

## LEADER OF THE OPPOSITION

Parliament House • Alice Street • Brisbane Q 4000 • Telephone (07) 3406 7997 • Facsimile (07) 3221 1496  
Email: leader@opposition.qld.gov.au

18 July 2003

M/s Karen Struthers MP  
Chair  
Legal, Constitutional and Administrative Review Committee  
Parliament House  
Brisbane Qld 4000

Dear M/s Struthers

I refer to your letter of 24<sup>th</sup> June 2003 seeking my preliminary thoughts on a range of options put forward by the Legal, Constitutional and Administrative Review Committee (LCARC) pertaining to indigenous representation in State Parliament.

It should be a fundamental requirement that any strategies recommended to boost indigenous representation should be based on the principle of greater unity between all Australians -- not the pursuit of disunity.

Clearly then, any attempt to reserve seats or establish a separate assembly would be counter-productive to a practical reconciliation process.

I have noted some of the summarised views expressed in the consultation paper and shall address them broadly.

The consultation paper explores issues such as racism, a lack of treaty or other legislative recognition of Aboriginal and Torres Strait Islander people, as possible reasons why some parties have failed to endorse indigenous candidates.

This is a folly.

The Queensland Nationals are proud that they are the only party in the history of Queensland to have had an indigenous MP sit in the Queensland Parliament.

Eric Deeral was elected to the Legislative Assembly for the National [Country] Party as the Member for Cook in 1974 at the height of the Bjelke-Petersen era. It is a matter of some pride that the Queensland Nationals under Sir Joh Bjelke-Petersen were so instrumental in triggering the empowerment of indigenous people.

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It should be noted however that Mr Deere's election occurred at a time long before words such as 'reconciliation' and 'treaties' became part of the political debate. In addition, Mr Deere's election was at a time when racism in our community was undoubtedly stronger than it is today.

If issues such as racism and the lack of a so-called treaty etc were not impediments in the 1970s, then there is no reason why they should be an impediment today.

Equally, the Queensland Liberals are proud to have had the first ever indigenous Senator, the late Neville Bonner, who entered the Federal Parliament also in the 1970s.

The question must be asked then, given the decades that have expired since Eric Deere and the late Neville Bonner's respective elections, has the subsequent political hijacking of indigenous issues actually driven the reconciliation process backward rather than forward?

On the issue of legislative responses and parliamentary recognition of perceived priority indigenous issues, it should be noted that in the Beattie Labor Government's first term in office, it passed a 'sorry' motion in the Queensland Parliament.

Labor MPs at the time argued that such a motion would further empower indigenous people, make parliament more relevant to indigenous people and move the reconciliation process forward.

When the National and Liberal Parties opposed the motion, they were accused by some of having set back indigenous issues and the reconciliation agenda by decades.

It is interesting then, that at the subsequent State Election in 2001, the only political party to run an indigenous candidate was the Queensland Nationals – not the Labor Party – in the seat of Cook.

It should also be noted that at that election the Labor Party expressly rejected an invitation from the Queensland Nationals to encourage Labor voters to at least pass a preference-vote to the only indigenous candidate running for State Parliament.

Had the Labor Party recommended a preference vote to the only indigenous candidate, it would not have impacted at all on the Labor Party's chances of holding that seat [Cook] as Labor preferences would only have been counted if Labor had already lost the seat.

The sole goal of Labor's decision not to preference then, was to ensure that an indigenous candidate was not elected for the National Party.

The discussion paper also raises issues about whether the Westminster system, with separate political parties, is appropriate for indigenous communities.

Political parties or similar structures are a natural consequence of any form of modern democracy. Indigenous communities in Greenland and self-governing territories of Canada for example, have naturally organised themselves into political groupings.

The issue that really needs to be discussed here is not then the relevancy of the Westminster system, but rather the pre-selection processes adopted by political parties.

It is interesting that those political parties who have fewer factions – or no factions at all as is the case with the Queensland Nationals – are more readily able to endorse indigenous candidates. That is because candidates are chosen on the basis of merit – not factional alignments and pay-offs.

It is interesting that the Queensland Labor Party remains the only major political party in the history of Queensland not to have delivered an indigenous representative to either the State or Commonwealth Parliaments.

While no political party has an outstanding record of indigenous representation, it is the Labor Party that has no record at all.

If a party adopts a policy of formally allocating candidacy on the basis of union and factional alignment, then that party will inevitably have the least success in attracting indigenous candidates.

A major problem exists when parties have flawed pre-selection processes based on factional pay-offs. This stymies the ability for indigenous people to successfully secure pre-selection because union affiliations and formal factional political party structures are virtually non-existent in indigenous communities.

The answer does not rest in political parties setting quotas. Quotas are nothing but a band-aid solution for a flawed pre-selection process.

The committee would be wise to make recommendations to any political party to do away with formalised factional pre-selection processes. The committee may also like to consider withholding public funding from any political party that refuses to do away with such a structure.

By way of example, the committee should recollect an incident in 1997 when indigenous identity Noel Pearson declared that he was considering running for the Labor Party against the Howard Government. He declared he was not even after a safe seat.

It is not for me to suggest whether or not Mr Pearson would have been a quality representative or not. But his desire appears to have been short-lived and the issue never rose again.

At the time *The Courier-Mail* editorialised (18<sup>th</sup> December 1997):

*"Noel Pearson would have known what he had to do to capture Labor Party pre-selection for the next Federal Election had he really wanted to be elected to Parliament in 1998. Cheryl Kernot provides the model. What is essential is that a deal be done in advance: the powerbrokers of the political party whose nomination is sought must first be approached in secret, their approval gained, and any dangerous internal objectors neutralised or mollified".*

*The Courier-Mail's* editorial essentially highlighted the flawed Labor Party pre-selection process – it essentially indicated that unless someone was prepared to be in a faction and unless they were prepared to engage in secret deals, then they would find it hard to win pre-selection on the basis of merit.

Most indigenous people do not join political parties. One reason being that the ordinary branch structures do not exist in indigenous communities.

And even if they did, it is arguable that you would actually want to encourage indigenous people to actively involve themselves in a party that adopted factional processes that fail to reward merit.

That is why it is so important for I.CARC to identify if any political party has a formalised union factional structure and to make recommendations to that party to do away with such a structure.

There is little doubt that greater education campaigns will generate a greater awareness of parliament.

But it would be a 'head-in-the-sand' philosophy to think that such efforts -- while needed and praiseworthy in terms of ensuring a better understanding of the Parliament - would have any meaningful impact on increasing the number of indigenous people seeking pre-selection.

The committee also needs to be cautious about giving too much credence to the argument that State Parliament is irrelevant to most indigenous people because it does not currently comprise of any indigenous members.

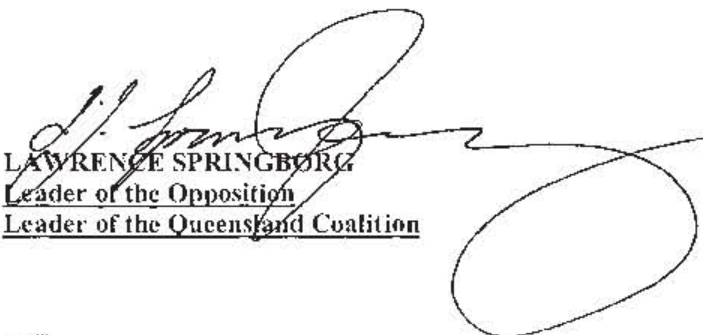
This argument is sometimes put forward by those who want to claim that seats should be reserved for indigenous representatives and, after time, parliament will become more relevant.

This too is a folly. I.CARC need look no further than ATSIC where indigenous communities elect their indigenous representatives.

The voter turn-out at ATSIC ballots is virtually non-existent if measured by any normal barometer of democracy -- indicating that having indigenous representatives alone does not necessarily equate to having indigenous relevance.

I trust the committee will consider this input objectively and not endorse simple or politically opportunistic recommendations.

Yours sincerely



**LAWRENCE SPRINGBORG**  
**Leader of the Opposition**  
**Leader of the Queensland Coalition**

LMvj