



adcq ANTI DISCRIMINATION
COMMISSION QUEENSLAND

Our Ref: P/0039

8 June 2007

Mrs Dianne Reilly MP
Chair
Legal Constitutional and Administrative Review Committee
Parliament House
George St
Brisbane Qld 4001

Dear Mrs Reilly

Thank you for the invitation to participate in the Interim Evaluation of Hands on Parliament Recommendations.

The Anti Discrimination Commission Queensland (ADCQ) has carefully considered the April 2007 Consultation Paper and provides the following comments:

1. Formal recognition of Aboriginal & Torres Strait Islander peoples

While the government has stated it does not support Recommendation 2 proposed by the Committee, in the light of the example set by the Victorian Parliament, and renewed interest surrounding the current celebrations marking the 40th anniversary of the 1967 Commonwealth Referendum, the ADCQ suggests that the committee requests the government reconsider this recommendation.

Since publication of Report 42, the Victorian parliament has set a precedent in its Constitution by recognising the unique status of Aboriginal Victorians as the descendants of the original people of that State and acknowledging the contribution of Aboriginal people to Victoria. Recognising Aboriginal people in this way positively builds the relationship between the Victorian Parliament representing the people of Victoria, and Aboriginal Victorians.

A similar recognition in the Queensland Constitution acknowledging Aboriginal occupation of mainland Queensland and Torres Strait Islander occupation of the Torres Strait Islands, and the contribution made by Aboriginal and Torres Strait Islander peoples to Queensland would progress reconciliation between Aboriginal and Torres Strait Islander people and the broader Queensland community. It would provide a positive and inclusive symbolic gesture to build on that reconciliation. The unique position of Aboriginal and Torres Strait Islander people as the original people of the land in Queensland needs to be recognised.

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2. Political parties, enhanced and inclusive and testing inclusiveness in civics education, Parliamentary education services, Australian and Queensland Electoral Commission voter education activities

The ADCQ has evaluated the implementation of Recommendations 3, 4, 5, 6, 8 and 9.

The ADCQ commends the Committee and the Government on its efforts to date to include and increase the participation in party political processes, and to educate the Aboriginal and Torres Strait Islander community through specific campaigns on voter participation in the parliamentary process.

While there have been remarkable successes for Aboriginal people entering Parliament in New South Wales, Western Australia and the Northern Territory at the state level, through the participation in party politics since the release of Report 42, this situation has not been realised in Queensland. There have been no Aboriginal or Torres Strait Islander Queensland members of the Commonwealth or Queensland Parliament since the election of Liberal Party Senator Neville Bonner in 1972 and Country Party member Eric Derral to State Parliament in 1974.

It is evident that over the years Aboriginal and Torres Strait Islander people have taken the initiative to stand for general elections as candidates of the political parties and as independents, at all levels of government in Queensland and National elections.

Given the demographics of the Aboriginal and Torres Strait Islander population in Queensland there is every possibility that an Aboriginal or Torres Strait Islander person will enter Parliament in the near future. This possibility should be encouraged through the extension of currently funded education activities in this area.

With respect to participation in the electoral process (Recommendations 8 and 9) it appears that the funding in relation to increasing electoral participation of Aboriginal and Torres Strait Islander people is not necessarily ongoing. The ADCQ submits there is an obvious need to maintain an ongoing education process to embed this information, and both the State and Federal governments should commit continuous funding for this purpose

It would appear that Aboriginal and Torres Strait Islander people have had more success in achieving being elected to representative bodies at the local government level (outside DOGIT communities). This positive outcome would be further enhanced with the continuance of educational activities in this area.

3. Youth Participation in local government processes, enhancing local government participation and evaluation of participation

The ADCQ has evaluated the implementation of Recommendations 7, 12 and 13 relating to local government process and participation of Aboriginal and Torres Strait Islander peoples.

The ADCQ commends the current efforts of the Committee and the Government in encouraging Indigenous youth specifically through forums and education activities in the role of local government processes throughout Queensland. This is an ongoing process and should not be time constrained if full realisation of participation of Aboriginal and Torres Strait Islander young people is to be achieved.

The current review of local government has raised concerns among the Aboriginal Local Government Associations (former Deeds of Grant in Trust councils) about their future roles and the impact of the review on Aboriginal governance over Aboriginal community lands.

It is noted that the 19 Aboriginal Community Councils particularly have publicly expressed fears of changes to land tenure and community boundaries and the affect on Aboriginal self-determination and rights to traditional lands.

Fears expressed by Aboriginal local governments need to be allayed through transparent consultations and ongoing public evaluation of this process. The ADCQ urges the Committee to monitor carefully any proposed reforms, as there may be a diminution in participation by Aboriginal people in local government if former Deed of Grant Councils are merged with larger non DOGIT councils. This would be a negative and detrimental outcome, particularly if Aboriginal people feel even less control over local decision making processes that have a direct impact on their lives.

The review has also raised similar concerns for Torres Strait Islander Community Councils with regard to the amalgamation of community boundaries into one council. Again this process needs to ensure transparent consultations, and should continue to be evaluated to ensure negative outcomes do not occur that disadvantage or marginalise the local Torres Strait Islander peoples' ability to make local government decisions that impact directly on their communities

4. Employment and Training in democratic institutions and processes and parliamentary Indigenous liaison officers

Recommendations 10 and 21 relate to employment and training in democratic institutions and processes and Parliamentary Indigenous Officers.

It is noted that the employment of Aboriginal and Torres Strait Islander people in the Public Sector through various equal employment opportunity policy plans and programs is monitored, but employment statistics have not been made available to support the strategies implemented since the release of Report 42. The gathering of reliable statistics would be a helpful means of evaluating strategies, and the ADCQ urges the Committee to explore means of ensuring such statistics are available.

The ADCQ commends the effort of the Committee and the Government in providing training programs for Aboriginal and Torres Strait Islander councils, employment of Aboriginal and Torres Strait Islander within the Electoral Commission Queensland and recent efforts within the Parliamentary Service to progress the future possible employment of Aboriginal and Torres Strait Islander staff.

With respect to Recommendation 21 it is noted that the employment of Parliamentary Indigenous Liaison Officers is not supported by Government. The ADCQ regrets that such an initiative is considered unnecessary at this time, and urges the Government to reconsider this recommendation.

5. Leadership training and the role of community leaders.

Recommendation 11- Leadership training:

The ADCQ agrees that leadership training in schools, educational institutions, workplaces and community organisations is an important means of skilling people to

become leaders and role models, and encourages the Government to continue to support initiatives such as the Indigenous Youth Leadership program, the Institute for Indigenous Leadership in Education and Development (Cherbourg) and other such initiatives. It is important that developing potential leaders have an opportunity to be exposed to a broad range and diversity of experiences, including developing an understanding of civics. Equally as important is for the Government to listen to a variety of voices from Indigenous leaders, and to facilitate the opportunities for a diversity of Indigenous leaders throughout the State to develop to their full potential.

Recommendation 16 - the role of community leaders:

The Commission notes that government initiatives such as the negotiation table process; Partnerships Queensland and the 'Meeting Challenges Making Choices' program have the potential to further engage and encourage dialogue between Aboriginal and Torres Strait Islander communities and government departments in addressing specific issues of concern.

Similarly the development of Community Justice Groups provides a process and forum to raise justice issues affecting Aboriginal and Torres Strait Islander communities in urban, regional and rural centres as well as within reserve communities.

It is evident that many members of Aboriginal and Torres Strait Islander communities have actively participated in the Westminster process for many years. However, the fact that there are Aboriginal and Torres Strait Islander people living in urban, rural and remote communities means that different strategies for engagement, consultation and leadership development may need to be adopted depending on where people reside. Remote communities may need extra resources to be devoted to each of these activities, however urban and rural Aboriginal and Torres Strait Islander people also need to be considered in each of the Government's initiatives dealing with engagement, consultation and leadership development.

6. Indigenous Community Cabinets and the role of ATSIC and efficient service delivery

Recommendations 14 and 15:

The ADCQ notes that the Government, while supporting increased participation of Aboriginal and Torres Strait Islander peoples in the Community Cabinet process, does not support the concept of exclusive Community Cabinets.

While the Government believes that this would not be in keeping with the philosophies that underpin the main purpose of Community Cabinet, the ADCQ submits this should not exclude the possibility of the need for such a forum, or a similar forum for Aboriginal and Torres Strait Islander leaders to speak with Government at a high level.

The ADCQ notes that since the demise of ATSIC, and the discontinuance of the various consultative bodies established following the Royal Commission into Aboriginal Deaths in Custody (eg AJAC and the Overview Committee), apart from the Aboriginal Local Government Association of Queensland Inc (replacing the Aboriginal Coordinating Council) and the Island Coordinating Council, there is no longer any peak or representative body of Aboriginal or Torres Strait Islander people that can speak to Government at a high level about issues impacting on Indigenous people across Queensland. There appears to be no conduit or forum for Indigenous leaders

to meet as a group and to then communicate their ideas and concerns directly with Government. In the absence of such a representative or peak body, Indigenous Community Cabinets could provide an opportunity for Government Ministers to hear directly about "big picture" concerns and ideas of Indigenous leaders, including those who are not involved in the various Aboriginal and Torres Shire Councils.

The appointment of the Government Co-Coordinator- Indigenous Service Delivery cannot be a substitute for Indigenous leaders having a forum to meet and to communicate with Government at a high level.

7. Fundamental legislative principles

Recommendation 18:

LCARC's recommendation for amendment to the *Legislative Standards Act 1992* was not supported by the Government. The ADCQ submits that the Queensland Government, when passing any legislation, should have sufficient regard to Aboriginal tradition, Island custom and any particular effect the legislation might have on Aboriginal or Torres Strait Islander peoples.

8. LCARC's area of responsibility and LCARC's agenda

Recommendations 19 and 20:

The ADCQ urges the Government to reintroduce the bill amending section 89 of the *Parliament of Queensland Act 2001* increasing LCARC's area of responsibility in line with Recommendation 19. The ADCQ also urges LCARC to implement Recommendation 20 when setting its inquiry agenda, to more actively consider its area of responsibility regarding whether Queensland law has sufficient regard to Aboriginal tradition, Island custom and any particular effect the law might have on Aboriginal and Torres Strait Islander peoples. This should not be only a 'watching brief', but should include proactive steps to implement an ongoing inquiry agenda concerning issues affecting Aboriginal and Islander people that falls within LCARC's areas of responsibility. The ADCQ suggests LCARC consider as an agenda item, a Queensland Bill of Rights, and examine the models already passed by the Parliaments of Victoria and the ACT.

9. Aboriginal and/or Torres Strait Islander Assembly and Dedicated seats

Recommendations 22 and 24 – relating to Aboriginal and/or Torres Strait Islander Assembly and Dedicated seats:

The Commission notes that both recommendations are similar in intent in providing a forum for Aboriginal and Torres Strait Islander representation in the parliamentary process. While not supported by the committee or government at this stage, the ADCQ considers that the possibility of an Assembly and /or dedicated seats should nevertheless be kept a matter of consideration for the future.

10. Greater autonomy in the Torres Strait

Recommendation 23:

The ADCQ supports this recommendation, as self determination is a significant component of the draft United Nations Declaration on the Rights of Indigenous Peoples.

Involvement and consultation with all Torres Strait Islander people including those living on mainland Queensland needs to be part of this process.

The expectations of Aboriginal communities for greater level of autonomy similar to that being considered in the Torres Strait, should not be excluded from LCARC's and the Government's consideration.

Should you have any questions concerning the ADCQ's submission, please do not hesitate to contact Liz Bond, Manager – Aboriginal and Torres Strait Islander Unit, on 32470913.

Yours sincerely

A handwritten signature in black ink that reads "Susan Booth". The signature is written in a cursive, flowing style.

SUSAN BOOTH
Anti-Discrimination Commissioner
Queensland