of politics for Indigenous People and Training.**

- One of the hardest things that indigenous people had to cop and that is their obligation to the funding bodies and the Registrar of Aboriginal Corporations. The first introduction into the world of politics stems from the government's failure to recognise that indigenous people did not have the management skills to run their funded organisation as the governing committee. So non-indigenous people were employed. It has always been argued that directors need training. At elections family elect family even if the area is not theirs. Governance training as a policy can enhance the level of participation after their engagement; otherwise ignorance will always have a detrimental affect for indigenous people. Some people might boast they don't need it but everyone must do it to have the balance of confidence, work as a team and a partnership managing and lawfully do things as the constitutions allows with out making their own rules of interpretation to suit themselves.

#### **B) Strategies that promote greater participation by Indigenous people in the existing democratic process.**

- Incorporate a community awareness module into the secondary school to teach indigenous students of roles and responsibilities of a director, administrator, meeting requirements and secretary positions.
- Indigenous people as a whole body should meet the Queen and not just set places that are on an agenda. Nor should we have to meet her with some politician hanging on to drum up media support or electoral support.

### **2. Direct Input into Parliament**

- No, this in itself will only create a conflict of interest.
- No, because representative bodies do not always act in the best interest of all indigenous people of Australia. The

reasons stem from the diverse tribes and clans that have different languages and customs and lore. Each has its own functions. It would take a vote from all members of the indigenous race who are on the electoral role to decide something of this nature.

- The representative body should be made up of people who have been trained in this field, other wise you are going to end up with misrepresentation right across the board. Even if well known educated and respected people take up these positions and have clean records they will only represent their own family. It will end up in a situation were people will become critical, if there needs are not met when it comes to representation and this is a fact of life.
- In the best interest of the people, parliament should consider to make policies that formal training must be provided on all aspects of people entering the political career. The days of anyone running for elections as candidates should be phased out altogether.

### **3. An Aboriginal and Torres Strait Islander Assembly**

- It would be in appropriate to think an amalgamated process to be an ideal link to have Aboriginal and Torres Strait Islanders as an Assembly. It would be appropriate for Torres Strait Island people to become their own self-political process of representing their respective tribes and clans. We understand that there are intermarriages and families and who reside on mainland Australia, but of the nature of cultural differences it would be unacceptable.
- No
- ATSIC has developed a Cape York region, which is funded by them as a separate entity, therefore that tells us that an assembly will cause all sorts of conflicts.



## **5. Changes to the Electoral Process**

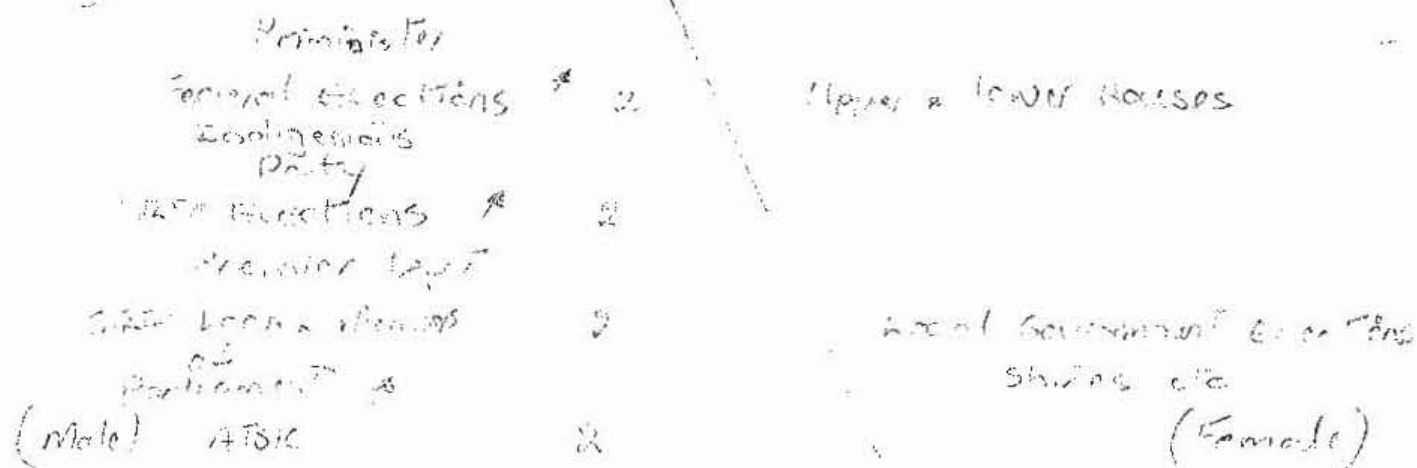
- We believe in representing the whole community. As an indigenous party we should not be only representing our people but Australia as a whole. If the minority groups just represent their cause then we think it just looks after its own sect of people. If any one has an issue it should lobby their preferred government and seek to get a fair representation. As an indigenous party we should not discriminate against other people because we ourselves are fighting for our needs to be met.
- This should be reviewed to give everybody a chance to put in place a fair system that would not disadvantage anyone. We might not all believe in the same things, but we will all have our needs met in this life time,
- Any electoral system that shows fair representation can only give greater representation for indigenous and none indigenous to bring a balance of power according to the laws and the legislation of the Queensland constitution

## **GENERAL CONSIDERATIONS**

- Promotion of courses on politics and encourage aboriginal people to use this as a career path. Hold worldwide conferences to share their experiences, frustration and work towards a common goal to reach all corners of the globe, and help others that are in desperate situations. Our people like to help others who are in need that's why we are decedents of tribes which has many functions. It is unique and it can be an asset and benefit to Australians and the world. Meet with the aboriginal and Torres Strait islander service providers its leaders and elders.
- If nelson mandala made it to the president position in his county after spending almost a lifetime of imprisonment, there may be hope for us yet, because most of our people are in prison. The review committee needs to look at some of the cases that indigenous people have become exposed to over the years. Were as indigenous person has been tried under a European system it needs to be looked at from an international perspective.

- Eg. We chuck out rubbish and we recycle it to use it again. A lot of us are considered bad rubbish in society, our governments need to start by taking these old cases and re-look at them to see if they are eligible to make them good and give people a chance. Those who committed crime beyond their control and have changed their life style, lets face it any one of us can commit crime all of us do it every day don't we? its called sin.
- As a suggestion the process of appeal of these unfair cases, perhaps the governors pardon process of appeal. Nelson Mandala changed the history of his county, when he became Prime Minister. Please allow us for this opportunity to do so while we can thank you.

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Male = Female Representation.

Before reaching a Union at each house, and successful completion. The candidate has ample opportunity to appear to the next level of Politics.

They must 3' show themselves approved.

Amount of money at each level for the candidates

"LORDS" HAVE BASIC TRAINING SKILLS ALSO AT EACH LEVEL, BUT HAVE DIRECT ACCESS AT HIGHEST LEVEL OF PARLIAMENT FROM LOCAL TO NATIONAL.

(Sorry about mistakes)