

LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

HANDS ON PARLIAMENT

Interim Evaluation of the Implementation of Recommendations made following a
Parliamentary Committee Inquiry into Aboriginal and Torres Strait Islander Peoples'
Participation in Queensland's Democratic Processes

NOVEMBER 2007

Report No 61

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LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE



52ND PARLIAMENT

CHAIR:	Mrs Dianne Reilly MP, Member for Mudgeeraba
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A/RESEARCH DIRECTOR:	Ms Joanna Fear (from 30 July 2007) Ms Julie Copley (to 27 July 2007)
A/SENIOR RESEARCH OFFICER:	Ms Amanda Honeyman Ms Zoe Picton (from 30 July 2007 to 31 August 2007)
A/EXECUTIVE ASSISTANT:	Ms Erin Pasley (from 22 October 2007) Ms Heather Tolland (from 30 July 2007 to 19 October 2007) Ms Zoe Picton (to 27 July 2007)

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

Telephone: (07) 3406 7307

Facsimile: (07) 3406 7070

E-mail: lcarc@parliament.qld.gov.au

CHAIR'S FOREWORD



I am honoured to present, on behalf of the Legal, Constitutional and Administrative Review Committee, this Interim Evaluation of the *Hands on Parliament* Report inquiry into the participation of Aboriginal and Torres Strait Islander peoples in the democratic processes in Queensland.

In 2002, the committee of the 50th Parliament sought to examine barriers to Aboriginal peoples and Torres Strait Islanders participation in democratic processes and recommended various strategies to enhance participation by overcoming those barriers.

The Government supported most of the committee's recommendations, and has implemented many strategies to meet them, and further requested that an interim evaluation be undertaken to review these strategies and suggest any further actions which could be taken.

Strategies to enhance civics and voter education, provide access to the Parliament of Queensland and increase participation in local government have been very well received, with submissions and comments generally seeking accelerated implementation and further communication of such strategies.

The Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) has undertaken national testing of civics and citizenship education, and its findings will further inform both the content and delivery of civics education.

The Legislative Assembly has implemented several strategies to enhance the engagement of Aboriginal and Torres Strait Islander peoples including:

- improving educational materials;
- increasing recognition acknowledging the 'traditional owners of the land upon which this parliament is assembled and the custodians of the sacred lands of our state' at the opening of each sitting day;
- placing the Aboriginal and Torres Strait Islander flags in the chamber;
- establishing a working group and an Indigenous Liaison Officer; and
- encouraging and supporting students to visit and engage with the Parliament.

Several Government Departments, including Education, Communities, Employment, Justice and Police and Corrective Services, have implemented practical and targeted strategies and are working cooperatively with local communities and other agencies to improve knowledge and awareness of these.

The first ever Community Cabinet in an Aboriginal community was held in Yarrabah in July 2007, providing community members with direct access to Ministers. The opportunity for face-to-face discussions with Government and decision makers in such a forum was often requested and is to be further encouraged.

Much has been done, but there is still much to do. The commitment and shared vision of the Legislative Assembly, of members from all sides of politics, of government and non-government agencies and communities is clear and paramount to achieving future success.

We were reminded, during our consultations and discussions, that the Westminster system of democracy is relatively new in the timeline of Aboriginal consciousness, compared to 40,000 years of traditional governance, and that Australia's first people have only had the vote in Queensland since 1965.

We were also told that, for some people in remote communities, running for Parliament seems a remote possibility when issues around housing, health, violence, alcohol abuse, social and family breakdown, criminal justice and employment pervade daily life.

We cannot take our eye off the ball or risk complacency, because the barriers are real, and true success will only be achieved through continued endeavour, persistence and cooperation by all those who share the vision.

I personally, and on behalf of the committee, want to thank all those who participated and note the enthusiasm and good will with which people told their stories and shared their thoughts.

I also want to thank our research staff, Joanna Fear and Amanda Honeyman and in particular our Research Director, Julie Copley, whose passion for the subject, calm manner, organisational skills, and vast knowledge provided invaluable support and direction for committee members.

On a final note, I want to make special mention of the committee members, Deputy Chair Tim Nicholls, Vicky Darling, Betty Kiernan, Steve Wettenhall, Rosa Lee Long and Andrew Cripps, who put politics aside to pursue, with passion and vigour, an outcome that we each wholeheartedly desire – to hear Aboriginal and Torres Strait Islander peoples' voices in Parliament.

We continue to believe that this outcome can be achieved, and sooner rather than later, and look forward to seeing further progress demonstrated in the findings of the final evaluation of the *Hands on Parliament* report in years to come.

I commend this report to you.

A handwritten signature in black ink, appearing to read 'Dianne Reilly', written in a cursive style.

Dianne Reilly MP
Member for Mudgeeraba

Chair
Legal, Constitutional and Administrative Review Committee

GLOSSARY OF ABBREVIATIONS

ADCQ	Anti-Discrimination Commission Queensland
AEC	Australian Electoral Commission
ALP	Australian Labor Party
APTSIRC	Aboriginal People and Torres Strait Islander Reference Committee
ATSIC	Aboriginal and Torres Strait Islander Commission
ATSIEIS	Aboriginal and Torres Strait Islander Electoral Information Service
CBRC	Cabinet Budget Review Committee
CEO	Chief Executive Officer
CDEP	Community Development Employment Project
CGIS	Community Governance Improvement Strategy
CYLC	Cape York Land Council
DATSIP	Department of Aboriginal and Torres Strait Islander Policy
DEST	Department of Education, Science and Training
DOGIT	Deed of Grant in Trust
ECQ	Electoral Commission Queensland
EEO	equal employment opportunity
FLP	fundamental legislative principle
ICGP	Indigenous Community Governance Project
LCARC	Legal, Constitutional and Administrative Review Committee
LGAQ	Local Government Association of Queensland
MCEETYA	Ministerial Council on Education, Employment, Training and Youth Affairs
NAIDOC	National Aborigines and Islanders Day Observance Committee
NICP	National Indigenous Cadetship Program
NRW	Queensland Department of Natural Resources and Water
QCS	Queensland Corrective Services
Qld	Queensland
QR	Queensland Rail
Report no 42	<i>Hands on Parliament – A parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes</i>
SOSE	Studies of Society and Environment
TAFE Institute	Technical and Further Education Institute

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Part 1: Setting the Context



1. Introduction

Background

The Legal, Constitutional and Administrative Review Committee ('LCARC' or 'the committee') is a seven member, multi-party committee of the Queensland Parliament with a range of law reform and other responsibilities. These include responsibility for administrative review reform, constitutional reform, electoral reform and general legal reform. The committee is established under the *Parliament of Queensland Act 2001* (Qld)¹ and as a committee of the Parliament operates independently from the Government in considering issues within its areas of responsibility.

During 2002 and 2003 the committee of the 50th Parliament conducted an inquiry that examined barriers to Aboriginal and Torres Strait Islanders peoples' participation in democratic processes and identified strategies to overcome those barriers and enhance participation. The inquiry followed a report of the Queensland Constitutional Review Commission that recommended the committee 'conduct an inquiry into the possibility of special representation for Aborigines and for Torres Strait Islanders.'²

After extensive public consultation, the committee tabled its *Hands on Parliament* report³ which recommended a range of strategies that centred around:

- acknowledging Aboriginal and Torres Strait Islander peoples as the first peoples of this country;
- encouraging political parties to actively recruit, encourage and support Aboriginal and Torres Strait Islander people in various aspects of party processes;
- enhancing civics and voter education;
- enhancing employment, training and leadership development opportunities and programs for Aboriginal and Torres Strait Islander people in democratic institutions and processes;
- enhancing Aboriginal and Torres Strait Islander peoples' participation in local government; and
- enhancing Aboriginal and Torres Strait Islander peoples' direct input into policy, legislative and consultative processes.

The Government's response to the *Hands on Parliament* report⁴ indicated support for, and a willingness to implement, most of the committee's recommendations. The Government requested the committee undertake an interim evaluation of the implementation and effectiveness of the strategies after the first full electoral cycle in addition to a full evaluation after three electoral cycles or nine years as recommended by the committee.⁵

In 2006 the committee of the 52nd Parliament decided to conduct an interim evaluation of strategies adopted to implement the *Hands on Parliament* recommendations. This report contains the results of the interim evaluation. It examines the implementation of the recommended strategies and considers whether the strategies adopted are:

- practical, workable and directed towards meeting the *Hands on Parliament* recommendations; and
- achieving or likely to achieve meaningful engagement of Aboriginal peoples and Torres Strait Islanders in democratic processes.

¹ *Parliament of Queensland Act 2001* (Qld) s. 80

² Queensland Constitutional Review Commission, *Report on the Possible Reform of and Changes to the Acts and Laws that Relate to the Queensland Constitution*, 2000 at 43, recommendation 5.6 - www.constitution.qld.gov.au/review/final.pdf

³ Report no 42 – tabled on 11 September 2003 – www.parliament.qld.gov.au/LCARC

⁴ Tabled on 28 April 2004 – www.parliament.qld.gov.au/LCARC

⁵ Legal, Constitutional and Administrative Review Committee, *Hands on Parliament: A parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes*, Report no 42, September 2003 – Recommendation 1

Evaluation process

To assist in the evaluation process, the committee sought information from a range of sources including:

- information from the Speaker of the Legislative Assembly, Ministers and statutory office holders and registered political parties regarding actions taken to implement the *Hands on Parliament* recommendations;
- public submissions in response to a consultation paper issued in April 2007; and
- views and information provided to the committee during nine public workshops held throughout Queensland.

The committee⁶ has monitored implementation of the strategies recommended in the *Hands on Parliament* report by writing regularly to the Speaker of the Legislative Assembly, Ministers and statutory office holders and registered political parties seeking advice about implementation of the various strategies.

Consultation paper, media release and public submissions

The committee released a consultation paper in April 2007 to facilitate public discussion and encourage engagement in the evaluation process.⁷ The consultation paper set out:

- the issues identified in the 2003 *Hands on Parliament* report;
- the committee recommendations in the 2003 *Hands on Parliament* report;
- the Government response to each recommendation; and
- advice received from the Speaker of the Legislative Assembly, Ministers and others, together with other relevant information, regarding the strategies adopted to implement each recommendation.

Approximately 750 copies of the consultation paper were distributed. The committee sent copies, often with a copy of a poster regarding the workshops, to Aboriginal and Torres Strait Islander Elders, community organisations and individuals. A further 400 copies of the consultation paper were distributed at public workshops. The closing date for receipt of submissions was 1 June 2007.

The committee received 23 written submissions.⁸ The submissions were authorised for publication and tabled in the Parliament. Copies of the submissions are available from the Queensland Parliament's Table Office by telephoning (07) 3406 7525 or by emailing: TableOffice@parliament.qld.gov.au. In addition, members of the public are able to view the submissions at the Table Office, which is located in Parliament House, George Street, Brisbane.

On 20 April 2007, the committee circulated a media release with the title *Get Your "Hands on Parliament"*.⁹ The release was sent to 37 media organisations, including media organisations with predominantly Aboriginal and Torres Strait Islander readers and audiences. It said the committee wanted to hear the views of Queenslanders about the engagement of Aboriginal and Torres Strait Islander peoples with the State's democratic processes as the committee was evaluating the ways Indigenous peoples were encouraged to become involved in Government decision-making, election processes and the Queensland Parliament.

The Chair and other committee members were subsequently invited by media organisations throughout Queensland to conduct a number of media interviews.

⁶ Committees of the 51st and 52nd Parliaments

⁷ Legal, Constitutional and Administrative Review Committee, *Hands on Parliament: Interim evaluation of recommendations made following a parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes: Consultation Paper*, April 2007 – www.parliament.qld.gov.au/LCARC

⁸ See Appendix A for a list of submissions

⁹ See Appendix B for a copy of the media release

Public workshops

During April and May 2007, the committee held public workshops in Rockhampton, Palm Island, Abergowrie, Yarrabah, Mareeba, Badu Island, Thursday Island, Mount Isa and Brisbane.¹⁰ The workshops provided an opportunity for committee members to hear the views of Queenslanders, particularly Aboriginal and Torres Strait Islander Queenslanders, about engagement in democracy and the implementation of the *Hands on Parliament* recommendations.

The committee extended an open invitation to the workshops. Prior to each workshop, a media release was sent to media organisations in the area, including media organisations with Aboriginal and Torres Strait Islander audiences and readerships. With the assistance of local Members of Parliament, staff in the committee's secretariat contacted key people and organisations to provide notice of the workshops. Additional assistance was provided by senior officers of the Department of Communities in each location.

Participants at each workshop were provided with a list of discussion points relating to the broad themes of *Hands of Parliament* recommendations:

- Recognition as first peoples – our Queensland Constitution;
- Political parties – recruitment of members, selection of candidates, policies, opportunities to be involved;
- Learning about democracy – education in schools, what do you need to know, visits to Parliament, Indigenous governance;
- Working in government – job availability, staying in a job, employment and training opportunities;
- Local government – opportunities for young people, developing skills; and
- Having your voice heard – enrolling and voting, being consulted, representation in Parliament.

Notes were made of the views and information provided to committee members at each workshop. A summary of the issues raised can be found at Appendix C.

2. Context of interim evaluation

Policy changes

Since the *Hands on Parliament* report was tabled in September 2003 there have been a number of significant policy changes that directly affect the report's recommendations.

Aboriginal and Torres Strait Islander policy

The most significant development has been the Australian Government's changes to arrangements for Indigenous affairs announced in 2004 which included:

- The abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC), a body of elected Indigenous representatives that had a role in policy development and service delivery;
- The transfer of all Australian Government Indigenous-specific programs and services to mainstream departments;
- The establishment of an appointed, non-statutory National Indigenous Council of experts to advise government on service delivery; and
- On-the-ground coordination through a network of Indigenous Coordination Centres.

¹⁰ See Appendix C for details of public meeting dates

In the *Hands on Parliament* report, the committee of the 50th Parliament acknowledged 'the widespread dissatisfaction with ATSIC expressed to it during consultation' but recognised 'that ATSIC provide[d] a means by which Indigenous people can be involved in democratic processes.'¹¹

In 2005 the Queensland and Australian governments entered a Bilateral Agreement on Aboriginal and Torres Strait Islander Service Delivery which commits both governments to the Council of Australian Governments' *National Framework of Principles for Government Service Delivery to Indigenous Australians*.

The Queensland Government developed *Partnerships Queensland: Future directions framework for Aboriginal and Torres Strait Islander Policy in Queensland 2005-2010* (Partnerships Queensland) which provides the foundation for these arrangements in Queensland.¹² According to the Government, Partnerships Queensland 'establishes a new way of doing business with Aboriginal and Torres Strait Islander individuals and communities through collaboration and partnerships at the local, regional and state levels.'¹³

In July 2007 the Queensland Government entered into an Indigenous Partnership Agreement with 19 Aboriginal and mainland Torres Strait Islander communities as an expression of a 'joint commitment to improving the circumstances and opportunities of the people of the Indigenous communities concerned.'¹⁴ The Agreement sets out the priorities and expectations for action by the Queensland Government and the individual communities and will be complemented by Local Indigenous Partnership Agreements negotiated on a community-by-community basis. The Agreement 'will inform government policies, programs, service and infrastructure delivery, and future resourcing arrangements, in order to build more liveable, prosperous and sustainable futures in and beyond the communities.'¹⁵

Local government

In the *Hands on Parliament* report, the committee of the 50th Parliament recognised the importance of Aboriginal and Torres Strait Islander peoples' participation in local government.¹⁶ Changes to the status of Aboriginal councils introduced in 2005 and the recently announced council amalgamations both impact on the recommendations of the original report.

On 1 January 2005 Aboriginal councils began transition to full shire status following enactment of the *Local Government (Community Government Areas) Act 2004* (Qld).¹⁷ This process has included the implementation of a Community Governance Improvement Strategy (CGIS) designed to strengthen the standard of corporate governance in Aboriginal shires to help councils meet their new responsibilities. CGIS activities have included training councillors and council employees, improving business systems, and improving performance and accountability, and stakeholder engagement.¹⁸

The reforms to local governments that will take effect from the March 2008 council elections will reduce the number of councils in Queensland from 156 to 72.¹⁹ There will also be a reduction in the number of

¹¹ Legal, Constitutional and Administrative Review Committee, *Hands on Parliament: A parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes*, Report no 42, September 2003 at 43

¹² Letter from the Minister for Communities, Disability Services, Seniors and Youth dated 5 February 2007

¹³ Queensland Government, *Partnerships Queensland. Future directions framework for Aboriginal and Torres Strait Islander Policy in Queensland 2005-10* at ii - www.indigenous.qld.gov.au/partnerships/partnerships.cfm

¹⁴ Queensland Government, *Indigenous Partnership Agreement: An agreement between Queensland's 19 Aboriginal and mainland Torres Strait Islander communities and the Queensland Government*, July 2007 at 2 - www.atsip.qld.gov.au/partnerships/indigenous-partnership-agreement.pdf

¹⁵ Queensland Government, *Indigenous Partnership Agreement: An agreement between Queensland's 19 Aboriginal and mainland Torres Strait Islander communities and the Queensland Government*, July 2007 at 2 - www.atsip.qld.gov.au/partnerships/indigenous-partnership-agreement.pdf

¹⁶ Legal, Constitutional and Administrative Review Committee, *Hands on Parliament: A parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes*, Report no 42, September 2003 at 36

¹⁷ Responsibility for Aboriginal councils was transferred from the Department of Aboriginal and Torres Strait Islander Policy to the Department of Local Government, Planning, Sport and Recreation on 1 July 2004

¹⁸ Queensland. Department of Local Government, Planning, Sport and Recreation, *Community Governance Improvement Strategy - Evaluation* [2006] - www.lgp.qld.gov.au/Docs/local_govt/cgis/CGIS-Full.pdf

¹⁹ Not including Brisbane city - Queensland. Legislative Assembly, *Debates*, 7 August 2007 at 2272

councillors and mayors in Queensland from 1,250 to 526.²⁰ The local government reforms are particularly significant for councils in the Torres Strait. The Minister for Local Government, Planning and Sport has advised that:²¹

At the 15 March 2008 elections 15 of the 17 current Island Councils will be amalgamated in the Torres Strait Regional Council. Bamaga and Seisia Island Councils will amalgamate with Umagico, Injinoo and New Mapoon Aboriginal Shires to form the Northern Peninsula Area Regional Council.

The committee heard concerns that the reduction in the number of local government areas and councillors may reduce opportunities for Aboriginal and Torres Strait Islander peoples to participate as elected representatives in local government. The committee also heard concerns that reforms will impact on the size of local government constituencies and potentially reduce the connection between the community and elected representatives and different communities in one local government area.

The committee notes that although the Government has settled on the local government boundaries in the Torres Strait and northern peninsula area, and the composition of councillors, the Government is holding discussions with local communities with a view to facilitating community participation in local government at a community (eg. individual island) level.

Aboriginal and Torres Strait Islander population

The 2006 Census shows:

- 127,580 people or 3.3% of the Queensland population reported being of Aboriginal and/or Torres Strait Islander origin in the Census count;²²
- the number of people in Queensland that are of Aboriginal and/or Torres Strait Islander origin has increased by 34% in the 10 years since the 1996 census, reflecting both natural population increases and factors such as improved data collection and 'people newly identifying their Indigenous origin in the Census';²³
- 28% of the total Australian Aboriginal and/or Torres Strait Islander population live in Queensland;²⁴
- the median age of the Queensland Aboriginal and Torres Strait Islander population is 20 years;²⁵
- an estimated 26% of Aboriginal and Torres Strait Islander Queenslanders live in major cities, 52% live in regional areas and 22% in remote or very remote areas;²⁶
- the five state electorates with the highest proportion of the Aboriginal and Torres Strait Islander population are Cook (41.5%), Mount Isa (23.5%), Mulgrave (14.2%), Cairns (10.7%), and Townsville (9.5%).²⁷

Elected representatives

Although there has not been a change in Aboriginal or Torres Strait Islander representation in the Queensland Legislative Assembly since the *Hands on Parliament* report was tabled in September 2003, there have been developments in other Australian Parliaments. In 2005 Barbara McCarthy and Alison Anderson became members of the Legislative Assembly of the Northern Territory, with Karl Hampton elected the following year. In 2006, Ben Wyatt became a member of the Western Australian Legislative

²⁰ Queensland. Legislative Assembly, *Debates*, 7 August 2007 at 2272

²¹ Letter from the Minister for Local Government, Planning and Sport dated 3 September 2007

²² Australian Bureau of Statistics, *Population Distribution, Aboriginal and Torres Strait Islander Australians, 2006* (4705.0) at 19

²³ Australian Bureau of Statistics, *Media Fact Sheet, Census shows increase in Aboriginal and Torres Strait Islander population*, 28 June 2007

²⁴ Australian Bureau of Statistics, *Population Distribution, Aboriginal and Torres Strait Islander Australians, 2006* (4705.0) at 19

²⁵ Australian Bureau of Statistics, *Media Fact Sheet, Census shows increase in Aboriginal and Torres Strait Islander population*, 28 June 2007

²⁶ Australian Bureau of Statistics, *Population Distribution, Aboriginal and Torres Strait Islander Australians, 2006* (4705.0) at 6

²⁷ Information supplied by the Queensland Parliamentary Library based on: Australian Bureau of Statistics, *2006 Census data by location*, downloaded 21 August 2007

Assembly. A number of Indigenous members left Parliament during this period: Aden Ridgeway lost his Senate seat; Kathryn Hay retired from the Tasmanian House of Assembly; and John Ah Kit retired from the Legislative Assembly of the Northern Territory.

There are currently 10 members of Parliament in Australia who identify as Aboriginal:

- Mrs Carol Martin – Member of the Western Australian Legislative Assembly since 2001
- Mr Ben Wyatt – Member of the Western Australian Legislative Assembly since 2006
- Mr Paul Harriss – Member of the Legislative Council of Tasmania since 1996
- Hon. Linda Burney – Member of the New South Wales Legislative Assembly since 2003 and Minister for Fair Trading, Minister for Youth, Minister for Volunteering
- Mr Matthew Bonson – Member of the Legislative Assembly of the Northern Territory since 2001
- Mr Elliot McAdam – Member of the Legislative Assembly of the Northern Territory since 2001 and Minister for Local Government, Minister for Housing, Minister for Central Australia, Minister for Corporate and Information Services, Minister for Communications, Minister assisting the Chief Minister on Indigenous Policy
- Ms Marion Scrymgour – Member of the Legislative Assembly of the Northern Territory since 2001 and Minister for Family and Community Services, Minister for Child Protection, Minister for Arts and Museums, Minister for Women's Policy, Minister for Senior Territorians, Minister for Young Territorians
- Ms Malarndirri Barbara McCarthy – Member of the Legislative Assembly of the Northern Territory since 2005
- Ms Alison Anderson – Member of the Legislative Assembly of the Northern Territory since 2005
- Mr Karl Hampton – Member of the Legislative Assembly of the Northern Territory since 2006

A survey conducted by the Local Government Association of Queensland following the 2004 local government elections found that, of the 723 elected members who responded, three identified as Aboriginal and one identified as Torres Strait Islander.²⁸ The committee also notes that on 16 October 2007 Robbie Williams became Brisbane City Council's first Aboriginal councillor.²⁹

Competing priorities

During its consultations, the committee heard a range of perspectives on the importance of participating in Queensland's democratic processes and institutions for Aboriginal and Torres Strait Islander peoples. On the one hand, some people expressed the view that dealing with issues such as housing, health, violence, criminal justice and employment were more pressing daily priorities than engaging in democratic processes and institutions. As Mr Cripps observed in a report to the committee following his attendance at the Cape York Institute for Policy and Leadership's conference in June 2007,³⁰ 'increasing participation by Aboriginal and Torres Strait Islander people in Queensland's democratic process is not a first order issue.'³¹ On the other hand, the committee heard that pursuing rights and justice issues and improving existing opportunities (and creating new opportunities) for Aboriginal and Torres Strait Islander people to participate in democratic processes and institutions was seen as a crucial way to improve housing, health, violence, criminal justice and employment issues.

During the interim evaluation, committee members listened to concerns about these matters raised in the context of democratic engagement. Where appropriate, suggestions were given about action that might be taken to address specific issues. For example, in relation to the consultation process regarding local government amalgamations, committee members urged Aboriginal and Torres Strait

²⁸ Local Government Association of Queensland Inc. *Local Government Census 2004: Initial Survey Analysis*, 8 August 2004

²⁹ 'Pride peaks with council' *Courier Mail*, 17 October 2007 at 5

³⁰ Strong Foundations – Rebuilding Social Norms in Indigenous Communities, conference organised by the Cape York Institute for Policy and Leadership, 25 and 26 June 2007

³¹ Letter from Andrew Cripps MP dated 1 July 2007

Islander communities to raise concerns about amalgamation with the Local Government Reform Commission.³²

These discussions also convinced committee members of the importance of Aboriginal peoples' and Torres Strait Islanders' voices being heard by those who make decisions on matters of priority to Indigenous Queenslanders and their communities. Active participation in the processes of democracy by Aboriginal peoples and Torres Strait Islanders will, over time, lead to positive relationships based on respect, mutuality and negotiation.

Governance within 'communities' of Aboriginal peoples and Torres Strait Islanders

The connection between the need for effective democratic engagement by Aboriginal peoples and Torres Strait Islanders and better outcomes was stated in an opinion article by Mr Noel Pearson, published in the *Weekend Australian* in June 2007:

There is an urgency in our concern to tackle the behavioural dimension of our problems. But just because we admit that our problems are behavioural, that does not mean that we do not believe there are also structural barriers to indigenous progress. The principal structural problem faced by indigenous people concerns our power relationship with the rest of Australian society through its structures of government: judicial, legislative and executive. Australian democracy just does not work to enable the solution of our problems.

Democratic participation in the existing judicial, legislative and executive institutions of governance in Australia is the only means available to indigenous Australians to achieve and exercise power.

But do the existing mechanisms of democratic participation by such a small minority, who are unique in that they are indigenous to the country, and whose socioeconomic circumstances are so egregiously out of step with the rest of the country, work to ensure my people enjoy the same expectations of life as their fellow citizens?

No, they do not.

Indigenous people are too small a minority to make government work for them. The breakdowns in communication between government and indigenous communities are not caused only by shortcomings of government representatives and indigenous leaders; there is a fundamental power imbalance that distorts even the best intentions.

...

There has never been a serious attempt to focus on the institutional interface between indigenous people and governments in Australia. To construct an interface that creates greater parity and mutual accountability (and true shared responsibility) would require governments to agree to limitations on their existing powers and prerogatives and to make accountability a two-way street rather than the existing one-way street. It would also require governments to be bound not just by policy commitment but by law.³³

Presenting the Anti-Discrimination Commission of Queensland's Mabo Oration in Brisbane in June 2007, Professor Larissa Behrendt argued that research-based policy rather than policy that is ideologically driven will assist the discovery of a way Aboriginal people and Torres Strait Islanders can play the central role in decisions that affect them. Professor Behrendt suggested that:

... we can look at research in Australia and North America that has detailed that better socio-economic outcomes are achieved when Indigenous people are involved in the setting of

³² E.g. Palm Island workshop

³³ Noel Pearson, 'A structure for empowerment', the *Weekend Australian*, Inquirer, 16 June 2007

*priorities within their community, the development of policy, the delivery of services and the implementation of programs.*³⁴

Accordingly, as set out in this report, the committee's methodology for its interim evaluation of the *Hands on Parliament* strategies has been informed by research published during the period since the tabling of the *Hands on Parliament* report, such as the research identified by Professor Behrendt.

In addition, the committee's interim evaluation relied significantly on the assistance, informed views and goodwill of Queenslanders, received from a diversity of locations and people. The importance of the *Hands on Parliament* process was constantly affirmed, as in the submission from the Department of Tourism, Fair Trading and Wine Industry Development:

Clearly, these are important issues, for all Queenslanders. Participation in the formal and informal democratic processes including membership of political parties, and representation at all levels of government is critical to addressing Indigenous disadvantage across the nation.

It is in the interest of all Australians that we have full participation in our Parliamentary democracy and that proactive strategies are supported which will lead to greater participation by Indigenous peoples in both formal and informal political decision-making bodies.

The committee's evaluation has been assisted and informed by research regarding principles of governance relevant to the diversity of rural, remote and urban communities of Aboriginal people and Torres Strait Islanders within Australia.

In particular, valuable information has been gained from research findings of the Indigenous Community Governance Project (ICGP) being undertaken by a partnership between Reconciliation Australia and the Centre for Aboriginal Economic Policy Research at the Australian National University. These research findings have been published in 2006³⁵ and 2007³⁶ and the ICGP is ongoing. The ICGP is exploring the nature of Indigenous community governance in Australia 'to understand what works, what doesn't work, and why.'³⁷ The two research reports to date set out findings 'directly based on evidence drawn from a diverse range of case studies of Indigenous governance in action, within differing community, geographical, cultural and political settings across the nation.'³⁸

The 2007 ICGP research report, has the aim of providing 'Indigenous people and governments with a more authoritative and definitive basis on which to inform their governance-building initiatives, and the development of government policies and programs.'³⁹ The committee commends the ICGP research to those responsible for implementing the *Hands on Parliament* recommendations. In particular, two key findings are of direct relevance to the interim evaluation conducted by the committee.

First, the research describes the complexity of Aboriginal and Torres Strait Islander communities and their governance structures:

It's important to recognise when looking at Indigenous community governance that the concept of community is not universal. There are varied and complex forms of community other than geographic settlements.

³⁴ Professor Larissa Behrendt, Mabo Oration 2007, *Finding the Promise of Mabo: Law and Social Justice for the First Australians*, at 12 - www.adcq.qld.gov.au.

³⁵ J Hunt and DE Smith, *Building Indigenous Community Governance in Australia: Preliminary research findings*, CAEPR Working Paper No. 31, 2006 - www.anu.edu.au/caepr/Publications/WPI/CAEPRWP31.pdf

³⁶ J Hunt and DE Smith, *Indigenous Community Governance Project: Year two research findings*, CAEPR Working Paper No. 36, 2007 - www.anu.edu.au/caepr/Publications/WPI/CAEPRWP36.pdf

³⁷ Reconciliation Australia, *Summary of Year Two Research Findings: Indigenous Community Governance Project*, 2007 at 3 - reconciliation.org.au/downloads/148/RA_Summary_v5.pdf

³⁸ J Hunt and DE Smith, *Indigenous Community Governance Project: Year two research findings*, CAEPR Working Paper No. 36, 2007 at xi - www.anu.edu.au/caepr/Publications/WPI/CAEPRWP36.pdf

³⁹ J Hunt and DE Smith, *Indigenous Community Governance Project: Year two research findings*, CAEPR Working Paper No. 36, 2007 at xi - www.anu.edu.au/caepr/Publications/WPI/CAEPRWP36.pdf

The varieties and complexities of types of communities and the multilayered affinities within them are at the heart of many contemporary governance challenges for representative organisations and highlight the need for tailored, rather than 'one size fits all' solutions.

The research is showing many organisations are facing manifold and often conflicting pressures from within the community they service, from funding bodies and governments and often find themselves constantly balancing competing obligations and responsibilities in a context of scarce resources.

Additionally, increasing pressure on organisations to fulfil multiple service-delivery requirements, including many outside their official responsibilities, is impacting the effectiveness of these already stretched organisations.

According to projections this pressure will only increase as many Indigenous communities are demographic hot spots; areas where trends such as rapid population growth and an increasingly youthful population are predicted to take effect. This highlights the pressing need for policy responses in supporting and strengthening community capacity.⁴⁰

Second, the research identifies key principles of governance which should inform strategies to engage with Aboriginal peoples and Torres Strait Islanders and to ensure that their voices are heard in decision-making and policy formulation:

The research has identified a number of Indigenous governance design principles and rules that appear to be relevant across different types of rural, remote and urban settings.

These principles show how Indigenous people are designing their preferred governing arrangements and could be useful in informing government strategies for engaging with and more effectively supporting organisations. Listed below are some of these key principles:

- **Networks** or systems of governance are central to all the other principles of Indigenous governance. The network principle shows that groups, organisations and communities are joined up and powers and responsibilities are delegated within the network. Networks may not be obvious or clearly apparent but are nonetheless a key feature of Indigenous community governance.*
- **Decision making authority** in the network, when possible, is made closest to the group who are going to be affected by the decision and ideally by that group or their representatives.*
- **Leaders** within the network who are influential become strong connecting points in the network and either strengthen or weaken governance networks depending on their legitimacy.*
- **Relationships and shared connections** are the foundation of networks. Groups must balance the need for autonomy with the need for larger scale representative structures.*
- **Governance histories** play a role in determining the existing arrangements and tensions. Working through these histories can be helpful in understanding present issues.*
- **Connections** between networks are pivotal and require strengthening in order to ensure more isolated networks can survive.⁴¹*

⁴⁰ Reconciliation Australia, *Summary of Year Two Research Findings: Indigenous Community Governance Project*, 2007 at 4 - reconciliation.org.au/downloads/148/RA_Summary_v5.pdf

⁴¹ Reconciliation Australia, *Summary of Year Two Research Findings: Indigenous Community Governance Project*, 2007 at 8 - reconciliation.org.au/downloads/148/RA_Summary_v5.pdf

Part 2: Interim Evaluation Findings



3. Recognition as first peoples

Committee recommendation and Government response

Recommendation 2: As a step towards constitutional recognition of Aboriginal and Torres Strait Islander peoples, the Legal, Constitutional and Administrative Review Committee should consider the issue of a preamble for the *Constitution of Queensland 2001* and, in particular, inclusion in that preamble of due recognition of Aboriginal and Torres Strait Islander peoples.

Given the need to conduct wide public consultation regarding this issue, the Queensland Government should appropriately resource the committee to effectively carry out this task.

Government response: The Government notes the Committee's recommendation. Any request by the Committee for increased resources should be considered by the Cabinet Budget Review Committee against all competing priorities. Determining funding priorities is ultimately a question for the Government and more specifically the CBRC.

Developments

In 2004 the committee of the 51st Parliament conducted an inquiry that considered whether the Queensland Constitution should include a preamble. Although the inquiry was undertaken as part of the committee's review of recommendations of the Queensland Constitutional Review Commission, the committee sought the views of a number of people and organisations involved in the *Hands on Parliament* inquiry.

In its report, *A Preamble for the Queensland Constitution?*, the committee recommended a preamble not be included in the *Constitution of Queensland 2001* at that stage.⁴² The committee's report considered the recognition of Aboriginal peoples and Torres Strait Islanders and noted that the Victorian Constitution had been amended to include recognition of Aboriginal people. The committee suggested 'the Queensland Government might consider a similar amendment to Queensland's Constitution.'⁴³

The Government did not address the question of constitutional recognition of Aboriginal peoples and Torres Strait Islanders in its response to the committee's report and stated that 'it would be appropriate to delay the question of a preamble until the issue of an Australian Republic has again been put to the people.'⁴⁴

Prime Minister John Howard announced on 11 October 2007 that, if re-elected, he would conduct a referendum within 18 months to ask the Australian people to formally recognise Indigenous Australians in the preamble of the Australian Constitution.⁴⁵ Federal Labor offered bipartisan support to the commitment for constitutional recognition.⁴⁶

⁴² Legal, Constitutional and Administrative Review Committee, *A Preamble for the Queensland Constitution?* Report no 46, November 2004 - tabled on 30 November 2004

⁴³ Legal, Constitutional and Administrative Review Committee, *A Preamble for the Queensland Constitution?* Report no 46, November 2004 at 22

⁴⁴ Government's Final Response to the Legal, Constitutional and Administrative Review Committee's Report No 46 – *A Preamble for the Queensland Constitution?* – tabled 19 May 2005

⁴⁵ 'The right time: Constitutional recognition for Indigenous Australians', Speech by Prime Minister John Howard to the Sydney Institute, 11 October 2007

⁴⁶ 'Constitutional recognition of Indigenous Australians' Media Statement by Kevin Rudd MP and Jenny Macklin MP, 11 October 2007

Submissions to committee

Aboriginal & Torres Strait Islander Legal Service (Old South) Ltd:

We endorse this change to the Queensland Constitution. We are of the view that the Preamble to the Constitution should state the fact that Aboriginal people and Torres Strait Islander people are the first inhabitants of the land and sea.

This declaration:

- 1) will help heal some of the wounds of past injustices done to our people;*
- 2) will engender in our people a sense of ownership of Parliament and thereby will empower our people to address legal issues and participate in the legal and Democratic Process;*
- 3) inform Queenslanders, the wider Australian population and those of other nations, of the uniqueness of our people; and*
- 4) bring pride to all Queenslanders by knowing of our ongoing uniqueness.*

Anti-Discrimination Commission Queensland:

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.

Cape York Land Council:

CYLC submits that it is important to recognise Aboriginal and Torres Strait Islander people in a preamble to the Constitution of Queensland 2001, and therefore that the Government should adequately fund further public consultation on this issue. CYLC submits that such recognition would be an important start to a process of inclusion of indigenous people in the democratic process.

Deborah Avery:

An amendment to the Constitution of Queensland in 2001 to include a preamble of due recognition for Aboriginal and Torres Strait Islander peoples is necessary. The likelihood post this amendment that Aboriginal and Torres Strait Islander peoples participation in democratic processes within Queensland would increase, is high.

John Wakely:

Queensland's Constitution needs to include an Aboriginal and Torres Strait Islanders' recognition and reconciliation statement.

...

The Constitution must give weight to real recognition and reconciliation so, in due course of time: elevate our native Indigenous people – the Aboriginal and Islander people – back to a level which is meaningful to them, and to non-Indigenous people. This must be done in such a way that this 'uniquely

special minority' will enjoy their self-esteem, and so non-Indigenous people will be able to appreciate that 'we are all brothers and sisters' in a fair society.

Frances Gala:

[I] would prefer that there was a preamble in the constitution re: indigenous peoples and history.

Ezra Anu:

There also needs to more community consultation in regards the preamble having an Indigenous focus. If that is difficult then there needs to be more public discussion and media coverage or even to the extent of having a referendum about that particular topic where real community support can be measured.

Queensland Corrective Services:

The Queensland State Government has long recognised and sought to address the issues facing Aboriginal and Torres Strait Islander people. Queensland Corrective Services (QCS) will continue to negotiate and consult with Aboriginal and Torres Strait Islander people, with or without formal recognition in the Constitution of Queensland 2001.

Committee findings

The committee heard strong support for working towards constitutional recognition of Aboriginal and Torres Strait Islander peoples, either through a preamble or a separate section in the Constitution.⁴⁷ The committee was told constitutional recognition would be an important step towards developing a positive relationship between Aboriginal and Torres Strait Islander peoples and the Parliament and one that would empower and increase participation in democratic processes. Although there were a range of views about the content of such recognition, the committee heard that the provisions should include recognition of the uniqueness of Aboriginal and Torres Strait Islander peoples as the first inhabitants of Queensland⁴⁸ and should recognise the diversity of Aboriginal and Torres Strait Islander peoples.⁴⁹

The committee notes that recognition of Aboriginal people was inserted into the Victorian Constitution in 2004 and more recently, the Law Reform Commission of Western Australia recommended the constitution of that state be amended to recognise the unique status of Aboriginal peoples as the descendants of the original inhabitants of the state.⁵⁰ The Law Reform Commission of Western Australia was of the view that, to be taken as a serious reconciliatory gesture, constitutional recognition of the unique status of Aboriginal people must be dealt with by a dedicated provision in the constitution rather than a preamble.⁵¹

Should a referendum be held to include formal recognition of Indigenous Australians in the preamble of the Australian Constitution, it may provide an opportune time for Queensland to reconsider the issue.

⁴⁷ Yarrabah and Mareeba workshops

⁴⁸ Brisbane workshop

⁴⁹ Yarrabah workshop

⁵⁰ Law Reform Commission of Western Australia. *Aboriginal Customary Laws: Final Report: The interaction of Western Australian law with Aboriginal law and culture*, Project No. 94, September 2006, recommendation 6

⁵¹ Law Reform Commission of Western Australia. *Aboriginal Customary Laws: Final Report: The interaction of Western Australian law with Aboriginal law and culture*, Project No. 94, September 2006 at p. 73

4. Political parties

Committee recommendation and Government response

Recommendation 3: Political parties have the potential to play a key role in improving Aboriginal and Torres Strait Islander peoples' participation in the political process including representation at all levels of government. It is therefore important that the leaders of all Queensland political parties encourage their party to adopt and implement an Aboriginal and Torres Strait Islander peoples' political participation action plan based on the committee's model plan to increase Aboriginal and Torres Strait Islander peoples' participation in the political process. The specific actions entail:

- recruiting Aboriginal and Torres Strait Islander members;
- preselecting Aboriginal and Torres Strait Islander candidates, particularly to seats where they have a strong likelihood of winning;
- encouraging Aboriginal and Torres Strait Islander members' involvement in policy development and decision-making;
- providing support mechanisms and processes to assist Aboriginal and Torres Strait Islander peoples within the party;
- ensuring culturally appropriate party processes; and
- monitoring party progress to ascertain the extent to which Aboriginal and Torres Strait Islander peoples are being recruited, encouraged and supported within the party.

The evaluation, to be undertaken after three state electoral cycles or nine years, whichever is the later (see recommendation 1), should examine measures that political parties have taken to improve Aboriginal and Torres Strait Islander peoples' participation in their processes, the success of those measures and whether there is a need to take further action.

Government response: The Government will write to the leaders of Queensland's political parties to bring their attention to the Committee's recommendation and encourage their participation in examining measures to increase the participation of Aboriginal and Torres Strait Islander peoples in the political process.

The Government will request that the Committee also undertake an interim evaluation after the first full electoral cycle, with a full evaluation after the three electoral cycles (or nine years).

Developments

The Queensland Division of One Nation advised that 'membership of the Party is open to all without discrimination, although it has been somewhat of a difficult task in light of the media broadcasts of perceptions of our party to encourage Aboriginal and Torres Strait Islander persons to join.'⁵² It also advised that the Party had endorsed Aboriginal and Torres Strait Islander members to stand for election and would continue to do so as candidates nominated.⁵³

The Queensland Branch of the Australian Labor Party advised the committee that many of the actions recommended in the *Hands on Parliament* report had been in place prior to August 2004, but that the

⁵² Letter from State CEO, One Nation Queensland Division dated 4 December 2006

⁵³ Letter from State CEO, One Nation Queensland Division dated 4 December 2006

program of mentoring and support for Aboriginal and Torres Strait Islander people had been expanded as a result of the *Hands on Parliament* report. In 1997 the Queensland Branch established the Aboriginal People and Torres Strait Islander Reference Committee (APTSIRC) which is involved in recruiting, policy development, cultural awareness within party processes, mentoring, training and communication with members. Since the inception of APTSIRC the number of Aboriginal and Torres Strait Islander members of the ALP had grown consistently, with an increase of more than 30% since August 2004. Actions reported included:⁵⁴

- Providing an option on the membership form allowing members to identify as Aboriginal or Torres Strait Islander;
- Recruitment activities including: inviting Aboriginal and Torres Strait Islander peoples to events featuring National President, Warren Mundine and members of APTSIRC; holding a stall at a NAIDOC week event in Brisbane; and developing promotional flyers and other materials;
- Funding members to attend, and take a role in various forums, including funding Aboriginal and Torres Strait Islander women to attend events and seminars conducted by Partnership for Equity Network, an organisation that supports and mentors Aboriginal and Torres Strait Islander women to run for public office;
- APTSIRC acts as a reference committee for policy motions on issues that affect Aboriginal and Torres Strait Islander peoples;
- An equity officer provides administrative support, mentoring and training, to assist in the coordination of meetings and other forums, and facilitate the access and awareness of Aboriginal and Torres Strait Islander members to party procedures and processes;
- Culturally sensitive processes have been developed with the assistance of APTSIRC including acknowledgement of country and recognition that time out is required to attend to family business.

The Queensland Division of the Liberal Party advised the committee the Party maintains a non-discriminatory policy in relation to party preselections and 'any member of the Party, notwithstanding their race, gender, religion or other beliefs, is entitled to nominate for preselection for the Liberal Party, subject to satisfying Constitutional requirements of the Party and any other Electoral Act requirements.'⁵⁵

The Nationals advised the committee that the Party had endorsed candidates of Indigenous heritage and that members of Indigenous heritage have been and are currently involved with the Party in other capacities, either as office holders, committee members or ordinary members. The Party does not 'inquire as to the heritage of [its] members. Any declaration of such is a matter only for the individual involved. The party does not have or support quotas or selection processes based on race, creed, gender, age or disability. Candidates for political office or positions within the organisation are determined purely on merit.'⁵⁶

⁵⁴ Letter from Acting State Secretary of the ALP (Qld) dated 11 January 2007

⁵⁵ Letter from the State Director of the Liberal Party of Australia Queensland Division dated 16 January 2007

⁵⁶ Letter from the State Director of the Nationals dated 27 March 2007



Submissions to committee

Students at Abergowrie College:

Have you ever asked an Indigenous person to become involved or to try for election?

Ezra Anu:

The political parties need to be more active in recruitment of members and candidates... Queensland Indigenous people have been avid supporters of the Australian Labour since time immemorial and from when they were given the right to vote. So it would be foolish for Labour Party not to actively recruit from their indigenous constituency.

Torres Shire Council:

Council is not aware that actions taken to date have resulted in political parties playing a successful role in improving Aboriginal and Torres Strait Islander peoples' participation in the political process. Council believes political parties should provide special support programs to encourage greater levels of Torres Strait membership of political parties.

Cape York Land Council:

CYLC submits that there is currently little or no practical encouragement given to indigenous people to participate in the political process, whether in becoming members of political parties or further involvement such as standing for election. Some members of the Executive Committee are aware of letters received from political parties, but those letters were not directed specifically at indigenous people. CYLC suggests that there was greater encouragement in the past (for example in the 1980s) for indigenous people to become involved with political parties, but considers that there has been little support with the broader community. Some members of the Executive Committee expressed a view that there would not be sufficient support provided for an individual to want to take on any political capacity personally (particularly for females).

It is submitted that there is more support from within the indigenous communities, than from the government for those interested in engaging in the political process, with a strong perception that any successful action by indigenous people as part of political process has resulted not from actions taken by government.

Deborah Avery:

All Parties should be encouraged to lead actions that support the development of an inclusive government. A strong foundation from which Aboriginal and Torres Strait Islander people have the opportunity to progress Aboriginal and Torres Strait Islander policy and be fully involved in political decision making and processes will be fundamental in increasing engagement in democracy.

All parties should include an official acknowledgement to Country at the commencement of all State forums.

All parties should have and support quotas and selection processes that target Aboriginal and Torres Strait Islander peoples.

Aboriginal & Torres Strait Islander Legal Service (Old South) Ltd:

We agree with the Recommendation that Aboriginal people and Torres Strait Islanders participate in the political process and that in practice this requires that our peoples become involved with political parties.

We are indeed glad to read the responses in the Consultation Paper (para. 3.12) of the main political parties to welcoming our peoples into their organisations. However, there needs to be cultural awareness in recruiting our peoples' participation. This awareness revolves around the following issues:

Young people, in particular, need to feel confident – empowered – to want to join a party or to consider running for office.

Given the sad history of genocide, dispossession and many other injustices, our people have become culturally conditioned to be subservient to authority figures. The vast majority believe it is beyond their experience that they could become an authority figure. Hence, it is necessary that from primary school times, children are encouraged to rise above this submissive attitude and be confident to aspire to high office. To transcribe an American saying, the young person needs to believe that, with sound effort, it is possible that they too could become (Premier).

Because of this submissive attitude and also lack of education in the adult population of our people, the political parties need to be proactive in engaging with our people in the political process.

In this regard, parties need to rethink how to engage because pamphlets and stalls at a venue will not usually be the appropriate way to communicate information to our people. It would help if parties were to identify senior people in the various communities and work through them to politicise or conscript to join a party. Often this would mean that the party representative should go to the community rather than hold their face-to-face meeting at the party office.

In making contact with our peoples it is a given that political parties will look to soliciting votes and identifying key people from our communities to stand for office under their banner. In this regard, we foreshadow the comments that we make under Subject 20, Subject 22 and Subject 23.

We believe that it is necessary for our people to have a dedicated seat so there is a permanent voice for our people in Parliament.

Our view is that the essential criterion for someone's participation in the parliamentary process, from pre-selection to election, is that the candidate is generally acceptable to the electorate.

We reiterate the comments under Subject 19 (the Committee's agenda) that a system of mentoring would be one way for politicians to engage representatives of our peoples in the political process.

...

In identifying people as suitable for pre-selection as candidates, we commend political parties be mindful of the 'Indigenous systems of governance' and the nominee's integrity as well as their 'vote-attractiveness'.

Anti-Discrimination Commission Queensland:

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.

John Wakely:

To guarantee an Indigenous Aboriginal/Torres Strait Islander is elected to the Queensland Parliament for the next term every political party could in a bipartisan way agree that for a specific agreed seat that they will only select, endorse and support an Aboriginal/Torres Strait Islander as their candidate ...

Queensland Corrective Services:

At times a number of Aboriginal candidates have stood for election at both State and Commonwealth level. The continued engagement with Aboriginal and Torres Strait Islander people in this area is encouraged so that more Aboriginal and Torres Strait Islander people seek pre selection.

Committee findings

The committee notes there is limited evidence of the adoption or implementation of the *Model Aboriginal and Torres Strait Islander peoples' political participation plan* recommended by the *Hands on Parliament* report. The committee also notes the limited data from parties about Aboriginal and Torres Strait Islander peoples' membership and preselection makes it difficult to monitor the effects of any strategies that have been put into place.

The committee heard that special support and more active, culturally appropriate engagement is required to overcome the barriers to Aboriginal and Torres Strait Islander peoples' involvement in political parties. Mentoring programs were suggested as being particularly valuable.⁵⁷ The committee was told that even when specific programs exist there is often limited knowledge or awareness of the programs. General information about what a particular party stands for, and how to join the party, is also required.⁵⁸ The cost of running an election campaign was raised with the committee a number of times.⁵⁹

⁵⁷ Rockhampton and Mareeba workshops

⁵⁸ Rockhampton, Abergowrie, Mareeba and Thursday Island workshops

⁵⁹ Rockhampton, Yarrabah and Brisbane workshops

5. Learning about democracy

Enhanced and inclusive civics education

Committee recommendation and Government response

<p>Recommendation 4: Given the strong link between education about democratic processes and participation in those processes, the Minister for Education should review the nature and extent of civics and citizenship education for all students in Queensland schools and consider whether more can be done to:</p> <ul style="list-style-type: none"> • ensure that civics education is taught to all students in Queensland schools; • increase the effectiveness of the manner in which civics and citizenship education is taught to Aboriginal and Torres Strait Islander students; • ensure that civics and citizenship education includes an Indigenous perspective and teaching about Aboriginal and Torres Strait Islander peoples' experiences of civics and citizenship; and • ensure that all teachers (both pre-service and existing) undertake training in Aboriginal and Torres Strait Islander studies. 	<p>Government response: The Government supports the Committee's recommendation.</p> <p>The Government is committed to ensuring that Indigenous children and young people are prepared for the challenges of the future and are able to participate actively in the processes of democracy in Queensland.</p> <p>The Government notes the need to record Queensland's history accurately and to be aware of cultural sensitivities regarding the teaching of citizenship education to Aboriginal and Torres Strait Islander students.</p>
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Developments

The Minister for Education has advised of a range of initiatives relevant to the various aspects of this recommendation.⁶⁰

Ensure that civics education is taught to all students in Queensland schools:

- Students attending Queensland schools learn about civics education and voter education through a range of syllabus documents including the *Studies of Society and Environment Years 1 to 10 Syllabus* and the *Years 9 and 10 Civics Syllabus*. There are also opportunities for students to study civics through various senior secondary syllabuses;
- Education Queensland also supports Zone Schools Constitutional Conventions for senior secondary students, organises events such as Celebrating Democracy Week and promotes the National Capital Education Tourism Project.

Increase the effectiveness of the manner in which civics and citizenship education is taught to Aboriginal and Torres Strait Islander students:

- Education Queensland has liaised with the Parliamentary Service to:
 - conduct South East Queensland and North Queensland Zone Schools Constitutional Conventions for Aboriginal and Torres Strait Islander senior secondary students;
 - deliver professional development to teachers as part of the constitutional conventions;
 - provide a school students visits subsidy scheme for the sitting of the Queensland Parliament in Central Queensland which asked schools to particularly encourage the

⁶⁰ Letters from the Minister for Education dated 1 June 2004, 22 April 2005, 28 November 2005 and 14 December 2006

participation of Indigenous students. The scheme supported 649 students including 87 Aboriginal students.

- Education Queensland is addressing the recommendations in *Australian Directions in Indigenous Education 2005-2008*⁶¹ released by the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) in 2006.

Ensure that civics and citizenship education includes an Indigenous perspective and teaching about Aboriginal and Torres Strait Islander peoples' experiences of civics and citizenship:

- Curriculum resources have been developed and made available to support teachers incorporate an Indigenous perspective and develop student understanding of Indigenous histories and cultures;
- Syllabus documents were reviewed to develop a framework that would support materials for incorporating Indigenous perspectives;
- Education Queensland's Aboriginal and Torres Strait Islander Learning and Community Engagement Centres continued to support schools implement the *Partners for Success* policy which aims to achieve better outcomes for Aboriginal and Torres Strait Islander students and ensure all students have a better understanding of Aboriginal and Torres Strait Islander peoples, histories and cultures;
- Education Queensland, with the support of the Queensland Studies Authority, developed *Embedding Aboriginal and Torres Strait Islander Perspectives in Schools: P-12 School Guidelines for Administrators and Educators* to support the inclusion of Aboriginal and Torres Strait Islander peoples' experience of civics and citizenship across the curriculum;
- MCEETYA National Statements of Learning for Civics and Citizenship include explicit statements on Aboriginal and Torres Strait Islander peoples' experiences of citizenship and must be incorporated into state syllabus documents by 2008.

Ensure that all teachers (both pre-service and existing) undertake training in Aboriginal and Torres Strait Islander studies:

- In 2004 the Queensland Board of Teacher Registration⁶² published a report entitled *Indigenous Education – Everybody's Business: Implications for Teacher Education*,⁶³
- Implementation of cross cultural awareness training to the principals and staff at schools with significant Aboriginal and Torres Strait Islander enrolments with the assistance of the Indigenous Education Training Alliance.

Submissions to committee

Students at Abergowrie College:

Where have you learned about Government and democratic processes?

- *TV and radio;*
- *Newspapers;*
- *SOSE in Years 8,9,10;*
- *Religion and Ethics in Year 12 (Life Choices unit);*
- *Learning how to run a meeting and the roles and responsibilities of President, Secretary, Treasurer, and members;*
- *The visits from Mr Pat Purcell, [then] Emergency Services Minister;*
- *(Many young people know more than their parents about how Governments work).*

⁶¹ www.mceetya.edu.au/verve/_resources/Australian_Directions_in_Indigenous_Education_2005-2008.pdf

⁶² Now the Queensland College of Teachers

⁶³ www.btr.qld.edu.au/pdf/Indigenous%20Education.pdf

Aboriginal & Torres Strait Islander Legal Service (Old South) Ltd:

We see this education as fundamental in the process ... civics education and voter education are two key areas and underpinning both of these aspects is a need for cross-cultural awareness. We consider that civics education needs to target three distinct audiences:

- a) There must be an introduction to these matters at primary school level.*
- b) The foundation of what is taught in primary must be built upon throughout secondary schooling.*
- c) In regard to civics/voter education for the adult population, we reiterate our comments under Subject 2 about the need to make culturally appropriate contact with our communities.*

In regard these school levels of education, information on the political processes needs to be embedded in the syllabus and not just at the discretion of the teacher or principal. It should be compulsory for this information to be a stand-alone topic and students encouraged by 'hand-on' visits to civic institutions.

... we commend the initiatives of Embedding Aboriginal and Torres Strait Islander Perspectives across the Curriculum – School Guidelines and the Perspectives within the key Learning Areas and the National Statements of Learning ... These initiatives will inform all Queenslanders on the culture and history of our people. In turn that information will develop understanding and tolerance of different perspectives and underpin the hopes of the Committee in making its recommendations.

Valda Wallace:

Many Teachers in primary and high schools are not aware of the true history of Australia; in fact I believe that very few teachers are aware of the impact that government policies and the introduced patriarchal social system has had on Aboriginal and Torres Strait Islander peoples. It is not unusual for students studying towards an education degree to admit that they did not know about Australia's history and the government policies that almost destroyed a nation. Many question why they were not told and why it is not part of the curriculum, the education system was used as a vehicle for assimilation, it now needs to be used as a vehicle to provide Aboriginal and Torres Strait Island peoples with the knowledge to develop the life skills necessary to make improved life choices.

...

Having Indigenous teachers working in schools provides balance in decision making as Indigenous parents may not have the knowledge or confidence to challenge or question the schools policies. Since settlement, non-Indigenous teachers have been making decisions and choices that often impact negatively on the lives of Aboriginal and Torres Strait Islander parents and their children.

...

I believe that every Aboriginal and Torres Strait Islander child is entitled to an education that is equal to that provided to every non-Indigenous child. The quality compromised programs that have been developed for Aboriginal and Torres Strait Islander children do not provide students with the knowledge and skills necessary to be competitive in the job market, hence the high levels of unemployment. In fact these programs do not even provide the students with a level of literacy/knowledge that allows them to make informed decisions about caring for themselves upon leaving school nor are they able to care for their future children. A person can not care for themselves or their children if they do not know how to, so much emphasis is placed on the expectation that everyone can read, write and comprehend English. Each year thousands of dollars are spent creating posters, programs and teaching tools, however these are all useless when many Aboriginal and Torres Strait Islander adults do not have the literacy skills necessary to make sense of these resources.

Cape York Land Council:

CYLC's representatives are strongly of the view that the process of civics education needs to commence in primary school, and that there is currently not enough education and therefore, awareness amongst indigenous people about how political processes work. There is little information available or knowledge about the efforts being made in schools to address these issues.

Frances Gala:

We believe there should be more recognition of aboriginal voices in history. It has been our experience that QLD govt policies are not implemented 'on the ground'. We believe there should be more contact with indigenous elders in the classroom for indigenous children.

Ezra Anu:

I support the current civic education process, which encourages Queensland Education to support the Citizenship education. With greater emphasis taught at schools on history of Indigenous social structures and political governance structures current and past.

John Wakely:

Education is the highest need for Aboriginals to gain equality at every level. Not only in Parliament – everyone in Queensland needs to be educated about the States' real negative and positive history. Paramount issues such as native title rights; stolen children generations; stolen wages. Media and public unfair demonising of Aboriginals and administrators in such as the DOGITs, local council or reserves. Also that would lead to overcoming the unfair scourge of racism born out of ignorance. So that Indigenous Aboriginal and Torres Strait Islander peoples will be properly recognised and respected as Queensland's – 'Unique First Nation People whose land we all share.'

Queensland Corrective Services:

QCS works with the education sector in a number of Aboriginal and Torres Strait Islander communities and is aware that Aboriginal and Torres Strait Islander perspectives forms part of the civics and citizenship education in a number of schools, both in indigenous and non indigenous communities. QCS supports the continuation of this initiative and that this type of education should be delivered by local indigenous people as a separate and distance educational event, not just as part of the broader curriculum.

QCS also works with a number of indigenous councils, community organisations, elders and other respected persons that are currently providing cultural education within the school environment.

Deborah Avery:

Our Governments recognition of the importance of recording Aboriginal and Torres Strait history accurately and strengthening of actions within all school settings and curriculums is commendable.

Committee findings

The committee heard general agreement that education is a key factor in increasing participation in democratic processes.

The committee acknowledges the measures put in place by the Minister for Education to enhance civics education for all Queensland school students and Aboriginal and Torres Strait Islander students in particular. However, the committee heard there are still a variety of ways in which civics and citizenship education could be improved. A number of people emphasised the need to make programs more relevant and culturally appropriate for Aboriginal and Torres Strait Islander students. Suggestions included:

- increasing local content;⁶⁴
- focussing more on cultural issues such as the relationship between Elders and the community;⁶⁵

⁶⁴ Yarrabah workshop

- tailoring teaching methods to Aboriginal and Torres Strait Islander students;⁶⁶
- involving more Aboriginal and Torres Strait Islander people in the classroom;⁶⁷
- ensuring material is introduced when it is most relevant to the students' lives;⁶⁸
- emphasising practical information such as how to vote,⁶⁹ how to run a meeting, and how to lobby;⁷⁰
- providing more opportunities for debating so Aboriginal and Torres Strait Islander students are encouraged to express their views⁷¹ because traditionally, young people who are outspoken upset people.⁷²

The committee was also told about issues with language, literacy,⁷³ and access to technology.⁷⁴

The committee notes the national assessment of civics and citizenship conducted by the Ministerial Council on Education, Employment, Training and Youth Affairs in 2004 found that only half of Year 6 students and 40% of Year 10 students met the proficiency standard set for the relevant year.⁷⁵ The assessment also found Indigenous students⁷⁶ did not perform as well as non-Indigenous students at both year levels.⁷⁷ The second round of civics and citizenship assessment will commence in October 2007 and will provide an opportunity to measure the success of changes to civics and citizenship programs.

Testing inclusiveness in civics education

Committee recommendation and Government response

<p>Recommendation 5: To enhance accountability for the teaching of civics in the context of an inclusive history, the Minister for Education should request the Ministerial Council for Education, Employment, Training and Youth Affairs to expand the national civics test to test knowledge of Aboriginal and Torres Strait Islander peoples' perspectives of citizenship and Aboriginal and Torres Strait Islander governance.</p>	<p>Government response: The Ministerial Council for Education, Employment, Training and Youth Affairs (MCEETYA) has recently commenced national testing in civics and citizenship education. The Government supports the Committee's recommendation that, to enhance accountability for the teaching of civics in the context of inclusive history, the national civics test should be expanded to test knowledge of civics from an Indigenous perspective, including knowledge of Indigenous systems of governance.</p> <p>The Minister for Education will raise this issue with the MCEETYA, noting that the Australian Council for Educational Research is in the process of</p>
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⁶⁵ Abergowrie and Yarrabah workshops

⁶⁶ Mount Isa workshop

⁶⁷ Brisbane workshop

⁶⁸ Rockhampton, Palm Island and Yarrabah workshops

⁶⁹ Abergowrie workshop

⁷⁰ Mareeba workshop

⁷¹ Rockhampton and Palm Island workshops

⁷² Palm Island and Abergowrie workshops

⁷³ Yarrabah, Mareeba and Badu Island workshops

⁷⁴ Rockhampton workshop

⁷⁵ Ministerial Council on Education, Employment, Training and Youth Affairs. *National Assessment Program – Civics and Citizenship Years 6 & 10 Report*, MCEETYA, 2006 at xiv -

www.mceetya.edu.au/vervel_resources/Civics_and_Citizenship_Years_6_10_Report.pdf

⁷⁶ Five percent of Year 6 students and 3 percent of Year 10 students sampled identified themselves as being Aboriginal or Torres Strait Islanders - Ministerial Council on Education, Employment, Training and Youth Affairs. *National Assessment Program – Civics and Citizenship Years 6 & 10 Report*, MCEETYA, 2006 at 14 -

www.mceetya.edu.au/vervel_resources/Civics_and_Citizenship_Years_6_10_Report.pdf

⁷⁷ Ministerial Council on Education, Employment, Training and Youth Affairs. *National Assessment Program – Civics and Citizenship Years 6 & 10 Report*, MCEETYA, 2006 at xvi -

www.mceetya.edu.au/vervel_resources/Civics_and_Citizenship_Years_6_10_Report.pdf

	developing and trialing a series of assessment instruments for the purpose of nationally comparable measurement and reporting on the achievement of primary and secondary school students in civics and citizenship education.
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Developments

The Minister for Education advised that civics from an Indigenous perspective has been represented in the MCEETYA Civics and Citizenship Assessment Project, namely:

- the domain descriptors for civics and citizenship education Key Performance Measures that informed the development of items included explicit and implicit references to issues related to Indigenous histories and cultures;
- a series of items with an Indigenous perspective were in the bank of items selected for the National Assessment; and
- an Indigenous representative attended meetings of the Civics Assessment Project Review Committee and provided advice throughout the trial of the items.⁷⁸

Submissions to committee

Cape York Land Council:

CYLC submits that appropriate testing of Aboriginal and Torres Strait Islander perspectives of citizenship and governance should be included in the national civics test.

Deborah Avery:

The expansion of the MCEETYA test to include knowledge of Aboriginal and Torres Strait Islander systems of governance is very necessary and ... Government[s] are promoting a stronger platform from which we can all move forward in partnership in the knowledge that education has the opportunity to be inclusive within all school settings.

Queensland Corrective Services:

QCS supports the continued emphasis on issues related to Aboriginal and Torres Strait Islander peoples, including Aboriginal and Torres Strait Islander governance issues being assessed and notes that this issue is to be considered as part of the Civics and Citizenship Assessment Project due to be undertaken in October 2007.

Committee findings

The committee notes the inclusion of questions that test knowledge of Aboriginal and Torres Strait Islander peoples' perspectives of citizenship and Aboriginal and Torres Strait Islander governance in the national civics and citizenship assessment.

⁷⁸ Letters from the Minister for Education dated 1 June 2004, 22 April 2005, 28 November 2005 and 14 December 2006

Parliamentary Education Services

Committee recommendation and Government response

Recommendation 6: To enhance and encourage the involvement, interest and participation of Aboriginal and Torres Strait Islander people, particularly youth, in parliamentary processes, Parliamentary Education Services should:

- review its programs and educational material to ensure that they are inclusive of Aboriginal and Torres Strait Islander peoples; and
- consider ways in which Aboriginal and Torres Strait Islander citizens might be further engaged in parliamentary education, for example, through smaller scale parliamentary activities conducted in regional and remote areas, and by developing parliamentary resource kits in conjunction with Education Queensland for inclusion in civics education teaching.

The Queensland Government should provide additional funding to the Parliamentary Service for use by Parliamentary Education Services to develop and implement relevant programs and material.

Government response: The Government supports the Committee's recommendation in principle.

The Government will examine the possibility of establishing a project taskforce to consider the Committee's recommendation and to develop and implement a plan to provide the relevant material and deliver the services proposed by the Committee.

Funding of the Parliamentary Service should be considered by the Cabinet Budget Review Committee against all competing priorities. Determining funding priorities is ultimately a question for the Government and more specifically the CBRC.

Developments

The Speaker of the Legislative Assembly of Queensland has advised of a range of initiatives to implement this recommendation.⁷⁹

- In July 2007 the Parliamentary Service established a dedicated Community Engagement Unit to 'coordinate and refocus existing community engagement, education and communications activities and develop new initiatives to support the Parliament and its Members to engage with the community, particularly Aboriginal and Torres Strait Islander peoples, young people and regional Queenslanders.' The Unit will include an Indigenous Liaison Officer.
- A working group was established following a dinner hosted by the Speaker for 'senior representatives of Aboriginal and Torres Strait Islander communities and Members of Parliament from across the political spectrum.' The group helped plan a number of special events to acknowledge the 40th anniversary of the 1967 referendum and Reconciliation Week 2007 which included: *the flying of the Aboriginal flag and the Torres Strait Islander flag alongside the Australian and Queensland flags outside Parliament House and in the Legislative Assembly Chamber; the introduction of an acknowledgement of the traditional owners of the land at the beginning of each parliamentary sitting; the launching of the inaugural Indigenous artist-in-residence program and the commissioning of a didgeridoo and accompanying artwork which is expected to become a significant parliamentary symbol; the staging of an Indigenous art display in the Legislative Council Chamber; a Speaker's Reconciliation Reception, including a traditional smoking ceremony; and the innovative Cape York to Parliament program for young Indigenous students which involved a series of educational, cultural and recreational activities for eighteen year 6 and 7 Indigenous school students from Coen and Hope Vale in Far North Queensland. This program was organised in partnership with members of the Indigenous and non-Indigenous community, the private sector and government departments.*

⁷⁹ Letters from the Speaker of the Legislative Assembly of Queensland dated 29 March 2007 and 28 August 2007

- Other initiatives aimed at improving the Parliament's engagement with Indigenous Queenslanders have included: participating in the 50th anniversary of NAIDOC celebrations held in Brisbane; presenting *Everyone's Parliament* educational workshops at the performing arts Croc Festival held in the Torres Strait; and under the Queensland Parliamentary Internship Program, an Indigenous student studying law and politics at Griffith University is currently completing an internship project with the Community Engagement Unit.
- The working group will assist Community Engagement draft an action plan for engagement with Aboriginal and Torres Strait Islander peoples. This will 'include an evaluation of educational programs, to ensure that content and engagement methods are current and accord with best practice, as well as working in partnership with representatives of Aboriginal and Torres Strait Islander communities to develop innovative methods for engagement.'
- The Community Engagement operational plan includes a range of actions relevant to Aboriginal and Torres Strait Islander peoples including: planning and supporting a Murri Parliament in partnership with the Department of Communities and Office of Youth; working with Education Queensland to conduct zone constitutional conventions for Aboriginal and Torres Strait Islander youth throughout Queensland; developing an outreach program for delivery of education and community engagement programs with particular emphasis on Aboriginal and Torres Strait Islander peoples and young people; revising parliamentary educational resources and publications to make them more relevant to Indigenous peoples; conducting youth parliaments where placements are reserved for Indigenous students; and planning and conducting two regional educational and community engagement programs focussing on Indigenous engagement where possible.
- Partnerships with the Australian Electoral Commission and the Electoral Commission of Queensland aimed at improving Indigenous engagement are also being explored.

Prior to these recent initiatives the Parliamentary Education Services had worked with Education Queensland to review programs and educational materials to ensure they incorporate an Indigenous perspective,⁸⁰ conducted constitutional conventions for Aboriginal and Torres Strait Islander students and encouraged the active participation of Aboriginal and Torres Strait Islander students in parliamentary education activities conducted as part of the Central Queensland Sitting of Parliament in October 2005.⁸¹

Submissions to committee

Students at Abergowrie College:

We note ... the message from the consultation that 'young Aboriginal and Torres Strait Islander people should be encouraged and supported to participate in all youth activities,' [and then reference] to Youth Parliaments and ... activities 'on a smaller scale' for young Indigenous people in 'regional and remote school'. Our question is: Why 'on a smaller scale' for regional and remote kids? Are Youth Parliaments only for kids in the South East? Providing on 'a smaller scale' for regional and remote kids does not seem to be 'encouraging and supporting' them to 'participate in all youth activities'. It seems to be saying that kids in the South East will continue to get the best opportunities and kids in regional and remote areas will get second best. Could the 'smaller scale' sometimes be given to the South East?

... Funded opportunities be given to young Indigenous people to go to Brisbane, to see the Parliament working, to learn about what Parliamentarians do.

⁸⁰ Letters from the Minister for Education dated 22 April 2005 and 28 November 2005

⁸¹ Letters from the Speaker of the Legislative Assembly of Queensland dated 15 June 2004 and June 2005



Aboriginal & Torres Strait Islander Legal Service (Old South) Ltd:

We endorse education being provided by the Parliamentary Education Services ('PEA') and the Australian Electoral Commission ('AEC') and the Electoral Commission Queensland ('ECQ'). We ask that these bodies coordinate their efforts to provide this education.

... we see education of the adult population on the political processes as vital. The 'hands on' activities for students ... that the PEA already gives, should continue. However, while we realise that the process of selecting suitable students from remote areas to travel to Brisbane is more costly than for other students, we ask that the remote area students not be disadvantaged on the basis of cost of their participation.

Cape York Land Council:

Information, education and training about some levels of government exist. For example, there are training programs for indigenous people who wish to become Community Council members. However, it is submitted that most of the training programs of which Executive Committee members are aware are federally funded (such as through the Office of the Registrar of Aboriginal Corporations). There was also mention of programs provided by the (State) Department of Employment and Training. However, it is again submitted that information about and services provided fall short

Frances Gala:

This is very important. Would support the Govt taking kids down to Brisbane to view parliament and learn about machinery of government.

Office for Youth, Department of Communities:

- *Queensland Youth Parliament is an initiative of the Young Men's Christian Association (YMCA).*
- *Using a Queensland Parliamentary model, the program provides a forum for young people from across the state's 89 electorates to debate local and statewide policy and legislation and advocate for change on youth issues. Indigenous young people are among the participants each year.*
- *The Queensland Government has funded YMCA Youth Parliament since 1996. In 2006-2007, the Department of Communities provided one-off funding of \$30,928 for the 12th YMCA Youth Parliament.*
- *The Office for Youth is exploring potential models for an Indigenous Youth Parliament in 2009, at the direction of the Minister for Youth and Aboriginal and Torres Strait Islander Partnerships.*

Committee findings

The committee commends the Speaker of the Legislative Assembly in Queensland and the Parliamentary Service for the significant initiatives introduced to enhance the Parliament's engagement with the community, particularly Aboriginal and Torres Strait Islander peoples, young people and regional Queenslanders. The committee looks forward to watching the development of these initiatives in the future.

The committee also heard support for providing greater opportunities for Aboriginal and Torres Strait Islander students from regional and remote areas to participate in activities such as Youth Parliaments⁸² and visiting Parliament House. The committee welcomes the suggestion of an Indigenous Youth Parliament in 2009. The committee notes that the *Hands on Parliament* report stated that 'the committee agrees with the message from consultation that there should not be separate activities for Indigenous students but that young Aboriginal and Torres Strait Islander people should be encouraged and supported to participate in all youth activities',⁸³ but the committee heard that there is a place for both separate activities for Indigenous students, and activities for all young people.

Australian Electoral Commission voter education activities

Committee recommendation and Government response

Recommendation 8: The Attorney-General should raise with the federal Special Minister of State the need to reinstate funding to the Australian Electoral Commission to carry out activities aimed at encouraging enrolment and electoral education in Aboriginal and Torres Strait Islander communities and to Aboriginal and Torres Strait Islander people living in urban areas.

Government response: The Government supports the Committee's recommendation.

Developments

Although the Aboriginal and Torres Strait Islander Electoral Information Service was discontinued in 1996, the Special Minister of State advised the Queensland Attorney-General that, the Australian Electoral Commission (AEC) 'has continued to undertake public awareness campaigns and education activities with Indigenous communities and organisations.' For example, the Remote Area Information Programme employed mainly Indigenous people for six to eight weeks prior to the 2004 federal election to visit remote Indigenous communities and explain the electoral system and how to fully participate, using promotional materials featuring Indigenous presenters and personalities. The AEC's Divisional Returning Officers also contact all Indigenous organisations within their Division each year.⁸⁴

Submissions to committee

Aboriginal & Torres Strait Islander Legal Service (Qld South) Ltd:

... the AEC education program ... should be an ongoing process and not one that appears only when an election is imminent. In this regard we commend to the Committee the work done by field officers ... As we understand, the work of the Remote Area Information Program aimed to engage our communities in education on the electoral process and in a culturally appropriate way. We note that the ATSIELS

⁸² Abergowrie workshop

⁸³ Legal, Constitutional and Administrative Review Committee, *Hands on Parliament: A parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes*, Report no 42, September 2003 at 30

⁸⁴ Letter from the Special Minister of State to the Queensland Attorney-General and Minister for Justice dated 13 July 2006

project stopped due to lack of funding, however the Consultant Paper ... did not suggest this was because of lack of community participation.

...

... the issue of birth certificates needs special comment, as many of our people do not have birth certificates and cannot readily obtain certificates.

Our people have found that there are real legal and administrative difficulties in obtaining a certificate. The difficulties revolve around the fact that many were not born in a hospital or that there was not at their birth, any person who complied with the legal requirements of registration. Over time it is most difficult to satisfy the legislation's requirements prerequisite to the issue of a certificate.

We are aware of the concerns of the Registrar of Births, Deaths and Marriages and that for citizenship there is a need for good evidence of parentage before a birth certificate can be issued. We do commend the Committee to liaise with their parliamentary colleagues to see if changes to the legislation can be introduced to facilitate the issue of the birth certificates for our people in these situations.

Cape York Land Council:

CYLC submits that there was greater encouragement for enrolment and education some years ago, and that the current reality is that there is very little happening in communities to improve the very low levels of understanding and involvement of indigenous people in the political process. Executive Committee members are aware of some indigenous people employed to help other indigenous people vote, but it is limited to taking them to the electoral booth and showing them how to fill out the form. There is no education or encouragement about the reasons for voting or the way in which the democratic process works.

Anti-Discrimination Commission Queensland:

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.

Students at Abergowrie College:

Voter education should happen in all schools in year 11 and 12.

In communities there are many people who cannot read mainstream English. Traditional languages are not written language but are spoken languages, so it would not help to have voting papers and information in traditional languages. Our suggestions are: (a) have a voting help line with people who speak traditional languages to answer questions, and give direction; (b) Set up a way of people voting over the phone. The directions would be in traditional language, and the votes could be given by pressing buttons, e.g. to vote for Joe Smith press 1.

Frances Gala:

Definitely support recommendation. Need more people on ground enrolling people and discussing value of voting.

John Wakely:

Surely it is a basic that sufficient funding and fully trained permanent Indigenous staff must be provided as is needed for every election. Every Australian needs to be thoroughly educated to completely understand the purpose of our democratic electoral systems. Namely, that by voting you are having your say in selecting your representative as your delegate in the next Federal Government ... All democracy education must encourage Indigenous people to value their vote as a voice the public and Government cannot ignore.

Ezra Anu:

The voter education to continue and should be conducted prior to any election. The education should continue to upper secondary schools.

Deborah Avery:

Increased participation in democracy by Aboriginal and Torres Strait Islander peoples will only be achieved if all activities are inclusive and targeted – new and creative strategies are needed to tailor for the needs of this special population group that will support a variety of approaches at encouraging enrolment.

Committee findings

The committee heard praise for the work of the Australian Electoral Commission employing Aboriginal and Torres Strait Islander people to promote participation in the Census and voting.⁸⁵ However, the committee was also told that the current education programs and enrolment activities need to be more active, visible and culturally appropriate⁸⁶ and that the electoral commissions can appear to be just another government agency chasing people.⁸⁷ The committee also heard concerns that:

- the current roll update processes are inappropriate for remote Aboriginal and Torres Strait Islander communities. The committee heard that many people who received a letter from the Australian Electoral Commission regarding enrolment would not reply to the letter and would therefore be removed from the electoral roll;⁸⁸
- the early roll closure procedures introduced recently will impact on Aboriginal and Torres Strait Islander people;⁸⁹
- some Aboriginal and Torres Strait Islander people do not have birth certificates and therefore have difficulty proving their identity when enrolling to vote;
- language barriers can create problems for enrolment and voting;⁹⁰ and
- disillusionment amongst Aboriginal and Torres Strait Islander youth can prevent enrolment.⁹¹

The committee urges the Attorney-General to continue to liaise with the federal Special Minister of State on these matters. The committee will also continue to monitor the issues as part of its electoral reform responsibilities.

Electoral Commission Queensland voter education activities

Committee recommendation and Government response

<p>Recommendation 9: The Electoral Commission Queensland should continue enrolment and electoral education campaigns targeted to Aboriginal and Torres Strait Islander peoples. The Queensland Government should provide any necessary funding to ensure the sustainability of such campaigns.</p>	<p>Government response: The Government supports the Committee's recommendation in principle. The Government has committed \$75,000 to the Electoral Commission for Aboriginal and Torres Strait Islanders specific campaigns in the 2003-04 financial year.</p>
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⁸⁵ Mareeba workshop

⁸⁶ Palm Island workshop

⁸⁷ Mareeba workshop

⁸⁸ Thursday Island workshop

⁸⁹ Palm Island and Mareeba workshops

⁹⁰ Abergowrie workshop

⁹¹ Rockhampton and Mareeba workshops. Although students attending the workshop at Abergowrie College indicated they would enrol to vote once they turned 18.

Developments

The Electoral Commission of Queensland advised of a range of activities targeted to Aboriginal and Torres Strait Islander peoples including:⁹²

- an information campaign including radio advertisements and posters targeted to Aboriginal and Torres Strait Islander communities before the 2004 state election;
- conducting a research project to understand enrolment and voting behaviour among Aboriginal and Torres Strait Islander people and other targeted groups and developing an enrolment advertising campaign on the basis of that research;
- information flyers aimed at increasing Census and electoral participation were distributed through the Parliamentary Education Service and the Office of Statistical and Economic Research to Indigenous peoples in rural and remote Queensland;
- the ECQ website is being redeveloped taking into account the needs of Aboriginal and Torres Strait Islander peoples;
- ECQ maintains regular contact with educational authorities, including those who work specifically with Aboriginal and Torres Strait Islander students, to pursue the inclusion of electoral information as part of the civics curriculum taught in Queensland schools;
- As part of a project to encourage the involvement of young people in the electoral process ECQ has contacted a number of radio stations, particularly those with an audience of Aboriginal and Torres Strait Islander people, in order to offer information about electoral matters;
- As the host agency for a national summit on youth engagement to be held in 2008, the ECQ intends that Aboriginal and Torres Strait Islander youth will be a target group for invitation to the summit.

Submissions to committee

Electoral Commission of Queensland:

... précis of recent Electoral Commission of Queensland (ECQ) initiatives aimed at increasing the level of awareness of the electoral system within the community.

- *ECQ has initiated a project aimed at increasing the awareness of young people about the electoral process. Our aim is to increase the number of eligible young people (ages between 17 and 21) who are enrolled. Under the auspices of a 'Vote Y Project' (Vote Y equates to the 'Y' Generation), a Communications Officer has been employed to develop and implement a number of initiatives that specifically target young people.*
- *ECQ is pursuing the issue of including 'Electoral Information' as part of the Civics curriculum taught in Queensland schools. Regular contact is maintained with educational authorities, including those who work specifically with Aboriginal and Torres Strait Islander students. The ECQ has also presented electoral awareness lectures to Bachelor of Education students.*
- *ECQ has initiated contact with a variety of organisations throughout Queensland with the intention of encouraging the involvement of young people in the electoral process. This process has included contact with a number of radio stations, particularly those with an audience of Aboriginal or Torres Strait Islander people, in order to offer information about electoral matters.*
- *You will be aware that the Standing Committee of Attorneys-General has endorsed a proposal that Queensland host a National Summit on youth engagement at which young people will be invited to discuss ideas about involvement in electoral matters with their peers as well as representatives of all Australian electoral administrations, education and curriculum authorities, parliamentary education officials and academics with a particular interest in this field. The summit will canvass ways to promote youth engagement with education. As the host agency, ECQ intends that*

⁹² Letters from the Electoral Commission of Queensland dated 18 June 2004, 9 March 2005, 30 November 2005, 8 June 2006, 22 November 2006 and 31 May 2007

Aboriginal & Torres Strait Islander youth will be a target group for invitation to the summit, which is expected to be held in the first half of 2008 (perhaps coinciding with National Youth Week).

- *ECQ is also developing a series of electoral information brochures, with the intention of providing a quick and simple source of information on electoral matters, particularly for young people. In addition ECQ is producing a detailed electoral information resource publication (called 'Elections Queensland') which will be available as a CD. The brochures and the CD will be distributed to all schools in Queensland shortly and will also be available on the Commission's Website. As part of this process, ECQ staff will liaise with representatives from indigenous groups about the best way to engage with their communities.*

Aboriginal & Torres Strait Islander Legal Service (Qld South) Ltd:

The Consultation Paper ... notes the efforts of ECQ in regard to election and enrolment education and we commend those efforts.... In regard to voting or enrolling many of our people as potential voters, our impression is that there are several impediments to their doing this, such as:

- *Their lack of education on elections;*
- *Their feeling of disempowerment and lack of 'ownership' of process;*
- *Lack of news information on any current election due to their isolation;*
- *Real difficulty in their travelling from remote area to vote, coupled with their ignorance of postal vote system; and*
- *Their not having a birth certificate and inability to prove eligibility to vote.*

Cape York Land Council:

CYLC submits that there is little distinction between the federal and state processes at the grass roots level. As with the federal processes, there is a poor quality of education and knowledge amongst Indigenous people on the voting/democratic process, including on matters as basic as being enrolled to vote.

Ezra Anu:

ECQ to have dedicated page on their website for Indigenous voter education ... I noticed that Indigenous radio was not mentioned. A regular segment could be encouraged to speak on the importance of enrolment and representation of view why it is important to have political representation or your views heard by your delegate. Also a discussion how you can vote and what party most favours your views. Also more in your face posters in front of shops at schools and at regular place of meeting. The message needs to be in a language the people can easily understand.

Anti-Discrimination Commission Queensland:

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.

John Wakely:

ECQ and the AEC should co-ordinate their education programs with more funding and Indigenous employees ... so as to ensure Indigenous Aboriginals and Torres Strait people will be empowered and become involved through understanding the democratic processes and purposes.

Queensland Corrective Services:

Electoral enrolment and encouraging a greater involvement of Aboriginal and Torres Strait people in the electoral process is important. QCS works with the Electoral Commission of Queensland to ensure that all remand prisoners continue to exercise their democratic right to vote while in custody.

QCS notes that the Electoral Commission has previously provided information to communities regarding electoral enrolment and encourages further work in this area.

Deborah Avery:

Securing Aboriginal and Torres Strait Islander Communications Officers within the Voter Y Project is a positive strategy that should increase involvement by Aboriginal and Torres Strait Islander peoples. All enrolment and electoral campaigns should be inclusive of specific strategies to target special population groups.

Committee findings

The committee commends the activities of the Electoral Commission of Queensland to date but notes the committee heard that more information is needed in Aboriginal and Torres Strait Islander communities about the value of enrolment, how to enrol and how to vote.⁹³ The committee will continue to monitor these issues when it meets regularly with staff of the Electoral Commission of Queensland.

6. Working in government

Employment and training in democratic institutions and processes

Committee recommendation and Government response

Recommendation 10: Increased, effective participation of Aboriginal and Torres Strait Islander peoples in democratic institutions and processes might be achieved through specific employment and training strategies in such institutions and processes. To this end:

(a) the Speaker of the Queensland Parliament should review the Parliamentary Service's employment and training policies to ensure that those policies encourage the employment and training of Aboriginal and Torres Strait Islander people in the Parliamentary Service, including in electorate offices;

(b) the Queensland Electoral Commissioner should review the Electoral Commission Queensland's employment and training policies to ensure that those policies encourage the employment and training of Aboriginal and Torres Strait Islander people; and

(c) the Minister for Local Government and Planning should request all local governments to: (i) review their employment and training policies to ensure that those policies encourage the employment of Aboriginal and Torres Strait Islander people; and (ii) report back to the Minister regarding the results of their review.

Government response: The Government supports the Committee's recommendation, and notes a number of initiatives in this area which are already in place.

For example, a program has been established whereby Indigenous community members are being trained as Justices of the Peace, and allowing the constitution of local Magistrates Courts to deal with breaches of the law. This approach empowers remote communities and enables them to manage breaches of the law in a more effective and often more culturally-appropriate manner.

In addition, many local governments have developed policies and training programs that incorporate multicultural and anti-discrimination awareness, and already participate in employment schemes directed towards breaking the unemployment cycle in Indigenous communities.

⁹³ Rockhampton and Mareeba workshops

Developments

Parliamentary Service

The Speaker advised the committee that an Equal Employment Opportunity policy had been implemented which identifies persons of Aboriginal and Torres Strait Islander descent as a target group. A position has also been established enabling permanent employment of an Aboriginal and Torres Strait Islander person by the Parliamentary Service as an Indigenous Liaison Officer.⁹⁴

Electoral Commission of Queensland

The Electoral Commission of Queensland has a policy of promoting the employment of Aboriginal and Torres Strait Islander people as polling and ancillary staff for state electoral events, particularly in communities with large Indigenous populations.⁹⁵ The Commission has put systems in place to capture the relevant statistical data.⁹⁶

Local Government

The committee was advised that Aboriginal peoples' prospects for furthering their employment in democratic institutions and processes would be enhanced by the transition of Aboriginal councils to shire councils and the training and support provided by the Community Governance Improvement Strategy (CGIS).⁹⁷ The Minister for Local Government and Planning advised that the CGIS included an objective of councils increasing their engagement with the community and important training initiatives had commenced in discrete Aboriginal communities, including councillor training and corruption prevention training. Certificate level training programs are also provided.⁹⁸

Submissions to committee

Students at Abergowrie College:

Identifying, training, and mentoring young people for getting involved in Government but that has to be by Community and Government together; it will involve resources and money but they will be able to learn from experience. If the community is involved in the mentoring and training then there might not be the shame and 'too good' put on the person.

QR:

Employees identifying themselves as Aboriginal and Torres Strait Islanders constitute approximately 2% of QR's 13,000-strong core workforce, and our organisation is supportive of equitable processes for all Queensland citizens.

Cape York Land Council:

CYLC submits that some opportunities do exist for indigenous involvement in training and employment, particularly in terms of input into policy development for health and local community issues. However, that involvement is not perceived as translating into any real outcomes (for example, work done on policy development by indigenous employees not being incorporated into the final policy) or flow-on benefits to indigenous people or communities, apart from the occasional job for an individual. The level at which indigenous input is provided is too low, so that the message doesn't get through to high levels of government.

⁹⁴ Letters from the Speaker of the Legislative Assembly of Queensland dated 15 June 2004, June 2005, 29 March 2007 and 28 August 2007

⁹⁵ Letter from the Electoral Commission of Queensland dated 18 June 2004

⁹⁶ Letters from the Electoral Commission of Queensland dated 9 March 2005 and 30 November 2005

⁹⁷ Letter from the Minister for Aboriginal and Torres Strait Islander Policy dated 4 August 2004

⁹⁸ Letters from the Minister for Local Government and Planning dated 16 March 2005, 30 September 2005, 11 December 2006 and 3 September 2007

Deborah Avery:

Initiatives previously undertaken in this area are commendable. An increased focus on employment post the completion of traineeships within the Public Sector Employment Program is very necessary to ensure utmost opportunity for sustainable employment. Increased strategies to support the development of sound and credible data is also necessary within all strategies. There is also a critical need to increase mentoring and 'on the ground' support (in particular: remote settings) as it appears we are investing seriously however a majority of actions appear to have not been sustainable in rural and remote communities.

RJ Doyle:

To attract, engage, employ, train and retain, appropriate mechanisms need to be established prior to commencing any initiative.

There are three areas for consideration:

...

Internal support in the workplace

- *Mentoring*
- *Appropriate supervision*
- *Networking with other Indigenous people in the workplace*

Whilst at the training facility

- *Tutoring opportunities*
- *Indigenous Units within the training facility if available*

External support

- *This would largely involve support from peripheral organisations such as the Indigenous Employment and Training Managers from the Department of Employment and Industrial Relations*
- *Mentoring*
- *Opportunities to networking with Indigenous community network meetings or similar*

... growing people into the reality and practicalities of the workforce would [lead to] increased attendance and better retention rates in many Indigenous communities.

Anti-Discrimination Commission Queensland:

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.

Queensland Corrective Services:

QCS notes the steps taken to address this issue and supports the continued focus on increasing the involvement of Aboriginal and Torres Strait Islander people in democratic institutions.

QCS seeks to employ Aboriginal people and Torres Strait Islanders as part of its workforce. The Agency has identified a number of opportunities to improve awareness of employment including using targeted advertising campaigns, using cultural specific press, conducting public information seminars as well as making contact with community groups to promote employment opportunities.

QCS targets Aboriginal people and Torres Strait Islander people for traineeships in areas of public administration. QCS is currently recruiting for trainee positions in the Probation and Parole offices located in Doomadgee, Mornington Island, Mt Isa, Normanton, Palm Island and Thursday Island.

Additionally in order to enhance the employment and training prospects for Aboriginal and Torres Strait Islander people, this Agency sponsors Aboriginal and Torres Strait Islander students in furthering their education through to year 12. The Education to Employment Scheme allows QCS to provide monetary scholarships to individual students and also provides the services of QCS staff as mentors to guide and encourage the students with their studies and career.

Department of Main Roads:

The Queensland Transport policies and programs developed and implemented in this area include:

...

- *Education 2 Employment Scheme. Queensland Transport supports Year 10-12 indigenous students at school in work experience, supervisory capacity, mentoring and monetary assistance to introduce them to the working environment and supporting them in their studies.*
- *Indigenous Cadetship. Currently two indigenous people are undertaking tertiary funded study that includes a 12 week placement with Queensland Transport.*

...

The Main Roads policies and programs developed and implemented in this area include:

- *The provision of capacity building, training and employment opportunities in remote and rural areas through:*
 - *an innovative Alliance model to engage Aboriginal peoples' as partners on construction projects in the provision of services, specific skills training and employment*
 - *a remote communities services unit based in the peninsula district to provide mentoring and training in infrastructure construction skills for Aboriginal and Torres Strait Islander peoples,*
 - *traineeships for Aboriginal and Torres Strait Islander graduates*
 - *the Aboriginal and Torres Strait Islander Education to Employment Scheme. Main Roads coordinates this program for the whole-of-government.*

Department of Natural Resources and Water:

NRW has a Workplace Diversity Plan 2005-2008 in place. The plan has been developed to ensure, for the Equal Employment Opportunity (EEO) target groups, that there is equality of employment opportunity and no unlawful discrimination. One of the EEO target groups are Aboriginal and Torres Strait Islanders. The plan sets out targets for the specific target groups. NRW's target for Aboriginal and Torres Strait Islanders for 30 June 2008 is 2.1%. The whole-of-government target is 2.4%. The Department currently employs 52 Indigenous officers (1.4%).

In 2005 and 2006 three out of 13 trainees in NRW identified as Aboriginal and Torres Strait Islander. The current number for 2006 and 2007 is one out of four trainees.

In addition, NRW is offering cadetships to Indigenous university students through the National Indigenous Cadetship Program (NICP). The NICP is an initiative of the Federal Department of Employment and Workplace Relations. Cadetships are available in disciplines such as land, water and natural resource management, forestry, environmental science and water related fields.

Committee findings

The committee commends the Speaker of the Legislative Assembly and the Electoral Commissioner of Queensland for reviewing their organisations' employment and training policies to ensure they encourage the employment and training of Aboriginal and Torres Strait Islander people and for putting in place measures to monitor such employment.

The committee commends the training available to Aboriginal councils as part of the Community Governance Improvement Strategy, but notes that no information has been provided about individual

local governments (particularly non-Indigenous councils) reviewing their employment and training policies to ensure those policies encourage the employment of Aboriginal and Torres Strait Islander peoples.

The committee notes that many of the submissions and comments at the workshops went beyond the scope of the recommendation and commented on employment within the public sector generally. The committee heard that there was a need to improve communication about public sector job opportunities within communities, particularly to school children.⁹⁹

Leadership training

Committee recommendation and Government response

Recommendation 11: The committee commends the leadership training activities that Indigenous people have been involved in the development of, for example, the Cape York Institute. To enhance Aboriginal and Torres Strait Islander peoples' involvement in democratic institutions and processes, the committee encourages the inclusion of content regarding civics, democracy and the political process in such leadership activities.

Government response: The Government notes the Committee's endorsement of the proposed Cape York Institute for Policy and Leadership.

Submissions to committee

Students at Abergowrie College:

We would like to know what leadership programmes from the Queensland Government are available for us? For those programs to help Indigenous young people that need to be available to remote students.

...

Leadership education (for leadership after school, not just in a school), should start late Year 11 and go into early Year 12.

Cape York Land Council:

CYLC submits that there is little government support for development of indigenous leaders, with those who do take on leadership roles doing so as a result of support from their local indigenous communities, rather than from any external source. Further, there is concern that for an indigenous person who does become involved in politics, there is little on-going cultural support provided, with the risk that the individual is not then able to fulfil their potential. The Executive Committee is strongly of the view that can be too difficult for an individual or a couple of individuals to be heard, when up against a large majority of non-Indigenous voices.

However, Cape York Institute is again identified as an organisation which is providing vital leadership training (we note that Cape York Institute is partially funded by State Government).

Office for Youth, Department of Communities:

- *Since 2004, the Department of Communities has hosted the Young Indigenous Leaders Forum as part of the Queensland Government Reconciliation Action Plan. Other initiatives under the Action Plan include the Reconciliation Business Forum (organised by the Department of State Development and Innovation) and the Reconciliation Awards for Business (organised by the Department of the Premier and Cabinet).*

⁹⁹ Abergowrie workshop

- *The Forums are held in Brisbane and Cairns and bring together 20 young Indigenous people aged 18-25 years to learn about leadership, develop leadership skills, connect with other young leaders, discuss community issues and gain knowledge of business within the private, public and community sectors.*
- *To date, 120 young Indigenous people have participated in the forums.*
- *Participants in the Brisbane forums are presented with a certificate of participation at the Reconciliation Business Awards ceremony and attend the Reconciliation Business Forum.*
- *The Office for Youth is currently examining the forum initiative to identify potential options for building on the model and linking with other relevant developmental programs, including the Indigenous Youth Parliament proposed for 2009.*

Aboriginal & Torres Strait Islander Legal Service (Qld South) Ltd:

The selection of youth for Leadership Training is done primarily from the ranks of secondary school attendees. The fact is that the number of our youth, who are in secondary school and achieving in their studies, is relatively small. It follows from this fact that the pool of youth, who might be eligible for selection in Leadership Training, is small. Statistics indicate that, up to the grade 3 level, our youngsters are level-pegged in their studies with other Australian children.

Anti-Discrimination Commission Queensland:

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.

Queensland Corrective Services:

QCS supports the recent initiatives by government, including those activities undertaken by the Department of Communities that aim to increase the involvement of young people in the democratic process. A particular example of this is the Youth Leadership Forums conducted by the Department of Communities and that brings together youth representatives from different communities to discuss and highlight recent successful initiatives. This type of forum provides an excellent opportunity to build networks and to build the young leaders of tomorrow.

...

Leadership training is a critical issue. QCS works with a number of other agencies and indigenous communities to encourage a greater focus on developing local leadership that is willing and able to take an active part in addressing indigenous disadvantage.

In many indigenous communities, QCS' work is being carried out together with individual councils, community justice groups and others to develop leaders able to take indigenous communities into the 21st century.

Deborah Avery:

Increased support to leadership initiatives is very necessary and all governance structures with a specific mandate to Aboriginal and Torres Strait Islander peoples should consist of majority of Aboriginal and Torres Strait Islander peoples as representatives on these bodies. Also a greater focus on partnership approaches between Aboriginal and Torres Strait Islander and non Aboriginal and Torres Strait Islander stakeholders should always be encouraged.

Ezra Anu:

Leadership training needs to be more of hands on rather than in a classroom. Some of the activities would be leadership exercises used by military. This would bring out the leader in a community member who would rather be passive. Getting the community person to give speeches and encouraging them to attend Community development courses through TAFE or in certain universities.

Frances Gala:

Would encourage state wide leadership program to develop kids interest in government and community.

Committee findings

The committee commends the Young Indigenous Leaders Forum which has been hosted by the Department of Communities as part of the Queensland Government Reconciliation Action Plan since 2004 and would be interested in any evaluation of the outcomes of the forums.

The committee was told that cultural barriers often prevent young people speaking out for fear of appearing 'too good' or 'showing off'.¹⁰⁰ There was also a general lack of knowledge about leadership opportunities.¹⁰¹

7. Local government

Youth participation in local government processes

Committee recommendation and Government response

<p>Recommendation 7: To enhance and encourage the involvement, interest and participation of Aboriginal and Torres Strait Islander youth in local government, the Minister for Local Government and Planning, in conjunction with the Local Government Association of Queensland, should:</p> <ul style="list-style-type: none"> • encourage all local governments and Deed of Grant in Trust (DOGIT) community councils to establish some form of youth advisory mechanism (such as a youth council, youth advisory board and/or youth reference group), and ensure that those mechanisms are inclusive of Aboriginal and Torres Strait Islander youth; and • consider ways in which Aboriginal and Torres Strait Islander youth might be further educated about local government, for example, by developing local government resource kits in conjunction with Education Queensland for inclusion in civics education teaching. 	<p>Government response: The Government supports the committee's recommendation.</p>
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¹⁰⁰ Palm Island and Abergowrie workshops

¹⁰¹ Abergowrie workshop

Developments

The Minister for Local Government and Planning advised that:¹⁰²

- youth participation will be encouraged in Indigenous local governments through initiatives designed to achieve the Community Governance Improvement Strategy objective of councils increasing their engagement with the community, industry, peak bodies and other councils;
- the Department was looking at 'partnering with the Department of Education and the Arts to examine approaches to promote civics and citizenship education with a strong focus on local governments in schools that are located on Aboriginal communities';
- the Department was 'supporting councils in the delivery of alternative youth traineeship delivery models for council staff, where youth who do not wish to travel away from the community for block training are now trained on site within the community';
- strategies would be developed with the Department of Education, Training and the Arts to address significant training needs and encourage young people's interest in local government;
- a mentoring/cadetship project targeting youth is being developed by an across-government working group.

The Local Government Association of Queensland advised of a range of initiatives undertaken to enhance young Aboriginal and Torres Strait Islander peoples' participation in local government, including youth councils, involvement at local government conferences, presentations by the LGAQ at the Indigenous Youth Leaders Forum and the former State Youth Advisory Council. However, the LGOnline resources relating to Aboriginal and Torres Strait Islander young people no longer exist online.¹⁰³

The Office of the Minister for Communities, Disability Services and Seniors advised that 'Young Indigenous Leaders Forums develop knowledge and skills that enable young Indigenous people to link with local government representatives within their own communities' and the Queensland Youth Council includes young people who identify as Indigenous. The Youth Council provides an opportunity for young people to have input into the development of government policies, programs and services that affect them.¹⁰⁴



¹⁰² Letters from the Minister for Local Government and Planning dated 16 March 2005, 30 September 2005, 11 December 2006 and 3 September 2007

¹⁰³ Letters from the Local Government Association of Queensland dated 30 November 2004 and 30 May 2006

¹⁰⁴ Letter from the Office of the Minister for Communities, Disability Services and Seniors dated 15 March 2006

Submissions to committee

Cape York Land Council:

CYLC's Executive Committee submits that there is not, at present, a lot of involvement from youth in either local government processes or other political processes, other than through the very worthwhile work of the Cape York Institute and the few, rare individuals who are able to rise to the challenges. It is considered that there is a fundamental problem with low literacy and numeracy skills among youth which needs to be addressed, with plenty of potential leaders out there, but insufficient education, training, opportunities and encouragement. More emphasis and positive encouragement needs to come from the wider community. There is little knowledge about Youth Advisory Committees.

Queensland Corrective Services:

QCS works with a number of Indigenous communities, particularly Doomadgee and Mornington. QCS is aware that recent initiatives in these communities have focused on the establishment of youth councils that provide advice to the local Aboriginal councils and that work with other government and non government organisations to raise issues of concern to young people in these communities.

...

QCS notes that in some Aboriginal and Torres Strait Islander communities the Council invites school children to attend Council meetings. There may be some value in Council holding a meeting within the school environment to provide a greater opportunity to participate in the Council process.

Ezra Anu:

Principal of High schools located in DOGIT communities to encourage youth group to participate as youth councils and as youth advisory groups.

Deborah Avery:

Supporting this recommendation whilst taking heed that there will need to be implementation of new and creative strategies to engage DOGIT communities.

A stronger focus should be placed on Government and non Government stakeholders with a mandate to support this recommendation who should evidence their engagement methodologies, involvement and or advice given by Aboriginal and Torres Strait Islander key bodies.

Office for Youth, Department of Communities:

- *The Queensland Youth Council provides a forum for the exchange of information and views between young people and the Queensland Government to assist the development of policies, programs and services that impact on the lives of Queensland's young people.*
- *The Queensland Youth Council comprises 20 young people from across the state (2 per departmental region) who meet twice per year to advise the Minister for Youth on current and emerging issues of importance to young people. Members are also active in their regions throughout the council term.*
- *Youth members hold the position of council Chairperson and Deputy Chairperson.*
- *The Minister for Youth has identified priority issues for the current 2005-2007 term of the Queensland Youth Council including prevention and early intervention, volatile substance misuse, youth homelessness, diverting young people from the youth justice system, The Duke of Edinburgh's Award and volunteering.*
- *Three members of the 2005-2007 term of the Queensland Youth Council are Indigenous.*
- *The current term of the Queensland Youth Council will end in September 2007.*
- *The Office for Youth is currently exploring options for establishing regional youth forums as a means of improving linkages between the Queensland Youth Council and young people at the local level across Queensland.*

Anti-Discrimination Commission Queensland:

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.

Committee findings

The committee was told of the benefits of increasing links between local councils and schools and encourages the development of these opportunities.¹⁰⁵

The committee notes that little information was provided about initiatives to encourage youth advisory mechanisms in councils and that no youth council had been established on Palm Island as recommended by the Palm Island Select Committee, although other strategies and programs were being put in place such as a youth management program run by the PCYC.¹⁰⁶

Enhancing local government participation

Committee recommendation and Government response

<p>Recommendation 12: To enhance Aboriginal and Torres Strait Islander peoples' participation in local government, the Minister for Local Government and Planning, in conjunction with the Local Government Association of Queensland, the Aboriginal Coordinating Council and the Island Coordinating Council, should examine the development and implementation of specific strategies and programs to encourage more Aboriginal and Torres Strait Islander people to stand for election to local government. In particular, these agencies should consider establishing:</p> <ul style="list-style-type: none"> • an Aboriginal and Torres Strait Islander mentoring program; and • a Local Government Aboriginal and Torres Strait Islander Network. 	<p>Government response: The Government supports the Committee's recommendation in principle.</p> <p>Community governance for Aboriginal councils has been identified as a key area for reform under the <i>'Meeting Challenges, Making Choices'</i> initiative. The Government will work towards ensuring that more Aboriginal and Torres Strait Islander people are encouraged to stand for election in local government to bring strong leadership, new ideas and skills to Aboriginal and Island councils.</p> <p>The Department of Local Government, Planning, Sport and Recreation is currently well advanced in providing a training/supporting role for intending candidates through a seminar program, dedicated handbook and sponsorship of the <i>'Councillors as Leaders in Local Communities'</i> accredited course, offered through the Open Learning Institute of TAFE.</p> <p>One of the aims of the current training is to provide candidates with information on the roles and responsibilities of being a Councillor to help them make an informed decision as to whether they wish to nominate for election. The Minister for Local Government and Planning and Minister for Women will review current training programs to ensure that they include material that is particularly suited to Aboriginal and Torres Strait Islander intending candidates.</p> <p>However, mentoring of potential candidates at the local government level is more appropriately carried out by political parties and experienced independent</p>
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¹⁰⁵ Yarrabah and Palm Island workshops

¹⁰⁶ Palm Island workshop

	<p>candidates. The Government will include reference to training and mentoring in correspondence to be sent to the leaders of each political party, as detailed in the response to Recommendation 3 (Political Parties).</p> <p>The Local Government Association of Queensland, appropriately, does not have a role in training and mentoring potential candidates.</p>
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Developments

Prior to the 2004 local government elections, awareness sessions were conducted for residents of discrete Indigenous communities who were considering standing for election.¹⁰⁷ A similar program will be available to intending candidates prior to the March 2008 council elections.¹⁰⁸ An intending candidates DVD will also be produced for presentation at seminars and to be broadcast on the Imparja Television network in the Cape York region from October 2007 in the months up to the March 2008 elections.¹⁰⁹

As part of the Community Governance Improvement Strategy, the Department of Local Government and Planning also entered into partnership with Bush TV, an Indigenous media production company, to travel to Aboriginal shires and Island councils to produce positive stories about the work and initiatives councils were undertaking and to promote positive role models within the councils and the communities.¹¹⁰

Submissions to committee

Ezra Anu:

I think a regular workshop of council members from different communities and for them to share what is working what is not. Also for them share their stories of achievement. What best practice methods they use and how they have come to that. People learn from practical experience rather than putting theory into practice. They can then take that learning back to their community.

Cape York Land Council:

CYLC submits that there is very little support amongst the broader community for a greater degree of indigenous participation. There has been some limited experience of local indigenous people seeking election at the local government level in Cape York. However, the most recent example involved 2 indigenous people who in effect split the indigenous (and the limited non-indigenous support) vote. Had only one person nominated, a position is likely to have been achieved. Issues such as availability of funding for advertising, and cultural difficulties with the political processes, mean it remains rare for individuals to seek to become involved in this way.

Frances Gala:

Standing up in wider community seeking support can be daunting. Support more programs and assistance.

Deborah Avery:

Government's response states that 'mentoring of potential candidates' at the local government level is more appropriately carried out by political parties and experienced independent candidates. However this approach is not evidenced with local government counsellors in remote communities. To be a priority, Government needs to offer incentive and develop and secure a type of mentoring program that

¹⁰⁷ Letters from the Minister for Local Government and Planning dated 16 March 2005 and 30 September 2005

¹⁰⁸ Letters from the Minister for Local Government and Planning dated 30 September 2005, 11 December 2006 and 3 September 2007

¹⁰⁹ Letter from the Minister for Local Government, Planning and Sport dated 3 September 2007

¹¹⁰ Letter from the Minister for Local Government and Planning dated 30 September 2005

'culturally competent' political party leaders should undertake with special population groups in order to assist Government on a whole reach its outcomes.

Queensland Corrective Services:

QCS is also working with the Department of Local Government, Planning, Sport and Recreation and the Department of Communities in their support to Aboriginal and Torres Strait Islander communities.

In particular QCS works with the Doomadgee Aboriginal Shire Council in its transition from a Community Council to Shire Council. The Chief Executive as Government Champion for Doomadgee (together with the Director-General of the Department of Education, Training and the Arts) works with the Doomadgee Aboriginal Shire Council to focus on developing a Local Indigenous Partnership Agreement and in addressing governance issues.

...

QCS supports the current strategies and initiatives that are being undertaken to encourage more Aboriginal and Torres Strait Islander people to be involved in local government.

Through our role in the State Government, QCS is aware that officers from the Department of Local Government, Planning, Sport and Recreation have visited many of the Aboriginal and Torres Strait Islander communities and carried out training as part of the Community Governance Improvement Strategy and that they continue to work with Councils in the transition phase of local government.

Committee findings

The committee notes that the Department of Local Government and Sport provides training for prospective councillors but heard that these programs could be better tailored for Aboriginal and Torres Strait Islander peoples. The committee was also told that more information and support is needed to enhance the participation of Aboriginal and Torres Strait Islander peoples in local government.¹¹¹ Such support could include invitations to meetings, a local government network and mentoring.¹¹² The committee also heard from some workshop participants that they were concerned that local government amalgamations could have a negative impact on local peoples' engagement with local government.¹¹³

Evaluation of participation in local government

Committee recommendation and Government response

<p>Recommendation 13: The participation of Aboriginal and Torres Strait Islander peoples in local government should be considered as part of the evaluation of Aboriginal and Torres Strait Islander peoples' participation in democratic processes to be conducted after three state electoral cycles or nine years, whichever is the later: see recommendation 1.</p>	<p>Government response: The Government notes the Committee's recommendation that the participation of Indigenous peoples in local government be considered as part of the Committee's evaluation as proposed in recommendation 1. The Government will request that the Committee also undertake an interim evaluation after the first full electoral cycle, with a full evaluation after three electoral cycles (or nine years). The Local Government Association of Queensland supports this recommendation, and notes that monitoring of participation of minority groups, including Indigenous peoples, could be achieved through data collection details for new Councillors after each local government election.</p>
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¹¹¹ Mount Isa workshop

¹¹² Rockhampton workshop

¹¹³ Palm Island and Yarrabah workshops

Developments

The Local Government Association of Queensland advised that a survey of all councillors, conducted after the local government elections held in March 2004, indicated that of the responses received (from 64 per cent of the 1,125 elected members including Mayors) three respondents identified as Aboriginal and one identified as Torres Strait Islander.¹¹⁴

Submissions to committee

Cape York Land Council:

CYLC supports Recommendation 13.

Anti-Discrimination Commission Queensland:

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.

...

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.

Committee findings

The committee notes that the Local Government Association of Queensland survey conducted in 2004 achieved a 64% response rate and that the four respondents who identified as Aboriginal or Torres Strait Islander may not be an accurate reflection of actual participation rates.

The committee recommends that the Electoral Commission of Queensland assumes responsibility for a similar census following the 2008 and 2012 local government elections and considers a methodology which would improve the accuracy of results.

¹¹⁴ Local Government Association of Queensland Inc. *Local Government Census 2004: Initial Survey Analysis*, 8 August 2004

8. Having your voice heard

The role of ATSIC and efficient service delivery

Committee recommendation and Government response

Recommendation 14: Once the current review of the Aboriginal and Torres Strait Islander Commission (ATSIC) is complete, the Queensland Government should examine the role of ATSIC in relation to state matters. In conducting this examination, the Government should also consider the wider issue of efficiencies in service delivery for Aboriginal and Torres Strait Islander peoples across the levels of government.

Government response: The Government supports the Committee's recommendation.

A Memorandum of Understanding was established between ATSIC and the Queensland Government in 2002 that requires that the Minister for Aboriginal and Torres Strait Islander Policy and the Premier routinely meet with ATSIC. Local elected members and Ministers regularly meet with regional ATSIC/ATSIS representatives to discuss grass-roots and strategic issues. The Government has prepared a shared responsibility agreement between ATSIC (with and for Indigenous communities), the Queensland and Commonwealth Governments for enhanced collaboration within the Council of Australian Governments Cape York trial.

Developments

In April 2004 the Prime Minister announced changes to Australian Government arrangements for Indigenous affairs, including:¹¹⁵

- the abolition of ATSIC,
- the transfer of all Australian Government Indigenous-specific programs and services to mainstream departments;
- the establishment of an appointed non-statutory National Indigenous Council of experts to advise government on service delivery; and
- on-the-ground coordination through a network of Indigenous Coordination Centres.

The Queensland and Australian governments subsequently entered a Bilateral Agreement on Aboriginal and Torres Strait Islander Service Delivery which commits both governments to the Council of Australian Governments' *National Framework of Principles for Government Service Delivery to Indigenous Australians*.

The Queensland Government's *Partnerships Queensland: Future directions framework for Aboriginal and Torres Strait Islander Policy in Queensland 2005-2010* (Partnerships Queensland) provides the foundation for these arrangements within Queensland, with coordination provided by the Government Coordinator – Indigenous Service Delivery.¹¹⁶

In June 2005 the Minister for Aboriginal and Torres Strait Islander Policy advised that *Partnerships Queensland*:¹¹⁷

- *recognises that social and economic advancement in Indigenous communities requires both a whole-of-government effort and partnerships between community, business and public sectors*

¹¹⁵ Letter from the Minister for Aboriginal and Torres Strait Islander Policy dated 4 August 2004

¹¹⁶ Letters from the Minister for Aboriginal and Torres Strait Islander Policy dated 17 January 2006 and Minister for Aboriginal and Torres Strait Islander Partnerships dated 5 February 2007

¹¹⁷ Letter from the Minister for Aboriginal and Torres Strait Islander Policy dated 16 June 2005

- *aims to enhance cooperation and coordination between all levels of government and with Aboriginal and Torres Strait Islander communities across Queensland and provide the direction for devolution of decision making and service delivery to the local level.*

More recently the Minister for Aboriginal and Torres Strait Islander Partnerships advised:¹¹⁸

- *Partnerships Queensland is being developed into a program management framework to improve monitoring and focus on key objectives.*
- *The Partnerships Queensland framework has also become the focus of the Strong Indigenous Communities Chief Executive Officers Committee which will develop the Partnerships Queensland Five Year Action Plan.*
- *Government coordination activities continue at central, regional and local levels with such outcomes as the development of a single planning tool for Indigenous communities – the Local Indigenous Partnership Agreements. This will consolidate engagement and planning activities with communities and provide a mechanism for monitoring the effectiveness of service delivery.*
- *Local coordination staff are working to ensure improved coordination of activities through development of community engagement calendars and the use of Regional Managers' Coordination Network (RMCN) Indigenous sub-groups.*
- *A number of high level taskforces are also addressing service delivery redesign issues across matters such as child wellbeing services, alcohol and other substances misuse, land tenure reform and recruitment and retention of staff in communities.*

Submissions to committee

Cape York Land Council:

CYLC submits that there continues to be great inefficiency in service delivery for indigenous people, with little improvement in recent years, and no identifiable improvements following the transfer of responsibility for services from ATSIC to mainstream government departments. There are many examples of over-'consultation' and under-'implementation', and of confusion about who has responsibility for what issues (including a lack of information between government departments and agencies).

Deborah Avery:

Most Agencies and Departments have a mandate for Aboriginal and Torres Strait Islander Affairs. Now that Department of Communities (post Abolition of ATSIC) have taken on the Aboriginal and Torres Strait Islander Policy role specific communication strategies are not evident. Strengthened communication strategies necessary to inform and educate all on the role of this new 'Unit' within Department Communities is needed.

Aboriginal & Torres Strait Islander Legal Service (Qld South) Ltd:

ATSIC no longer exists to facilitate the communication processes throughout our communities.

Queensland Corrective Services:

QCS works with a number of Aboriginal and Torres Strait Islander communities. However, particular attention has been directed towards the Doomadgee community as the Director-General, Queensland Corrective Services is the Government Champion, in partnership with Ms Rachel Hunter, Director-General, Department of Education, Training and the Arts. The two Government Champions worked with the recently established Dullama Government Coordination Committee – Doomadgee to develop the Doomadgee Service Delivery Plan that focuses on youth, child safety, family violence and alcohol reduction.

¹¹⁸ Letter from the Minister for Communities, Minister for Disability Services, Minister for Aboriginal and Torres Strait Islander Partnerships, Minister for Seniors and Youth dated 12 September 2007

QCS also works with the Government Coordinator – Indigenous Service Delivery, the Department of Communities and other agencies to ensure that services to indigenous communities are delivered in a more coordinated and efficient manner.

Committee findings

The committee notes the initiatives undertaken by the Queensland Government to improve coordination of service delivery to Aboriginal and Torres Strait Islander communities through *Partnerships Queensland*. However, the committee also heard that these improvements are not always evident within communities and that communication processes continue to be a problem with people not knowing where to go to get funding or support.¹¹⁹ The committee was also told that programs changed regularly as competing government priorities led to the closure of successful programs and many pilot programs were not pursued.¹²⁰

Indigenous Community Cabinets

Committee recommendation and Government response

<p>Recommendation 15: To enhance the direct input of Aboriginal and Torres Strait Islander peoples to government and, therefore, democratic processes, the Premier should convene two Indigenous Community Cabinets each year for Aboriginal and Torres Strait Islander peoples.</p>	<p>Government response: The Government supports the increased participation of Indigenous peoples in the Community Cabinet process. The Government does not support the concept of Community Cabinets held exclusively for Indigenous peoples.</p> <p>The Government encourages culturally sensitive meetings of Cabinet Ministers and Indigenous communities, and will consider a selection of Community Cabinet meetings to be held in areas highly populated by Indigenous people, including extending personal invitations to Indigenous people, organisations and businesses. The Government will undertake more research on how Indigenous people are most comfortable to engage with Government Ministers. As noted in the Government's response to recommendations 16 and 17, the Government recognises the important role of Indigenous leaders in their communities, and encourages their participation in the Community Cabinet process.</p> <p>The Community Cabinet process already provides opportunities for Indigenous groups and individuals to participate and contribute. While greater participation by Aboriginal and Torres Strait Islander Peoples' is encouraged, this should not occur to the exclusion of other members of the community. Isolating a particular cultural group is not in keeping with the philosophies that underpin the main purpose of Community Cabinet.</p>
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Developments

The Premier advised that the Government continues to encourage the participation of Aboriginal and Torres Strait Islander people at community cabinet meetings and has held meetings in areas with a high

¹¹⁹ Mareeba and Mount Isa workshops

¹²⁰ Rockhampton workshop

Indigenous population including Keppel, Townsville, Innisfail, Ipswich, Charleville and Mackay.¹²¹ In 2005 the first community cabinet meeting was held in the Torres Strait¹²² and in July 2007 a community cabinet meeting was held in the Aboriginal community of Yarrabah.¹²³

Submissions to committee

Anti-Discrimination Commission Queensland:

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.

Cape York Land Council:

There is no awareness amongst Executive Committee members of Indigenous Community Cabinets, and it appears that there have not been any such Cabinets in Cape York or Cairns. The perception is that the only time the Ministers or Premier make an effort to travel to Cape York is to celebrate a hard-fought outcome (such as the recent Eastern Kuku Yalanji ILUAs celebration).

Queensland Corrective Services:

It is noted that the State government has held a number of Community Cabinet meetings. QCS has provided advice and assistance in this process, and it is considered that these initiatives provide a valuable forum for Aboriginal and Torres Strait Islander peoples to be engaged with government at a local level. The State government's commitment to continue this process is supported.

It is also recommended that there might be an opportunity to engage more of the youth of the community if particular community cabinets included a youth forum or other similar forum that could be held before the formal Cabinet Meeting, as an opportunity to involve more of the young people in the community in the democratic process.

Deborah Avery:

To enhance the direct input of any disadvantaged population group dedicated Community cabinet meetings are necessary.

Frances Gala:

Indigenous people lack access to government. We have trouble getting govt to listen to us regarding education.

Committee findings

The committee commends the Government for holding community cabinet meetings in areas with a high Aboriginal and Torres Strait Islander population and encouraging participation by Aboriginal and Torres Strait Islander peoples. However, the committee heard that information does not always get through to decision makers in a meaningful way¹²⁴ and the most effective way of being heard is by talking directly to Ministers.¹²⁵ These issues are discussed in more detail in the next section.

¹²¹ Letters from the Premier dated 12 July 2004, 29 March 2005 and 20 December 2006

¹²² Letter from the Premier dated 20 December 2006

¹²³ Ministerial Media Statement by Hon Peter Beattie MP, Premier and Minister for Trade, 29 June 2007

¹²⁴ Rockhampton workshop

¹²⁵ Badu Island, Thursday Island and Palm Island workshops

The role of community leaders

Committee recommendation and Government response

<p>Recommendation 16: The committee appreciates that government consultation with Aboriginal and Torres Strait Islander communities is not necessarily undertaken in a way which is culturally appropriate. However, wherever possible, Aboriginal and Torres Strait Islander leaders should provide information to their communities and take an inclusive approach to engaging community members in consultation.</p>	<p>Government response: The Government notes the Committee's recommendation, and supports encouraging Aboriginal and Torres Strait Islander leaders to take an inclusive approach to engaging their communities.</p> <p>The negotiation table process has been initiated by the Queensland Government whereby Community members and representatives in discrete Aboriginal communities (and some other communities) engage with Queensland and Commonwealth Governments and ATSIC to negotiate on priorities for their communities. The centrepiece of the negotiation table process is the development of a community development plan (the Government provides \$30,000 to communities to assist in the development of this plan). This plan sets out the priorities and requirements of the community and also identifies the roles and responsibilities of Government and the community. Government CEOs have been appointed as Government Champions to these communities so that community members have access to the highest levels of Government to assist in implementing their community plans.</p> <p>As part of the <i>'Meeting Challenges Making Choices'</i> program implementation, and through a number of other initiatives across departments, Government is actively encouraging and supporting the development of leadership capacity in Aboriginal and Torres Strait Islander communities. In addition, as part of the Community Engagement Improvement Strategy, a guide is being produced to assist public servants to improve engagement with Indigenous communities and the role of community leaders will be taken up in that document.</p> <p>Furthermore, Community Justice Groups have been established within Indigenous communities to enable appropriate local, community-based responses to justice issues. The Groups have been particularly responsible for the development of local Alcohol Management Plans to manage the impact of alcohol misuse and related violence and other crime within their communities.</p>
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Developments

Negotiation tables, community champions and community justice groups continued to be key mechanisms for encouraging Aboriginal and Torres Strait Islander leaders to take an inclusive approach

to engaging community members in consultation.¹²⁶ The areas in which negotiation tables are used have expanded, the processes have evolved to meet the needs of particular communities, and the Australian Government has been encouraged to participate to allow integrated government responses to issues of concern to communities.¹²⁷

The Attorney-General recently advised that in 2006-07 a training program will be provided to all community justice groups on the theme *Managing Community Relations*.¹²⁸

The Minister for Aboriginal and Torres Strait Islander Partnerships advised that a major strategy for engagement with Indigenous leaders and their communities is:¹²⁹

... an Indigenous Partnership Agreement reached between the Queensland Government and the Mayors of 16 discrete Aboriginal and mainland Torres Strait Islander communities. This agreement will be implemented at the individual community level by Local Indigenous Partnership Agreements which will be developed between the community, represented by its Indigenous Local Government Authority and other community stakeholders, and the Queensland Government, represented by the Government Champion. The Australian Government may also be a partner to these agreements. Sustained community/government engagement will underpin the development, implementation and monitoring of the partnership agreements with a key engagement mechanism provided by negotiation tables.

The Indigenous Partnership Agreement makes explicit the expectations of government and Indigenous leadership, that it must be positive, determined, engaged and enabling; confront hard issues; model appropriate behaviours; achieve communities talking about taking positive steps; and make agencies work collaboratively and competently. The commitments made by community leaders under the agreement include that they will promote the participation of local citizens and organisations in effective engagement with governments through negotiation tables and reviews of alcohol management, policing and other matters; share knowledge and information with other communities in relation to key engagement process such as negotiation tables; and share data and local level information with government in relation to community wellbeing measures.

Negotiation tables continue to be a principal engagement and capacity building mechanism in a number of other, non-discrete communities. Here too the principles of engaged and inclusive community leadership are integral to an effective process. It is envisaged that these communities too may develop Local Indigenous Partnership Agreements between key community and government representatives.

Submissions to committee

Frances Gala:

As with any group, leadership tensions exist. This is a difficult issue.

Ezra Anu:

The partnership unit is not engaging appropriately with discrete communities. The senior Officer[s] who are supposed to engage with Indigenous leaders are not skilled appropriately. Therefore they are not engaging properly with indigenous leader of the communities. The partnership units within the department of communities are so much top heavy and the community would want to know who is really doing the job? Who are they really partnering with and what are they bringing to the table.

¹²⁶ Letters from the Minister for Aboriginal and Torres Strait Islander Policy dated 4 August 2004, 16 June 2005 and 17 January 2006

¹²⁷ Letters from the Minister for Aboriginal and Torres Strait Islander Policy dated 16 June 2005 and 17 January 2006

¹²⁸ Letter from the Attorney-General and Minister for Justice dated 11 April 2007

¹²⁹ Letter from the Minister for Aboriginal and Torres Strait Islander Partnerships dated 12 September 2007

Cape York Land Council:

The views expressed by the Executive Committee included that:-

- *The negotiation table process has worked well in some areas of Cape York, with some significant outcomes noted;*
- *Situations where the Government Champion has been the same person for long enough to establish good relationships with the community, and have made an effort to fully understand the issues, also appear to have produced some worthwhile outcomes;*
- *Leaders within particular indigenous communities continue to work hard to achieve outcomes in communities;*
- *The Community Justice Groups are a good idea in theory but many are experiencing serious operational difficulties. For example, representatives on the Justice Groups need to remain neutral but this can be very difficult in small communities. A closer look at how indigenous people become involved (for example, election rather than self nomination) and how the Justice Groups are operating (for example, the process is reactive rather than proactive) is urgently needed. More funding and resources are needed to assist the operation of the Justice Groups.*

Aboriginal & Torres Strait Islander Legal Service (Qld South) Ltd:

We are concerned that in selecting community leaders that they are identified as people of integrity and who will properly represent the current and long-term interests of their people. In this respect, this requirement is similar to that for any other leader, but with the qualification that cultural systems of governance need to be also considered. The Consultation Paper ... draws attention to the need for knowledge and understanding of 'Indigenous systems of governance'. The Paper does not go on to describe those systems or the ways that leaders are selected from within a community. The Committee might address this oversight when it completes its evaluation. While there are variations between communities, there are some valid generalisations on the mechanisms for selecting leaders.

Anti-Discrimination Commission Queensland:

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.

...

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 ...

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

Queensland Corrective Services:

QCS work with a number of Aboriginal and Torres Strait Islander communities, Councils, community justice groups, indigenous organisations and other agencies on a range of issues associated with the criminal justice system and indigenous people.

QCS is aware that there are differences in cultural protocols within specific communities and also the need to ensure that consultation and negotiation is undertaken with the broader community, while recognising the role of community leaders, elders and other respected persons with the community.

QCS is actively involved in a number of negotiation tables for Aboriginal and Torres Strait Islander communities and is currently working with the Department of Communities and others in developing service delivery intervention plans and indigenous partnership agreements to address priority issues within indigenous communities.

The Director-General, as Government Champion for Doomadgee, has attended a number of negotiation tables within the Doomadgee community and has recently been invited to attend the next negotiation table to be held in Doomadgee on 21 May 2007.

QCS recently established Probation and Parole offices in Doomadgee, Mornington Island, Normanton and Thursday Island and as part of that process, met with a range of community members, Councils and others to ensure that these services were delivered in accordance with local protocol and met the needs of the local community.

Committee findings

The committee notes the Government's *Partnerships Queensland* engagement strategies and commends the Government for its partnership approach. However, the committee received the following feedback about consultation and engagement:

- there is some mistrust of the consultation experience;¹³⁰
- frequent changes in the responsible Minister led to a loss of respect. There needs to be the same faces and there needs to be a sense that something is being done;¹³¹
- information does not always get through to decision makers in a meaningful way.¹³² The most effective way of being heard is by talking directly to Ministers.¹³³ Negotiation tables work when Ministers or Directors-General attend; however, proxies are often sent;¹³⁴
- the abolition of ATSIC took away the processes for Indigenous people to be heard¹³⁵ and left people feeling disempowered.¹³⁶ Because ATSIC representatives were elected, they were an identifiable group of people who were seen as representatives that people could take their problems to.¹³⁷ ATSIC 'provided a collective local voice and a connectedness between community and representatives';¹³⁸
- there is a need for a formal Indigenous advisory structure so the government does not shop around for advice or take only 'chosen advice'.¹³⁹

¹³⁰ Badu Island and Thursday Island workshops

¹³¹ Mount Isa workshop

¹³² Rockhampton workshop

¹³³ Badu Island, Thursday Island and Palm Island workshops

¹³⁴ Badu Island workshop

¹³⁵ Rockhampton workshop

¹³⁶ Mareeba workshop

¹³⁷ Rockhampton workshop

¹³⁸ Rockhampton workshop

¹³⁹ Palm Island, Mareeba, Thursday Island and Brisbane workshops

Governments' appreciation of cultural differences

Committee recommendation and Government response

Recommendation 17: In consulting with Aboriginal and Torres Strait Islander peoples, governments should, to the greatest extent possible, adapt processes and timeframes to ensure that cultural differences are appreciated and respected.

Government response: The Government supports the Committee's recommendation. The Government appreciates and respects cultural differences and, to the greatest extent possible, will adapt processes to show an appreciation of, and respect for, these differences.

Developments

The Minister for Aboriginal and Torres Strait Islander Policy advised that the *Partnerships Queensland* policy framework aims to 'encourage the adaptation of government processes to better appreciate and respect cultural differences' and negotiation tables and community justice groups reflect the government's appreciation of cultural differences.¹⁴⁰

The Minister for Aboriginal and Torres Strait Islander Policy advised that:¹⁴¹

... Partnerships Queensland identifies better community engagement as one of the fundamental mechanisms that will be used to consolidate a partnership approach with Aboriginal and Torres Strait Islander communities. DATSIP and the Department of Communities have collaborated to develop Engaging Queenslanders: Introduction to working with Aboriginal and Torres Strait Islander communities.

This resource provides all government employees with an up to date guide for use in their day-to-day work to improve engagement between government and Aboriginal and Torres Strait Islander peoples.

Submissions to committee

Aboriginal & Torres Strait Islander Legal Service (Qld South) Ltd:

The Committee is to be commended for seeking the views of our people and its members informing themselves of aspects of our people's culture. But we surmise that there are many politicians and Parliamentary staff who would benefit from information on culture and history of our people. The Supreme Court Equal Treatment Bench Book has been published... by the Supreme Court of Queensland. It gives a concise overview of several cultural aspects and is helpful as an introduction to such matters. We recommend to the Committee that a cultural awareness program be part of the induction of both newly recruited and established staff and of members, with a reference to the Bench Book included in the protocol manual.

Cape York Land Council:

CYLC submits that there is very little effort by governments to understand cultural differences. There is a need for a link between the government and indigenous people, with face to face discussions needed to create trust and the feeling that the government really does want to make an effort to come out to the communities.

¹⁴⁰ Letters from the Minister for Aboriginal and Torres Strait Islander Policy dated 4 August 2004, 16 June 2005 and 17 January 2006

¹⁴¹ Letter from the Minister for Energy and Minister for Aboriginal and Torres Strait Islander Policy dated 17 January 2006. See: Queensland. Department of Communities. *Engaging Queenslanders: Introduction to working with Aboriginal and Torres Strait Islander communities*, 2005 - www.getinvolved.qld.gov.au/share_your_knowledge/resources/documents/pdf/engaging-queenslanders-atsi-communities.pdf

Students at Abergowrie College:

Government material and advertising needs to include more Indigenous faces – not just when it is about Indigenous issues ...

Queensland Corrective Services:

This issue is addressed in part through the response to the issue of the role of community leaders. QCS has a range of strategies that address indigenous issues, such as, part of the Diversity in Corrections initiative and also through corrective services role in addressing indigenous over representation.

Committee findings

The committee notes government strategies designed to engage with Aboriginal and Torres Strait Islander peoples in a way that respects and appreciates cultural differences but heard that these are not always perceived as successful. The committee supports calls for further cultural awareness training.

Fundamental legislative principles

Committee recommendation and Government response

Recommendation 18: The Premier, as the Minister responsible for the *Legislative Standards Act 1992* (Qld), should introduce an amendment to s 4(3)(j) of that Act so that the 'fundamental legislative principle' example in that subparagraph requires that legislation 'has sufficient regard to Aboriginal tradition, Island custom and any particular effect the legislation might have on Aboriginal or Torres Strait Islander peoples'.

Government response: The Government does not support the Committee's recommendation. The proposed amended fundamental legislative principle is very different in nature to the current list of examples in s.4 of the *Legislative Standards Act 1992*, and is not consistent in nature with the concept of fundamental legislative principles generally.

The Government leaves open the possibility of a further examination of this issue to explore ways to improve the existing FLP requirement regarding Indigenous peoples' culture and tradition.

Developments

In March 2005 the Premier advised that no further examination of the issue was proposed at that stage.¹⁴²

Submissions to committee

Cape York Land Council:

CYLC supports Recommendations 18, 19 and 20. Despite continued assurances from all levels of government that indigenous issues are taken into account, the reality is that legislation continues to fail to have 'sufficient regard to Aboriginal tradition, Island custom and any particular effect the legislation might have on Aboriginal or Torres Strait Islander peoples'.

Aboriginal & Torres Strait Islander Legal Service (Qld South) Ltd:

... we endorse the proposal ... that regard to the customs of our various peoples be given when formulating legislation.

Anti-Discrimination Commission Queensland:

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,

¹⁴² Letter from the Premier dated 29 March 2005

should have sufficient regard to Aboriginal tradition, Island custom and any particular effect the legislation might have on Aboriginal or Torres Strait Islander peoples.

Queensland Corrective Services:

QCS notes that issues particular to Aboriginal and Torres Strait Islander people were considered during the review of the Corrective Services Act 2000 which culminated with the recently introduced Corrective Services Act 2006.

Committee findings

The committee notes that since 2003 the Scrutiny of Legislation Committee has commented on a number of bills in the context of whether they have sufficient regard to Aboriginal tradition and Island custom. The Aboriginal Cultural Heritage Bill 2003 was considered to significantly enhance Aboriginal tradition.¹⁴³ The Scrutiny of Legislation Committee commented that the Local Government (Community Government Areas) Bill 2004 had been drafted with Aboriginal tradition in mind and had sufficient regard to Aboriginal tradition.¹⁴⁴ The Scrutiny of Legislation Committee noted that the Industrial Relations and Other Acts Amendment Bill 2005 conferred a conditional entitlement to five days unpaid cultural leave upon employees required by Aboriginal tradition or Island custom to attend an Aboriginal or Torres Strait Islander ceremony and therefore enhanced Aboriginal tradition and Island custom.¹⁴⁵ In relation to the Corrective Services Bill 2006, the Scrutiny of Legislation Committee noted the bill contained a number of clauses specifically benefiting Aboriginal and Torres Strait Islander prisoners.¹⁴⁶

More recently, the Scrutiny of Legislation Committee sought further information regarding three respects in which the regard had to Aboriginal tradition and Island custom in the Cape York Peninsula Heritage Bill 2007 was uncertain.¹⁴⁷ The Scrutiny of Legislation Committee also sought further information regarding consultation with Aboriginal peoples and Torres Strait Islanders regarding the Land Court and Other Legislation Amendment Bill 2007.¹⁴⁸

LCARC's area of responsibility

Committee recommendation and Government response

<p>Recommendation 19: The Premier, as the minister responsible for the <i>Parliament of Queensland Act 2001</i> (Qld), should introduce an amendment to s 89(a) of that Act so that the Legal, Constitutional and Administrative Review Committee's area of responsibility about legal reform includes considering whether Queensland law has sufficient regard to Aboriginal tradition, Island custom and any particular effect the law might have on Aboriginal or Torres Strait Islander peoples.</p>	<p>Government response: The Government supports the Committee's recommendation. This expansion of the Committee's area of responsibility is an appropriate initiative.</p>
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Developments

On 23 August 2005 the Premier introduced the Constitutional and Other Legislation Amendment Bill 2005 (Qld) into the Legislative Assembly. The bill included provisions to extend the committee's area of responsibility regarding legal reform to include considering whether Queensland law has sufficient

¹⁴³ Scrutiny of Legislation Committee, *Alert Digest* no. 9 of 2003 at 2
¹⁴⁴ Scrutiny of Legislation Committee, *Alert Digest* no. 7 of 2004 at 14
¹⁴⁵ Scrutiny of Legislation Committee, *Alert Digest* no. 3 of 2005 at 5
¹⁴⁶ Scrutiny of Legislation Committee, *Alert Digest* no. 4 of 2006 at 13
¹⁴⁷ Scrutiny of Legislation Committee, *Alert Digest* no. 7 of 2007 at 5
¹⁴⁸ Scrutiny of Legislation Committee, *Alert Digest* no. 8 of 2007 at 4

regard to Aboriginal tradition and Island customs and the particular effect any Queensland law has on Aboriginal people and Torres Strait Islanders. The bill lapsed on 15 August 2006 when the Parliament was dissolved and has not been reintroduced to date.

In December 2006 the Premier advised the committee that consideration was being given to the possible reintroduction of the bill.¹⁴⁹

Submissions to committee

Anti-Discrimination Commission Queensland:

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.

Committee findings

The committee encourages the Premier to reintroduce the bill to extend the committee's area of responsibility regarding legal reform to include considering whether Queensland law has sufficient regard to Aboriginal tradition and Island customs and the particular effect any Queensland law has on Aboriginal people and Torres Strait Islanders.

LCARC's agenda

Committee recommendation and Government response

Recommendation 20: When setting its inquiry agenda, the Legal, Constitutional and Administrative Review Committee should 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 or Torres Strait Islander peoples.	Government response: The Government notes the Committee's recommendation that the Committee should more actively consider its area of responsibility.
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Developments

The committee of the 51st Parliament considered an inquiry into certain relevant matters. However, given the wide range of strategies then being implemented in Queensland and reviews of customary law in other states and territories, the committee did not commence an inquiry at that time. The committee adopted a 'watching brief'.

The committee of the 51st Parliament considered a number of issues regarding recognition of Aboriginal tradition and Island custom under Queensland law. These included the availability of accredited interpreters in Aboriginal and Torres Strait Islander languages in court proceedings.

Submissions to committee

Anti-Discrimination Commission Queensland:

The ADCQ ... 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 area of responsibility. The ADCQ suggests LCARC consider as an

¹⁴⁹ Letter from the Premier dated 20 December 2006

agenda item, a Queensland Bill of Rights, and examine the models already passed by the Parliaments of Victoria and the ACT.

Committee findings

The committee will continue to consider the recognition of Aboriginal tradition and Island custom as part of its ongoing inquiry program.

Parliamentary Indigenous liaison officers

Committee recommendation and Government response

Recommendation 21: The Queensland Government should provide the Parliamentary Service with additional funding to appoint two Parliamentary Indigenous Liaison Officers within the Parliamentary Service to perform a range of advisory, education and protocol functions as they relate to Aboriginal and Torres Strait Islander peoples including:

- assisting the Scrutiny of Legislation Committee and Legal, Constitutional and Administrative Review Committee with their jurisdiction regarding Aboriginal tradition and Island custom (as expanded in accordance with recommendations 18 and 19);
- assisting other parliamentary committees and parliamentary entities with issues that might be of interest to, or affect, Aboriginal and Torres Strait Islander peoples;
- advising members of Parliament generally regarding the impact of policy and legislation on Aboriginal and Torres Strait Islander peoples;
- providing, or arranging the provision of, cultural awareness training to Members of Parliament (including as part of the new members' induction program) and parliamentary staff;
- performing a liaison role between the Parliament, its committees and members and Aboriginal and/or Torres Strait Islander agencies where necessary;
- assisting relevant sub-outputs of the Parliamentary Service (particularly Human Resource Management) with the implementation of programs aimed at increasing the employment of Aboriginal and Torres Strait Islander people within the Parliamentary Service including electorate offices (see chapter 7 regarding employment and training);
- assisting Parliamentary Education Services in its programs and activities aimed at Aboriginal and Torres Strait Islander people (see chapter 6 regarding civics education); and
- providing protocol advice as it affects the

Government response: The Government does not support the Committee's recommendation.

There is insufficient justification for the appointment of Parliamentary Indigenous Liaison Officers. The Government considers that existing staffing levels within the Parliamentary Service are sufficient for the provision of advice to Committees concerning Aboriginal tradition and Island custom.

Parliament, for example, welcome to country, acknowledgment of traditional owners, observance of ceremony and protocol for Aboriginal and Torres Strait Islander flags.	
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Developments

The Speaker of the Legislative Assembly of Queensland recently advised that a position of Indigenous Liaison Officer has been created in the Parliamentary Service and is expected to be filled by the end of November 2007. The primary duties of the Indigenous Liaison Officer will be to perform a liaison role between the Parliament and Aboriginal and Torres Strait Islander communities and generally assist in the organisation and delivery of community engagement activities.

The specific accountabilities of the position will be to:

- *Act as primary contact and liaison point between the Parliament and Aboriginal and Torres Strait Islander communities;*
- *Support the Manager – Community Engagement to deliver outreach programs to facilitate more effective engagement between the Parliament, its Committees and Members and Aboriginal and Torres Strait Islander communities;*
- *Advise the Speaker, Members and staff on Aboriginal and Torres Strait Islander cultural protocols as they affect the Parliament;*
- *Assist the Education Officers of the Community Engagement sub-output to access professional advice from Indigenous educators in relation to the development and delivery of programs and activities aimed at Aboriginal and Torres Strait Islander peoples;*
- *Provide, or arrange the provision of, cultural awareness training to Members of Parliament (including as part of the new members' induction program) and staff;*
- *Assist parliamentary committees and other parliamentary entities with issues that might be of interest to, or affect, Aboriginal and Torres Strait Islander peoples; and*
- *Participate in community engagement projects as directed.*¹⁵⁰

Submissions to committee

Students at Abergowrie College:

When parliament meets do you start with an acknowledgement of the traditional owners or have a traditional owner welcome you to country?

Deborah Avery:

If existing staff levels within the Parliamentary Service are sufficient for the provision of advice to Committees concerning Aboriginal tradition and Island custom then it appears to be an 'access' issue and strategising to increase access to information and knowledge is crucial.

Anti-Discrimination Commission Queensland:

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.

¹⁵⁰ Letter from the Speaker of the Legislative Assembly of Queensland dated 28 August 2007

Committee findings

The committee commends the Speaker for creating the position of Indigenous Liaison Officer within the Parliamentary Service and looks forward to monitoring the success of this position.

Aboriginal and/or Torres Strait Islander Assembly

Committee recommendation and Government response

Recommendation 22: Given the minimal support expressed during public consultation for a separate Aboriginal and/or Torres Strait Islander Assembly, such an Assembly should not be established in Queensland at this stage.

Government response: The Government supports the Committee's recommendation. The Committee has not identified compelling justification for establishing a separate Aboriginal and/or Torres Strait Islander assembly.

Submissions to committee

Frances Gala:

While not supportive of a separate 'assembly' there needs to be a govt body of representatives to oversee family/social community indigenous issues - Department of Child Safety – needs more indigenous input.

Ezra Anu:

This recommendation is generalisation of point of view which does not reflect the view of the Torres Strait community. A generalisation should be backed by statistics before any recommendation can be made.

Torres Shire Council:

Council is disappointed with the Committee's Recommendation and the Government's response.

John Wakely:

Direct Indigenous voices are justified and necessary in Parliament to make legislation impacts harmless. I'd like to see in the Queensland Parliament: 'dedicated Indigenous seats' and/or a 'permanent standing adjunct Aboriginal and Torres Strait Islander's assembly' (Committee or Congress) as direct voices.

...

An Indigenous Aboriginal and Torres Strait Islander's permanent Parliamentary Assembly is needed in Queensland so Queensland's significant minority 'First Nation People' – most dispersed, dispossessed and disadvantaged, are properly, publicly, respected, recognised, seen, heard; and have an honourable place and role in the Legislative People's Parliament and Government of Queensland.

...

The Queensland Parliament and Government would restore real pride by welcoming representatives of their 'Indigenous First People' to share an honoured place – to be recognised, seen and heard [and to be] empowered with respect and an equality of power. That would advance all people in all of Queensland.

...

Mentor and encourage especially young Indigenous Aboriginals so they become effective contributing participants and leaders at every level ...

Committee findings

Although the committee heard overwhelming support for improving the processes by which Aboriginal and Torres Strait Islander peoples can be represented and heard by governments, there was still little support for a separate Aboriginal and Torres Strait Islander Assembly.

Greater autonomy in the Torres Strait

Committee recommendation and Government response

<p>Recommendation 23: The Queensland Government should ensure ongoing discussion with the Federal Government and Torres Strait Islanders (both homeland and mainland) and other residents of the Torres Strait about greater autonomy in the Torres Strait. Such discussion should examine what powers, roles and responsibilities might be further devolved from State to Torres Strait regional level to enhance autonomy in the Torres Strait.</p>	<p>Government response: The Government supports the Committee's recommendation. It is anticipated that this issue will be raised during a green paper on Torres Strait Community Governance in 2004.</p>
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Developments

The Department of Local Government, Planning, Sport and Recreation undertook a review of community governance in the Torres Strait, issuing a green paper in October 2005¹⁵¹ and a report in April 2007.¹⁵² The green paper specifically stated:

*The review will not include consideration of the issues associated with regional autonomy, which is outside the scope of State legislation.*¹⁵³

The green paper did recognise greater autonomy at the regional level as an important issue for people of the Torres Strait and noted that 'while this is outside the scope of the present review, it may be affected by the future shape of government at the local level.'¹⁵⁴

The Minister for Local Government, Planning and Sport recently advised:¹⁵⁵

The Local Government Reform Commission ... made recommendations which supported further changes and were approved in Cabinet in August 2007. At the 15 March 2008 elections 15 of the 17 current Island Councils will be amalgamated in the Torres Strait Regional Council. Bamaga and Seisia Island Councils will amalgamate with Umagico, Injinoo and New Mapoon Aboriginal Shires to form the Northern Peninsula Area Regional Council.

Submissions to committee

Ezra Anu:

More consultation is required.

Deborah Avery:

Any actions to enhance greater autonomy in the Torres Strait are supported.

¹⁵¹ Queensland. Department of Local Government, Planning, Sport and Recreation, *Torres Strait Community Government Review: Green Paper*, October 2005

¹⁵² *Community Government in the Torres Strait: The Way Forward*, April 2007

¹⁵³ Queensland. Department of Local Government, Planning, Sport and Recreation, *Torres Strait Community Government Review: Green Paper*, October 2005 at p. 3

¹⁵⁴ Queensland. Department of Local Government, Planning, Sport and Recreation, *Torres Strait Community Government Review: Green Paper*, October 2005 at p. 11

¹⁵⁵ Letter from the Minister for Local Government, Planning and Sport dated 3 September 2007

Anti-Discrimination Commission Queensland:

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.

Committee findings

The committee notes that greater autonomy in the Torres Strait was outside the terms of reference of the review of community governance in the Torres Strait. However, the committee heard support for greater autonomy in the Torres Strait at workshops held on Badu Island and Thursday Island particularly in the context of council amalgamations.

Dedicated seats

Committee recommendation and Government response

<p>Recommendation 24: Given the degree of opposition to dedicated seats expressed during public consultation, dedicated seats for Aboriginal and Torres Strait Islander peoples should not be established in Queensland either at the state or local government level at this stage.</p> <p>However, the need for dedicated seats may be one of the issues revisited if the representation of Aboriginal and Torres Strait Islander peoples in democratic processes has not improved after three state electoral cycles or nine years, whichever is the later: see recommendation 1.</p>	<p>Government response: The Government supports the Committee's recommendation. A system of dedicated seats cannot be supported at the State or local government level given the opposition to dedicated seats which currently exists in the Indigenous community.</p> <p>The Government will request that the Committee also undertake an interim evaluation after the first full electoral cycle, with a full evaluation after three electoral cycles (or nine years).</p>
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Submissions to committee

Torres Shire Council:

The matter of reserved seats for Indigenous members as outlined in Council's original submission remains Council's greatest concern. Council rejects the Committee's Recommendation 24 and the Government's Response. Council is unanimous in feeling very strongly that the interests and needs of Torres Strait Islander and Aboriginal people in this Region would be best served through a dedicated Parliamentary seat. All rhetoric about 'greater autonomy' in the Torres Strait cannot be taken seriously when the Region does not even have a dedicated seat in Parliament.

Cape York Land Council:

CYLC supports dedicated seats but notes that there would need to be a number of seats to ensure that the indigenous voice could be heard and that there was representation for the various parts of Queensland.

Aboriginal & Torres Strait Islander Legal Service (Qld South) Ltd:

Our people should have a dedicated seat in Parliament. We are of the view that there is a need for there to be a permanent voice for our people in Parliament. While we are confident that selection for and then election to a dedicated seat, would be in accordance with 'Indigenous systems of governance', we are

also of the view that the essential criterion for someone's participation in the parliamentary process, from pre-selection to election, is that the candidate is generally acceptable to the electorate.

Frances Gala:

Not supportive of dedicated seats. If education improved, would be MPs in next generation of indigenous kids.

Ezra Anu:

This recommendation is biased and should be further investigated.

Ken Goodman:

I am completely opposed to so called dedicated seats, it's not democratic.

John Wakely:

Dedicated seats in Parliament are preferred like New Zealand. A huge concern is removal of their elected Aboriginals and the elimination of ATSIC by the Liberal/ National Federal Government. The closing down of elected Aboriginal Queensland state bodies and appointed unrepresentative Aboriginals cause dismay.

...

Also without any need for constitutional change, the bipartisan vote of the whole Parliament could agree to have 'an Aboriginal and Torres Strait Islanders Parliamentary permanent standing assembly' ...

Anti-Discrimination Commission Queensland:

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.

Queensland Corrective Services:

This issue may be addressed by encouraging more Aboriginal and Torres Strait Islander people to be part of the current democratic process, either as electors or candidates.

Committee findings

The committee heard a range of views about the issue of dedicated seats for Aboriginal and Torres Strait Islander peoples.¹⁵⁶ A number of supporters of the proposal felt there needed to be more than one seat so that both Aboriginal peoples and Torres Strait Islander peoples are represented.¹⁵⁷ Others saw the proposal as an interim measure that was necessary for five to 10 years.¹⁵⁸ However, the committee was also told that dedicated seats were seen as tokenism¹⁵⁹ and other methods of increasing the participation of Aboriginal and Torres Strait Islander peoples were more appropriate.

Queensland's electoral system

Committee recommendation and Government response

Recommendation 25: The question of whether Queensland's current electoral system, based on single representative electoral districts, is the most effective system to represent the diverse interests of the Queensland community, including the interests

Government response: The Government notes the Committee's recommendation that the Committee will further investigate this matter as part of its future inquiries. The question of whether the current system is the most effective system to represent the

¹⁵⁶ E.g. Palm Island workshop

¹⁵⁷ Yarrabah, Badu Island and Thursday Island workshops

¹⁵⁸ Brisbane workshop

¹⁵⁹ Mareeba workshop

of Aboriginal and Torres Strait Islander peoples, should be revisited as part of the evaluation of the effect of strategies on Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes: see recommendation 1.	diverse interests of the Queensland community should be evaluated at a later date. The Government will request that the Committee also undertake an interim evaluation after the first full electoral cycle, with a full evaluation after three electoral cycles (or nine years).
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Submissions to committee

Aboriginal & Torres Strait Islander Legal Service (Old South) Ltd:

... we encourage the Committee to consider how those of our people who live in a sparsely populated area might be fairly represented in Parliament. In sparsely populated but large geographic areas of the State and where the population in that area is mainly Aboriginal people or Torres Strait Islanders, there is a need for care to be taken in defining the electorate. In particular, despite the sparseness of a population, the individual character of the people in that region should be recognised so that their votes have meaning. We are concerned that the votes of those people not be swamped and that they are fairly proportionally represented in the electoral system rather than be included with another more populous and different community.

Queensland Corrective Services:

OCS is aware that particular issues associated with the electoral system have been addressed as part of the changes to legislation that regulates the administration of Aboriginal and Torres Strait councils. These changes include modification to the method of representation for Saibai Island Council and also that the Commonwealth and State Electoral Commissions carry out mobile polling within the Torres Strait and Northern Peninsula areas to ensure that all electors have an opportunity to vote.

Committee findings

The committee of the 52nd Parliament has resolved to conduct an inquiry into certain contemporary electoral issues.

Appendices



Appendix A: List of Submissions

SUB NO:	SUBMISSION FROM:
1	Ms Frances Gala
2	Students at Abergowrie College
3	Mr Ezra Anu
4	Victorian Electoral Commission
5	Queensland Department of Tourism, Fair Trading and Wine Industry Development
6	Queensland Department of Child Safety
7	Queensland Department of Education, Training and the Arts
8	Queensland Rail
9	Queensland Department of Primary Industries and Fisheries
10	Torres Shire Council
11	Mr Ken Goodman
12	Cape York Land Council
13	Ms Valda Wallace
14	Ms Deborah Avery
15	RJ Doyle
16	Electoral Commission Queensland
17	Aboriginal & Torres Strait Islander Legal Service (Qld South) Ltd
18	Queensland Office for Youth – Department of Communities
19	Queensland Department of Main Roads
20	Anti-Discrimination Commission Queensland
21	Mr John Wakely
22	Queensland Corrective Services
23	Queensland Department of Natural Resources and Water

Appendix B: Media Release

No embargo



Legal, Constitutional and
Administrative Review Committee

CHAIR

Mrs Dianne Reilly MP
(Mudgeeraba)

DEPUTY CHAIR

Mr Timothy Nicholls MP
(Clayfield)

MEMBERS

Mr Andrew Cripps MP
(Hinchinbrook)

Ms Rosa Lee Long MP
(Tablelands)

Mrs Betty Kiernan MP
(Mt Isa)

Ms Vicky Darling MP
(Sandgate)

Mr Stephen Wettenhall MP
(Barron River)

SECRETARIAT

LCARC
Parliamentary Annexe
George Street
BRISBANE QLD 4000

Phone: (07) 3406 7307
Fax: (07) 3406 7070
Email: lcarc@parliament.qld.gov.au

Editor's notes:

- The Legal and Constitutional Committee has a broad range of law reform responsibilities including administrative review reform, constitutional reform, electoral reform, and legal reform.
- Mrs Reilly will be available for interview - please call her office on 07 5569 0482.
- Further information, including the consultation paper and the original report, is available from: www.parliament.qld.gov.au/LCARC
- For further information about the interim evaluation please contact the committee's A/Research Director, Julie Copley, on 3406 7244.
- An electronic version of the artwork is available - please call 07 3406 7307.

Media Release



GET YOUR "HANDS ON PARLIAMENT"

The Queensland Parliament is inviting the community to get its "Hands on Parliament".

A parliamentary committee wants to hear the views of Queenslanders about the engagement of Aboriginal and Torres Strait Islander peoples with this state's democratic processes.

The Legal, Constitutional and Administrative Review Committee (LCARC) is evaluating the ways Indigenous peoples are encouraged to become involved in Government decision-making, election processes and the Queensland Parliament.

In 2003, LCARC tabled in the Parliament a report, *Hands on Parliament – A parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes*.

Committee Chair, Mrs Dianne Reilly MP says, "The sorts of things that were raised by the report included improving education about democracy and the importance of being enrolled and of voting, and about access to Parliament and local councils. The report also looked at the make-up of the Parliament and support or encouragement given to Indigenous people from political parties."

"The report made a total of 25 recommendations and the Government supported most of these and many departments have made quite a bit of progress putting in place strategies which aim to improve the engagement of Indigenous people democratic system.

"But there's always more than can be done and we want to hear from the community if they think these strategies are working or if they're seeing any improvement.

"The committee firmly believes that it's vital the people of Aboriginal and Torres Strait Islander backgrounds have greater participation in the political process so that their voice is truly heard."

During its *Hands on Parliament* evaluation, the committee will provide all Queenslanders, but particularly those who identify as Aboriginal or Torres Strait Islander, with genuine opportunities to share their views.

The committee invites Queenslanders to comment through:

- The committee's **consultation paper** is available on the Parliament's website (www.parliament.qld.gov.au). Submissions are invited by Friday, 1 June 2007, but submissions are welcome until the finalisation of the report which is expected to be early August 2007.
- During April and May 2007, the committee will also hold **workshops** throughout Queensland. Details are available from the committee's secretariat on 1800 504 022 or 3406 7307. The current schedule is:

23 April	Rockhampton, Palm Island	27 April	Badu Island, Thursday Island
24 April	Abergowrie	14 May	Mt Isa
26 April	Yarrabah, Mareeba	21 May	Brisbane

Appendix C: Messages from *Hands on Parliament* Workshops

Rockhampton - 23 April 2007

Mr Timothy Nicholls MP (Deputy Chair), Mr Andrew Cripps MP and Ms Vicky Darling MP were joined by 8 people.

Workshop participants discussed with the members the following issues:

- a high level of frustration among kids – who knew that nothing changed and, accordingly, many didn't enrol to vote until their late 20s at the earliest;
- that Indigenous people did not feel they were heard when they voted;
- young men's heroes were sporting people (many didn't have a father figure in their lives), young women listened to their aunties and Elders and their grandmothers, but many young men stood over the top of aunties and grandmothers;
- competing Government priorities lead to the closure of successful programs when the money ran out, with many pilot programs not pursued – this meant that once people were comfortable with something, the goal posts changed;
- there was significant competition for government funds and a successful application required –
 - lengthy periods of time spent filling out forms; and
 - expertise which was not always available;
- processes for Indigenous people to be heard had been taken away (ie, ATSIC) but the lead role had not been assumed in some other way – there was no one who said, 'I'm here, tell me your issues and I will take them forward';
- the lead role did not have to be ATSIC, but it did have to be someone with credence in the parliamentary/government structure;
- the difference between ATSIC and the traditional governance structures was that the ATSIC representatives were elected and, therefore, people saw them as their representatives;
- there could be more support for Elders to take on this role, although respect for Elders had broken down in some families;
- a lack of representation in government meant that the real issues were not presented to those who made the decisions; and
- an Indigenous person needed a minimum level of finance to run an election campaign.

Ms Darling drew attention to recommendation 12, regarding participation in local government, and the Government's response to the recommendation (pages 26 to 27 of the committee's consultation paper) and asked if the implementation of the recommendation had made a difference. In relation to representation in Parliament and local government, committee members heard that:

- representation required skills, money and a first step in the local area;
- there were young people who wanted their voices heard but they needed community support and backing; and
- there should be more meaningful engagement in local government –
 - invitations to meetings could be issued, for example;
 - a local government network would bring young people in; and
 - a women's networking group had had a number of people interested in local government, but lacked knowledge and guidance, such as from a mentor.

Mr Nicholls asked if people knew what was involved in being an elected representative and was advised that the democratic process was foreign unless there had been a family member involved in government – even in relation to Indigenous affairs, people had problems understanding what level of government did what.

In relation to education (for example, recommendation 4) the committee members were told that:

- accessibility of the Queensland Parliament's website was an issue;
- young people should learn about democracy in schools –
 - they were not taught in a clear way or at a time when they were ready to hear;
 - civics education should take place in years 11 and 12 when it was more relevant to students;
 - few Indigenous students were involved in debating;
 - civics education needed a specific Indigenous content to provide knowledge about Indigenous identity; and
 - there were problems with the civics education curriculum and the way it was taught.

Mr Cripps asked whether the development of ATSIC had affected involvement in local government, political parties and forms of elected representation. Participants said that:

- participation depended upon knowledge of the processes;
- younger people hadn't been taught about how to take part in these processes;
- things had changed since the time of Senator Bonner and Mr Deeral MLA as, at that time, Indigenous people generally had no voice, but since that time, many Indigenous people had become active;
- reliance was placed on ATSIC councillors to fix problems, people were taught about ATSIC and who to vote for – since the abolition of ATSIC, problems had become worse;
- at that earlier time, there was an identifiable group of people who were representatives, however, as the make up of the community had since changed and was more diverse, there was uncertainty about who to speak to for problems to be taken forward;
- ATSIC –
 - could have co-existed with structures of federal, state and local governments – it didn't need to be one or the other; and
 - had provided a collective local voice and a connectedness between community and representatives;
- the community needed to be able to inform the decisions being made, with engagement in community linked with decision-making and resource allocation – there was a need to get this right as the information was not getting through in a meaningful way to decision-makers;
- participation in a meaningful way required inclusive engagement;
- political parties needed to understand the diversity of constituents; and
- what was required was a push from people to join mainstream political parties or to start their own party.

Ms Darling made reference to examples such as quotas employed by political parties to ensure the preselection of women to winnable seats and support given to Independents and inquired what would be needed to achieve the election of Indigenous people to Parliament. Responses included:

- support was needed to get people elected and then to keep them there;
- there was insufficient information available about participation in political parties, Independents and starting your own political parties – simple facts were needed, such as the cost of membership fees;
- many Indigenous people could have been representatives but were never approached or supported by political parties;
- a mentoring program was required regarding –

- representation; and
- engagement in community;
- there were some significant centres of population of Indigenous peoples capable of electing a representative;
- Indigenous people needed to see Indigenous representation in Government;
- the profile of young people was diverse – some participated in school and some were disengaged from school but had capacity to achieve in other ways; and
- any strategy to engage young people should not be mainstream but specific and appropriate to a local community – for example, there was a lot of emphasis on Cape York communities but strategies that worked there might not transfer to other communities.

The Deputy Chair invited participants to contribute final messages. These were:

- as kids were the future, there was a need for an information kit aimed at year 11 and 12 students about how to be involved;
- as there would never be enough Indigenous representation –
 - support from political parties was necessary;
 - a significant shortfall was the information received by Ministers – this needed to be informed and to include the gaps and success stories around Indigenous outcomes; and
 - this concern about information flows pointed to the importance of engagement strategies; and
- 'Be fair dinkum!'

Palm Island – 23 April 2007

Mr Timothy Nicholls MP (Deputy Chair), Mr Andrew Cripps MP and Ms Vicky Darling MP were joined by 5 people.

Ms Darling first asked participants about the issue of designated seats and the committee members were told:

- there had been a lot of argument about this issue in the past;
- a concern existed as to the question of whom should determine the people to take up the designated seats; and
- a participant said they did not agree with designated seats.

In relation to political parties, it was said that:

- more goodwill was required from political parties, as well as support from the branches;
- political parties needed to engage with Indigenous peoples, particularly where there were large population centres.

The committee members were told that the Australian Electoral Commission (AEC) did not come to Palm Island. During an election, there was one booth at the school. When people found that they were not on the roll, they enrolled at that time. The committee heard concerns about changes to the *Commonwealth Electoral Act 1918* (Cth) to provide for early closure of the roll for a federal election.

The subcommittee was advised that, for council elections, 1129 people were enrolled.

Mr Nicholls asked what was needed from the AEC. Participants said that:

- in the context of Anzac Day that week, it should be remembered that people died for the country and for the right to vote;
- Indigenous people should value their vote more than other Australians as they had not had the right for as long;
- the essential problem was that people were not presented with an enrolment form; and

- the AEC should come to Palm Island four times each year, on the busiest day of the week, and set up a stall outside the store.

Participants expressed concerns about:

- the recommendations made in the Hands on Parliament report not supported by the Government, such as the recommendation for parliamentary Indigenous liaison officers;
- the need for Indigenous representation at the Ministerial decision-making level;
- Indigenous people's experiences not being part of discussions, including in the media, such as in relation to local government amalgamations; and
- education about democracy, which should be taught from a young age – one participant informed the committee that he had become active at boarding school.

The Deputy Chair asked whether the recommendation made in the report of the Select Committee on Issues regarding Palm Island for the establishment of a youth council had been implemented by the Palm Island Council. The members were told that a youth council had not been established but that other strategies and programs were being put in place. These included:

- the PCYC was running a youth management program;
- the women's council was working with the PCYC, for example, to ensure that visiting people conducted leadership programs;
- a new senior phase of learning would contain relevant components;
- young people were sick of drugs and violence in the community and concerned about the limited activities available – identification of young people with leadership skills would allow support to be provided to these people for the development of strategies;
- the Red Cross provided money for mentoring programs;
- rather than funds to assist Palm Island going to NGOs on the mainland, it should be provided to Palm Island's community organisations to determine what services should be provided, for example, the men's group received money for Cellwatch and night patrols; and
- due to the clan structure and family structures in the community, young people who were outspoken upset a lot of people and became marginalised.

The importance of effective learning about democracy was stressed by participants:

- because of the circumstances described in the final point above, young people needed to be surrounded by learning and ideas and to be told it was OK to get up and express views;
- changes to the curriculum needed to be made to cater for this, for example, debating opportunities from year 5 about issues of relevance to the community (eg, rubbish and housing);
- it was important for young people to know that issues could be debated without getting into punch ups;
- a community organisation could be funded to run a debating competition;
- year 7 students were invited to Council meetings;
- difficulties arose because of questions about what brand of politics should be taught in schools;
- young people needed to be taught about the history of Palm Island and of differences with other communities, such as the need to 'talk dainty' at boarding school; and
- a whole subject, the A-Z of political studies, could be taught.

Mr Cripps noted that the Mayor and former Mayors had held that office at relatively young ages and asked if the Palm Island Council provided opportunities for young people. The subcommittee heard that:

- it was important that councillors had a certain level of skills and experience, otherwise the work of the council was impeded; and
- the Palm Island Council was required to provide a large number of core services;
- young people's participation and the ability to bring on board relevant expertise were affected by –

- the need for Aboriginal Councils to demonstrate financial performance; and
- the formulae used to provide grants to councils; and
- the difficulty Aboriginal Councils with limited income had competing with wealthier communities where grants would be more likely to generate further revenue.

However, the committee members were told that if the Palm Island Council and the Townsville City Council were to be amalgamated:

- it would be extremely difficult for Palm Island to be represented on that Council as the Townsville City Council was run along party lines;
- local people's engagement with decisions would decrease; and
- Palm Island would lose its autonomy.

On this point, Ms Darling urged the workshop participants to make a submission to the review of local government reform.

In relation to representation in local government and State Parliament, participants advised the committee that:

- there needed to be an Indigenous voice in the Parliament;
- in the 2004 general State election, an Independent candidate had run on a platform of issues relevant to her as an Indigenous woman;
- representation of people in an electorate should be a relevant factor for political party pre-selection determinations; and
- the representation of Mr Deeral MLA was noted, together with former Indigenous candidates in the State seat of Cook.

The Deputy Chair invited the identification of the most substantial messages from the workshop. These were identified to be:

- serious consideration of participation in democracy required consideration of pre-selection processes;
- there should be a formal Indigenous advisory structure –
 - in the absence of an Indigenous voice, the 'shopping around' for such a voice was not ideal;
 - voices were not being heard as Indigenous people did not want to go to the table with everyone else;
 - Indigenous Ministerial advisers dealt only with the Government of the day and could not be accessed by individual Members of Parliament; and
 - what was needed was a statutory body with strong representation – this would not be expensive; and
- the importance of the issues being discussed was stressed – decisions made in Parliament affected the lives of the next generation.

Abergowrie – 24 April 2007

Mr Timothy Nicholls MP (Deputy Chair), Mr Andrew Cripps MP and Ms Vicky Darling MP were joined by 9 Abergowrie College students and 3 other people.

Ms Darling first asked participants where they got their information about engaging in democracy and what they need to know. She asked also how the students had a say about things they felt strongly about.

The committee heard from the participants that:

- the Community Council was a place to go to raise an issue;
- another way was to speak to Elders;

- community meetings provide a place to have a say, although many young people didn't attend or waited outside;
- attendance at such meetings was a recognition of change and provided an opportunity to hear others' views;
- young people were able to express their views in these places, but as with the tall poppy syndrome, if their ideas were too advanced, they would be viewed as show-offs.

Mr Nicholls asked about whether young Mayors provided role models. One participant said that the young Mayor on Hammond Island was a role model to young people.

Ms Darling asked how young people got their messages heard – mostly by talking themselves, or by organising a group of young people? It was agreed that, usually, it was just by talking individually but that organising a group might be an option.

In relation to the interaction of young people and Elders in communities, the committee members heard that while there were cultural issues, such as those relating to attendance at funerals, Elders encouraged young people to come together to speak as one. However, many young people were reluctant to be seen as being different.

Mr Nicholls asked the students whether they would enrol to vote once they turned 18 and all students replied that they would.

When asked whether they thought voting would make a difference, participants told the subcommittee:

- of difficulties regarding the voting process, for example, some people couldn't read so spoken prompts would be easier; and
- that Indigenous people needed a better understanding about how to vote – this could be taught in school in a political science subject.

Mr Cripps asked about topics of discussion in families and the committee members heard that:

- discussions about politicians allowed politics to be understood easily;
- this discussion was interesting; and
- over time, kids came to know more than the parents.

In relation to education, participants said that parents should encourage children to stay in school as kids would not succeed without education.

Mr Nicholls asked whether the participants knew what the political parties represented and was told that students did not really.

Ms Darling inquired whether, to vote, students would find out about the party or the person standing. The answer was the party.

The subcommittee was told that problems to be faced by Indigenous candidates would include:

- race, as people would judge a candidate on the colour of his or her skin;
- people would question the capability of a candidate because of skin colour;
- the large contrast and distance between white government and the ways of the Elders;
- Indigenous people were not represented in depictions of Australian communities (eg, in car advertisements), even in advertising campaigns directed at Indigenous communities, such as in relation to domestic violence – for this reason, these were not seen as relevant to Indigenous communities; and
- accordingly, good and bad Indigenous experiences should be represented in depictions of community.

Ms Darling asked whether jobs in government were seen as a good career choice and whether students heard about job opportunities in government. Participants said that, in their communities, they heard from

Elders that it was good for young people to be working in government. Accordingly, in schools, they would be interested to hear about careers in State government and how they work.

Students questioned why Youth Parliaments were held only in South East Queensland and not, for example, in the Gulf area. Every young Indigenous person should be on the same page and those outside South East Queensland should not be offered things 'on a small scale'.

The Deputy Chair invited the identification of the most substantial messages from the workshop. These were:

- in schools, students should hear about public sector job opportunities; and
- political science should be taught in schools and should be taught with awareness of cultural issues, such as content regarding the role of Elders.

Yarrabah – 26 April 2007

Mrs Dianne Reilly MP (Chair), Mr Andrew Cripps MP, Ms Rosa Lee Long MP and Mr Stephen Wettenhall MP were joined by approximately 60 people.

In relation to recognition of Indigenous peoples in the *Constitution of Queensland 2001*, the subcommittee was told that, following recognition of *terra nullius* by the High Court in *Mabo*, Constitutional recognition should have been automatic. Similarly, after the referendum in 1967, State governments should have amended Constitutions to include recognition of Indigenous peoples. Constitutional recognition should include recognition of the diversity of Indigenous peoples as, for example, people living in DOGIT communities had different views from people in other areas.

On the subject of there being no Indigenous representation in the Queensland Parliament, the committee members heard that:

- although the New Zealand position differed as there was a treaty, dedicated seats such as those in New Zealand would be a good development;
- one dedicated seat would not be sufficient – at least two would be necessary to ensure representation of the coastal and western Indigenous populations;
- Mr Bruce Gibson had run as an Independent for Cook but had had no money to campaign; and
- it should be possible for Indigenous peoples to elect their own representatives to the Parliament, perhaps along the lines of ATSIC with representatives from different regions.

Concern was expressed about possible local government amalgamations:

- people felt that they were going into a transition period and many didn't know or understand what was happening;
- shire councils had had many decades to become established and to operate, compared with Aboriginal Shire Councils which were established in 1988, but a move back to assimilation and integration was proposed;
- amalgamations in other areas should happen first;
- the committee should look at how Indigenous people could get onto councils;
- Yarrabah should be represented by someone with knowledge of the community and people's lives;
- many people were frightened of white people because of the way they talked and the way they had treated Indigenous people;
- many Indigenous people felt they did not know enough to get involved;
- if the Yarrabah Council were to be amalgamated with the Cairns City Council –
 - the people of Yarrabah would have no voice or only one voice;
 - the Council would be regarded as the duly elected voice, whether it included people of Yarrabah or not;

- people would need encouragement and support to get involved and would need bus transport to Cairns to go to have their say;
- amalgamation might threaten the land of the people at Yarrabah who had potentially the best deep sea port in Australia;
- the quality of services might be affected as Yarrabah did not have a rates base; and
- the effect on the Alcohol Management Plan was unclear – would this lead to an apartheid law?;
- it was important to understand –
 - the diversity of Aboriginal peoples and Torres Strait Islanders, ie ‘who we are, what our needs are, what we stand for, and our beliefs’;
 - the role of Indigenous people as custodians of the land; and
 - respect arose out of being treated straight down the line;
- Indigenous people needed to think about representation at all levels of government and could not put too many eggs in one basket; and
- as there was no dedicated Minister or Department for Indigenous policy, representation had to be through the existing institutional processes – otherwise Indigenous people were merely on the margins.

The Chair said that the committee had not known of the possible local government amalgamations when the workshop was planned. She advised participants that the Minister for Local Government would be provided with copies of peoples’ views.

Mr Wettenhall asked about ways in which voices were heard, such as Negotiation Tables. The committee heard that the Community Champion was Ms Uschi Schrieber. When she visited each six months, the community stated its issues.

The Chair asked about the role of political parties in helping Aboriginal peoples and Torres Strait Islanders to have a voice in Parliament. The committee was told by participants that:

- support of Indigenous voices was required from the wider population;
- the Government should look at ways of getting Indigenous voices into the Parliament, for example, by way of elected councils using the former ATSIC areas;
- action needed to come from political parties who should plan for action; and
- responses from political parties to *Hands on Parliament* recommendation 3 had been inadequate.

Ms Lee Long said that everyone had the right to join a political party to influence change. In response to a question from Ms Lee Long, some participants indicated a knowledge and awareness of politics.

When Ms Lee Long asked a further question about voting habits, participants advised that:

- they would be fined if they did not vote;
- most people felt left out and voted only because they had to; and
- the Member of Parliament was not seen until election time.

Ms Lee Long suggested that the Member be invited to Yarrabah.

Mr Cripps asked whether young people were introduced to politics and voting through the education system or by Elders. In relation to education about democracy, the committee members heard that:

- schools didn’t run relevant programs - local content should be included;
- educational programs contained too much stereotyping;
- within the curriculum, there was not enough emphasis on Indigenous issues, such as the relationship between Elders and the community;
- it was too hard to get funding and in small communities, there was insufficient knowledge about what was available;
- students tended to disengage from school when learning was not relevant;

- variations in curricula occurred, even within communities, but also when students moved between communities or went to boarding school;
- some schools brought students to Negotiation Tables;
- for some disadvantaged students, there were more pressing problems than gaining leadership skills;
- in remote communities, high school students needed to leave because the standard of teaching was poor;
- there was no civics education or education about democracy, for example, the local council did not do school visits;
- the education system was failing Aboriginal peoples and Torres Strait Islanders, who were nevertheless required to compete in the outside world;
- success was determined by people's ability to comprehend, therefore there were unrealistic expectations about what could be achieved;
- in many cases, it was necessary for a bridging course in literacy and numeracy to study at TAFE level; and
- the reason provided by Education Queensland for the learning difficulties was that English was a second language.

The Chair asked whether representation in Parliament could be achieved with support from political parties and how young people might have fire instilled in their bellies. The committee members heard that:

- a fundamental was to put money in parents' pockets;
- to get involved in a political party, it was necessary to have money; and
- there was a need to have people involved in the decision-making process.

Participants expressed frustration about the lack of change since the *Hands on Parliament* report and the lack of information provided to people who felt that they did not know what was happening. There was a low level of public awareness of the meeting, despite it being of interest as matters discussed affected their children and their lives. It was suggested that a better way of getting the word out about the meeting would have been via the radio station.

In relation to an improved communication strategy for public engagement, it was suggested that this was something the community could discuss and provide thoughts to the committee. People were hesitant to say things, in part because the community had been given things in the past. However, there had been associated unspoken conditions. Clear communication was important.

It was important that 'representation' was understood in its historical and traditional context, and in terms of its development through the mission.

Traditional Owners should be given opportunities to be present at all meetings.

Mareeba – 26 April 2007

Mrs Dianne Reilly MP (Chair), Mr Andrew Cripps MP, Ms Rosa Lee Long MP and Mr Stephen Wettenhall MP were joined by approximately 15 people.

The committee members were told that:

- constitutional recognition was crucial as there was a need for Aboriginal peoples and Torres Strait Islanders to be recognised as the traditional landowners or first peoples;
- it would be great if formal legal recognition were in the form of a preamble or a separate section in the Constitution;
- the majority of Indigenous peoples would like recognition in the Constitution to be heartfelt and meaningful, not just lipservice; and
- the Constitution should set out core principles about how people might work together.

Mr Wettenhall asked how such meaning might be demonstrated. Participants advised that even a traditional acknowledgment went towards acknowledging the special place of Indigenous peoples. It was recognition that, as in someone's home, people should not just walk in but wait to be welcomed. An acknowledgement set the scene for decisions made in that place and said that the Traditional Owners were involved and had a right to be advised of decisions made. It was also an acknowledgment that people were getting together on common ground, for example, at a school in Herberton, Elders welcomed the students to country, the Student Council welcomed to the community and the educators provided a welcome to learning.

The Chair asked whether constitutional recognition might provide a springboard for young people's engagement in democracy. The committee members heard that:

- it would be good to have Indigenous people involved in politics as there was a need for Indigenous people to have a voice; and
- in relation to a youth forum held in Canberra, young peoples' views on what was happening in the country were important as young people were the future.

The Chair further asked about barriers experienced by young people with fire in their bellies, and heard that:

- young Indigenous people had to fight twice as hard to get where they wanted to be, and had to work twice as hard to be heard;
- although young people were being taught the same things, there were other factors to overcome, such as the history of what had happened since 1770; and
- in Mareeba, 80% of kids were offending because of social issues in the home and there was a need for intervention to prevent problems occurring.

In relation to those social problems, participants advised the committee that:

- it would be great to see an Indigenous person on the local council;
- in addition to the traditional people, there were different peoples coming into the community as Mareeba was a gateway – this led to fragmentation;
- families had moved from the Gulf and Cape to be near relatives in Lotus Glen and, more recently, because of Alcohol Management Plans;
- housing problems existed because existing houses were not replaced;
- basic needs were more pressing problems than democracy;
- with the mainstreaming of Indigenous programs, there were many changes happening that were not understood – there should be more on-the-ground communication;
- no one knew where to get funding or support; and
- technology presented challenges for many people.

Ms Lee Long asked about learning about democracy. The committee members heard that:

- language was the biggest problem;
- if basic needs were not being met, kids could not get to school; and
- students needed to learn meeting procedures and how to lobby;
- young people who were interested to participate needed to know about the formal structures and about opportunities which might exist;
- high school students should learn about the Constitution and the history of Queensland; and
- political parties should provide a statement of what they were about and how to become involved.

In the context of effective education programs, Mr Cripps inquired about students' heroes. Responses included rugby league players and parents.

Mr Cripps asked about participation at local council level and whether there was awareness in the community about the importance of voting. In relation to political parties, the Chair provided the example of quotas used by political parties to ensure women were elected in safe seats and asked what might be done

to assist Indigenous people to become elected. Mr Wettenhall asked why young people were not enrolled. The subcommittee members were told that:

- people did not see the relevance of voting and therefore didn't enrol to vote;
- for people to see voting as important, they had to find its relevance – young people had to learn something about the Constitution the way students in the United States did;
- Indigenous people were employed by the Australian Electoral Commission and promoted participation in the Census and voting in Cape communities;
- young people had to be encouraged to be on the electoral roll – work would have to be done in Indigenous communities;
- changes to the *Commonwealth Electoral Act 1918* (Cth) were an issue for Indigenous people who risked being disenfranchised because they lived in a fortnight to fortnight comfort zone; and
- those who didn't vote didn't know that their vote was a vehicle to effect change and would question how one person with one vote could make a change – those who did vote said that they did so because they wanted to make a change.

In relation to representation and having a voice, the committee members heard from participants that:

- Indigenous people, male and female, in the Parliament would be good role models;
- although it suited the government to listen to one or two people, the government should not give the impression that they were only listening to one or two people as those people were speaking only for themselves – the government should not take only 'chosen' advice;
- a model for engagement in decision-making and models for representation would be put in a submission;
- there should not be dedicated seats in the Parliament as this was tokenism;
- a quota, however, was something real that indicated that Indigenous people were being taken seriously;
- local government elections presented opportunities and at least one Indigenous person should be elected – again, it was important to go back to families to get them to enrol to vote;
- sometimes, the Electoral Commission seemed like just one more government agency chasing people;
- youth groups could be politically active, with political parties asked to take on a mentoring role in the community – this would empower young people to want to make a change;
- the primary difficulty was the cultural shift from the traditional governance people had known for centuries to the Westminster system;
- there needed to be more recognition of Aboriginal law in government, apart from native title, and there was a lack of understanding of Indigenous culture;
- if the diversity of young people was recognised, those who might not have skills could be empowered;
- Indigenous advisers needed to be people who had lived in communities – it was asked why Ministers in various portfolios did not know about problems which existed in respective communities; and
- to be respected, representation should be local.

When asked how local representatives were identified, participants said that Aboriginal Corporations dealt with issues on a regional basis.

The Chair asked about interaction with political parties and heard that:

- a workshop could be held with political party delegates attending state and regional forums;
- there needed to be understanding about how to become a member of a political party;
- for the future, Aboriginal peoples and Torres Strait Islanders would need to start looking at political parties; and

- resources and a support network would be needed.

Mr Wettenhall asked what strategies were used by people to get their message across. Participants advised that:

- since ATSIC had been taken away, people had felt disempowered and did not get together in groups because of the sense of disempowerment;
- one suggestion was an Indigenous Reference Group for Mareeba – this would need people who had energy to come together collectively;
- another was the avenue of the Indigenous Coordinating Council; and
- leaders would need to have training, such as about how to become a local government representative.

Participants asked if the Queensland Parliament might send more committees to Mareeba.

Badu Island – 27 April 2007

Mrs Dianne Reilly MP (Chair), Mr Andrew Cripps MP, Ms Rosa Lee Long MP and Mr Stephen Wettenhall MP were joined by 7 people.

The members were told that:

- there was a lot of prejudice still hanging around; and
- *Hands on Parliament* had been a long time coming and federal and State governments had not changed much – governments had been experimenting on Torres Strait Islanders for seven lifetimes.

In relation to consultation, participants told the committee members that:

- for centuries, governments had come through Badu Island but the outcomes had always been against the people – consultation appeared to be of little use as, in the end, governments made up their own minds, as would be the case regarding the local government reforms and other matters such as housing;
- Torres Strait Islanders had come to mistrust the consultation experience;
- in relation to housing, there had been a change which meant that funding went directly to QBuild, rather than being administered by the Council -
 - this had had significant impacts all the way down the line and a lot less was achieved with the same funding;
 - there was some overcrowding and a long waiting list
 - the Island was progressing very quickly in other respects; and
 - existing arrangements with funding for housing meant that the Council needed to order in materials, invoice QBuild and then wait to be reimbursed, often for three months or more;
- the most effective way of being heard was by talking directly to Ministers, for example –
 - an issue regarding fisheries had been addressed immediately once State and Commonwealth Ministers were told in person of the problems; and
 - when former Minister Barton had become aware that apprentices at the end of their training had lacked confidence in their abilities, he had established a program for apprentices to complete one month of their training in Townsville;
- in relation to local government amalgamation –
 - the Minister for Local Government had been invited to Badu Island to discuss the reforms;
 - there was concern about the limited face-to-face opportunities for discussion;
 - limited information had been provided to Torres Strait Islanders;
 - due to widespread employment via CDEP, there was not a rates base on Badu Island and it was not possible for the local government to generate income; and

- the Chair invited people to contact the Member for Cook, the Commission and the Minister;
- local input into decision-making was very important as otherwise those who made decisions were not aware of what was happening on the island, for example, the State Government generally provided infrastructure but not funds for operation of the infrastructure - this had caused problems with the operation of a water plant and road maintenance;
- Negotiation Tables worked well when Ministers or Directors-General attended, however, proxies were often sent;
- one Community Cabinet had been held on Thursday Island three years earlier; and
- often feedback was not provided following contact with the local member and this lack of regular feedback led to loss of trust.

The committee members heard there needed to be a black face in Parliament:

- an alternative would be for the Torres Strait to seek territory status – in the context of the amalgamation of local authorities in which people in the Torres Strait had not been given a say, territory status would have benefits as the people of the Torres Strait could then make their own decisions;
- people's voices were not being heard; and
- dedicated seats should be considered by the committee;
- there needed to be another system for electing parliamentary representatives; and
- there should be one electorate based on Cape York and the Gulf of Carpentaria and another on Torres Strait.

Mr Wettenhall invited views about whether recognition in the Constitution of Queensland's first peoples might, beyond symbolic importance, have additional effects. Participants told the subcommittee that:

- government recognition of the two Indigenous peoples of Australia should both ensure support for and advance Torres Strait Islanders;
- people from Badu Island recognised that they were from Badu and Torres Strait, but the question was whether other people recognised that; and
- Torres Strait Islanders were governed by the laws made by the Parliament, not their own laws – the question, therefore, was whether the Parliament required symbols to recognise that Torres Strait Islanders were first peoples.

Mr Wettenhall asked what young people on Badu Island thought about politics. Committee members heard that:

- this was a concern of older people who had already been through two lives so knew what was coming and what it meant;
- the young people were all educated and, one day when they also had experience, they would be able to take their turn;
- the level of voting was high;
- young people had been brought up in a male-dominated society, but women and young people had begun to speak up and question things and were holding meetings of their own, including with representatives of government departments;
- young people were being provided with skills and education;
- apprenticeships were needed in a wider range of different trades; and
- CDEP did not lead to the availability of jobs in the longer term.

In response to a question from the Chair about education about democracy in schools, participants said that:

- the education received by young people was improving and the number of Islander teachers was increasing;
- access to technology was getting better;

- more young people were being encouraged to go to high school;
- it was the duty of parents to ensure that young people were involved in school but absences from school were a problem;
- young people left the island for greater opportunities that existed in the south; and
- as English was a second or third language for students, the teacher:student ratio was too high and affected literacy and numeracy outcomes – the community had attempted to address this shortfall in human resources by providing teacher aides by way of CDEP.

In relation to working in government, the committee members heard that:

- wherever they went, Torres Strait Islanders were put in the backroom and were unable to see the light; and
- it had been suggested to State and Commonwealth Ministers that local people should be employed full-time by Departments –
 - in practice, they were employed on CDEP with top-up;
 - full-time employment would have many benefits, for example, regarding housing; and
 - some jobs could not feasibly be done part-time, such as the job of the AQIS officer.

Mr Wettenhall asked about political parties. The subcommittee was told:

- a National Action Council had existed and had sought to gain a representative in the Parliament, however, it had closed down;
- people did not tend to be members of political parties – Torres Strait Islanders tended to focus on the attributes of a leader rather than on the attributes of a political party;
- local councils were avenues for the development of leadership attributes;
- political parties did not conduct membership drives, nor did unions;
- Torres Strait Islanders did not receive service from political parties or unions – although issues often required immediate response, it was necessary for the people in Torres Strait to write and to wait for a response;
- if a black fella could not win a seat which had a white majority, membership of a political party would be a waste of time;
- Mr Eric Deeral MLA had been preselected to deflect attention from the true circumstances of Indigenous people in Queensland at that time; and
- an Indigenous person was standing as an Independent for the seat of Bruce at the next federal election.

Mr Wettenhall noted that political parties provided an avenue for Indigenous people to have a voice as it was difficult for a government to ignore people in its own political party. The Chair noted that a political party provided a way to influence policy even if that party were not in government.

Mr Wettenhall asked about the effectiveness of political parties sending representatives to Torres Strait Islands. Participants said that this would be an excellent idea as it would provide a way for people to have their voices heard and to achieve what they wanted for the community. The benefits of being in a political organisation would be put to a public meeting on the island.

The committee members thanked the workshop participants. It was noted that, although a steady stream of people had sought to consult Badu Islanders over decades and centuries, the committee's purpose was a little different as the committee's perspective was broader.

Thursday Island – 27 April 2007

Mrs Dianne Reilly MP (Chair), Mr Andrew Cripps MP, Ms Rosa Lee Long MP and Mr Stephen Wettenhall MP were joined by 9 people.

An Elder invited the committee to listen to him while he spoke. He said that:

- in the 40 years since the referendum of 1967, nothing had changed;
- the status of Traditional Owners would not progress until there was a new form of property;
- Torres Strait Islanders were dying out;
- the successful referendum should have delivered more control and autonomy to Torres Strait Islanders;
- the *Hands on Parliament* interim evaluation was the same process as the green paper regarding greater autonomy in the Torres Strait;
- in relation to amalgamations of local councils –
 - in 1988 and 2000, Torres Strait Islanders had called for greater autonomy, but nothing had happened and in 2007, without consultation, council amalgamations were happening;
 - Torres Strait Islanders wanted control, not additional resources, and an imposed structure would not work;
 - there was concern about whether all people in Torres Strait would be consulted and it was feared that there would be random consultation in Torres Strait before the Government said that it had consulted with the whole of Torres Strait;
 - people on Thursday Island could not speak for people elsewhere in the Torres Strait where there were other cultures and other ways of life; and
 - if one council was to replace 17, who would have guardianship of the land?;
- a submission regarding greater autonomy for the Torres Strait had been given to the Community Cabinet which had visited Thursday Island three years before;
- there should be two dedicated seats in the Parliament – one for Aboriginal people and one for Torres Strait Islanders; and
- a treaty would be an acknowledgement of the traditional place of Torres Strait Islanders.

A second Elder told the subcommittee:

- the Members of Parliament were welcome;
- it was important that the Government listened to the heartbeats of Torres Strait Islanders – to what they really felt and needed;
- science and a culture of celebration were central to the lives of Torres Strait Islanders;
- Torres Strait Islanders had enhanced the economy and capability of the nation, for example, 600 Torres Strait workers had lived in Townsville over 20 years to build the railway line to take coal to the port;
- although Torres Strait was the building house for the country, that had not been recognised by the Government;
- the Torres Strait economy continued to be important to the progress and development of the nation, such as the live crayfish exports to Japan;
- Torres Strait Islanders should be allowed to do things in a way appropriate to them and to develop in a way appropriate to them;
- the status of Elders should be recognised and respected by Government as Elders wished to show young people the right path to follow;
- Elders, upcoming leaders and the local member needed to sit with the Premier and Ministers when decisions were being made;
- in relation to education, this needed to be appropriate to Aboriginal people and Torres Strait Islanders – Torres Strait Island education was found in the heavens, land and sea;
- if young people were not taught about their culture, respect was gone;
- Torres Strait should be taken to the world, in the way that the Canadian First Nation peoples were known to the world;

- in relation to greater autonomy in the Torres Strait, all Torres Strait communities should know of their functions and responsibilities; and
- people were missing out on participation in the electoral process – they should be encouraged to enrol and to participate.

The Chair asked how one Member of Parliament from the Torres Strait could speak for all people and whether an election was the appropriate way to select a representative. Subcommittee members heard that:

- the AIA, which had had Torres Strait members, provided a model – this had started in Queensland but had had membership from each State; and
- representation would work as long as Torres Strait Islanders had some say in who the representative was.

Mr Wettenhall said that the committee understood that the workshop process would not give it the complete picture. However, face-to-face meetings with all people in the Torres Strait were not always possible. Mr Wettenhall invited ideas about ways of communicating with Torres Strait Islanders. Participants said that:

- Indigenous people came from a range of backgrounds;
- consultation would miss many people in a community – on voting day, for example, many people did not turn up;
- people could be engaged in clusters as it was too costly to travel to every community;
- an Indigenous liaison person would streamline consultation;
- the committee's report should note that the committee had spoken to only a small number of people in the Torres Strait and that these people did not represent the views of all Torres Strait Islanders;
- any information from the community that passed through the bureaucracy was changed – the only way to have concerns heard was to go directly to the Minister;
- decision-makers were advised by people who did not have relevant experience and knowledge; and
- Ministers should receive information from outside a Department - there should be an Indigenous agency to provide policy advice.

In relation to the electoral roll, participants told committee members a lot of people's names weren't on the roll, even though their names had been on the roll for many years. Committee members discussed the roll update system with participants who said that:

- there should be an effective public awareness program; and
- many people who received a letter from the AEC regarding enrolment would not reply to the letter.

The committee members also heard there needed to be a strengthening of the Indigenous vote. Mr Cripps said that this had been a recurring issue in communities. He suggested that the committee might advise the AEC and the ECQ that people should be sent to communities, rather than reliance being placed on letters.

The committee was told that people should be provided with information about the different political parties. The people on Thursday Island only knew their local member.

One participant asked if the position regarding dedicated seats was final. The Chair advised that the Government response had invited the committee to reconsider that recommendation. In this context, the committee was told that it might be difficult to elect one Torres Strait Islander to represent all Torres Strait Islanders.

Mount Isa – 14 May 2007

Mrs Dianne Reilly MP (Chair), Mr Timothy Nicholls MP (Deputy Chair), Mr Andrew Cripps MP and Mrs Betty Kiernan MP were joined by 5 people.

The committee heard that Mount Isa was a residence, often temporary, for many itinerant populations of people from other communities, such as Doomadgee and Mornington Island. Accordingly, the response to issues regarding the *Hands on Parliament* interim evaluation would be quite different in Mount Isa to the

responses received elsewhere in Queensland. There was some discussion of the circumstances of the Indigenous people who lived in Mount Isa, including:

- the diversity of the Indigenous 'community', with differences based on skin colour, family and clan;
- measures being put in place to assist people, particularly the 100 people or so who were homeless at any given time;
- that Indigenous people were not even participating in the Land Council;
- the need to rebuild relationships, particularly within clan and family groups;
- it was necessary for Indigenous people to change their mindset from one of feeling that they deserved their circumstances - the current mindset meant that they were not involved in democracy, did not and could not participate in life, could not read or write and experienced a high level of disadvantage;
- many Indigenous people did not know where to seek support – this meant, for example, that young people might plead guilty to offences they had not committed because of a strong sense that injustice would be shown and a lack of any sense that justice might be done; and
- the history of dysfunction was not long as, until 1981, social security payments had been sent to missionaries – this short history could be compared to the oral history Indigenous people had lived by for 40,000 years.

In relation to leadership regarding these issues, the subcommittee heard that:

- because the alcoholism and dysfunction had become ingrained, it was not possible for one person to assume a leadership role as nothing was achieved - to address the problems, it would be necessary for all to work together and start to move forwards;
- frequent changes in the responsible Minister led to a loss of respect – there needed to be the same faces and there needed to be a sense that something was being done;
- the level of engagement was low, for example, at the last Mayoral bi-election at Doomadgee, a Stradbroke Islander had been elected following a very small turnout;
- it would be good for Indigenous people to have a say regarding government co-ordination;
- skills training and programs provided in communities should be needs driven, not budget driven, and examples given were –
 - suicide prevention and the need for on-call assistance rather than a person having to be taken to the Emergency department of the hospital; and
 - the lack of youth workers available at night;
- delivery of training in Mount Isa is expensive; and
- over two generations, young people had lost respect for Elders.

About elected representation, participants told the committee that:

- local governments had existed for 100 years in some communities but Indigenous people had still not elected their own representatives to local governments – it would be extreme to expect that an Indigenous person might be elected at State level;
- the white governance structure was dominant;
- Indigenous people from DOGIT communities did not receive nurturing or assistance from other local government councillors or the Local Government Association of Queensland; and
- the LGAQ did not understand the need to tailor its training to provide relevant information to prospective local government candidates in communities.

The Chair asked how support might be ensured for an Indigenous candidate given the diversity of the Indigenous community, and the sub-committee members heard that:

- only those people who had lived in the mainstream would have the relevant skills, particularly in written English;
- young people who became educated were leaving their communities; and

- leadership needed to come from within communities, for example, to build infrastructure to stop the exodus of young people and to create industries which would create jobs and improve the standard of living.

In relation to learning about democracy, the committee was told that:

- if the curriculum was taught using different teaching methods tailored to Indigenous students, as in Doomadgee, the attendance rate would improve (in Doomadgee, the attendance rate was 94%);
- some parents did not have money for uniforms and books;
- the significant distance between senior, middle, primary and pre-schools also created problems;
- there should be more support for children to attend school, such as for a bus shuttle between schools and/or from communities to schools;
- programs to provide students with a range of life skills were important, together with awareness of the impact of issues such as health and language;
- students needed concepts to be made relevant, as developed by Dr Chris Sarra; and
- without basic life skills, the infrastructure and services provided to Indigenous people by government would be wasted.

Mr Nicholls asked whether, as in other communities, the hope was that the next generation would participate in local politics and wider politics. Participants said that:

- in Mount Isa, that generation, too, was lost; and
- grandparents often raised children, sometimes because young people became parents at such a young age, and also because of the effects of drugs and alcohol.

In relation to consultation processes, the committee was told that:

- 'sorry business' could be employed as a way of controlling the process;
- there was concern that the Minister, for example, would not hear what people should be telling him or her; and
- there was not enough co-ordination or communication, such as in the delivery of health and allied services in the one area by a range of government and non-government service providers.

Mr Nicholls asked whether there was a role for local heroes and heard that:

- when Indigenous people heard messages from local heroes, there had been good examples of outcomes;
- one example was trips to the Gulf by Brian Kerle with the Department of Sport and Recreation;
- any Indigenous person on television could be a role model; and
- school could provide role models.

The Chair asked about opportunities for young people to be involved in community activities after school. Participants said that:

- communities generally had a PCYC but that it could be difficult to get someone to run it; and
- many young people went home to look after smaller children.

In relation to recognition as First Peoples, the committee was told that:

- one measure would be for signage to be in two languages – English and the relevant Indigenous language;
- more could be done to let Indigenous people know that their culture was valued and a source of pride, particularly in areas such as western Queensland where the Indigenous population was approximately 25%;
- there should be more formal affirmation of the many Indigenous achievements;
- cultural awareness programs should be more widespread and should be delivered, via Education Queensland, to parents as well as to students; and

- a respectful and understanding environment needed to be created, with young people nurtured to break down barriers, as they had done in relation to environmental issues.

Mr Nicholls asked about the level of electoral enrolment and electoral participation and the committee heard that:

- in communities, many people were on the electoral roll – this was a legacy of ATSiC and Community Councils; and
- family groups provided support for the election of representatives but there was a need to educate people about working together and leaving the family ties at the door.

Brisbane – 21 May 2007

Mrs Dianne Reilly MP (Chair), Mr Timothy Nicholls MP (Deputy Chair), Mr Andrew Cripps MP, Mr Stephen Wettenhall MP, Ms Vicky Darling MP and Mrs Betty Kiernan MP were joined by approximately 30 people.

Regarding the terms used to identify Aboriginal peoples, Torres Strait Islanders and others, the committee heard that:

- the term 'Indigenous' did not recognise the diversity of the peoples it sought to include; and
- 'First Nation peoples' might be an alternative.

On the subject of Constitutional recognition, participants told the committee that:

- the most important issue regarding recognition in the *Constitution of Queensland 2001* was acknowledgement of the uniqueness of Aboriginal peoples and Torres Strait Islanders as First Nation peoples; and
- Aboriginal peoples and Torres Strait Islanders had been very badly treated and there was limited understanding of their needs, but there should be recognition of talents and the need for First Nation peoples to 'catch up'.

In relation to representation in the Parliament, the committee heard:

- Aboriginal peoples and Torres Strait Islanders needed to have representation in Parliament to have power;
- there was no requirement for a Minister to have directly relevant qualifications or experience in order to speak on behalf of others and to make decisions;
- there should be someone in the Parliament to be able to talk about the needs of Aboriginal peoples and Torres Strait Islanders;
- parliamentary representation was necessary to ensure outcomes, such as from Reconciliation marches and the implementation of Royal Commission into Aboriginal Deaths in Custody recommendations;
- in 2007, there were young people who could be in the Parliament;
- dedicated seats would be necessary for the next five to ten years, in conjunction with tangible strategies rather than high-level policy principles which did not in practice effect change;
- representation in the Parliament should have been addressed when white man first came to Queensland as the Magna Carta required recognition of the rights of people to their traditional cultures and ways;
- the Constitution should have provided seats in the Parliament prior to 2007;
- education was seen as the key to getting someone into the Parliament;
- the cost of running an election campaign was beyond many individuals;
- education was required because an Aboriginal or Torres Strait Islander person elected to Parliament had a steep learning curve; and
- historical precedent for the representation of minorities was provided in the process which led to the formation of the Senate which provides for States with smaller populations to have equal representation.

It was suggested that practical changes to be made in government included:

- knowledge of the level of involvement of Aboriginal peoples and Torres Strait Islanders at local government level and upwards;
- positions made available for young people by way of effective human resource policies;
- awareness in local areas of traditional owners and communities;
- willingness to allow Aboriginal peoples and Torres Strait Islanders to enforce change;
- a peak advisory body; and
- a policy shift to ensure that money spent was appropriately directed.

Mrs Kiernan noted that many people, such as the Speaker of the Legislative Assembly, had a firm commitment to Aboriginal peoples and Torres Strait Islanders and that strong people take others with them.

It was suggested that Members of Parliament:

- should receive cultural awareness training;
- receive budgetary allocations for engagement with Aboriginal peoples and Torres Strait Islanders;
- should offer greater personal and professional commitment, for example, as role models and advocates; and
- should be monitored by way of performance indicators regarding recognition of employment of Aboriginal peoples and Torres Strait Islanders.

The first person who identified as Aboriginal to work for the Parliamentary Service said that it was important to grow the idea of working in the parliamentary environment. She related that Mr Deeral, a former MLA, had told her that he found his experiences at the Parliament frightening at first.

Mrs Kiernan noted that the Minister for Communities and Aboriginal and Torres Strait Islander Partnerships had recently been to Mt Isa to speak with people to encourage them to enter local government. In mainstream councils, there was only one councillor who identified as Aboriginal.

Participants advised the committee that, in relation to learning about democracy:

- young people needed to know about democratic processes to get into Parliament;
- education should include –
 - Aboriginal peoples and Torres Strait Islanders and their exclusion;
 - democracy essentials, not just within civics and citizenship education but in core areas, particularly after year 10;
 - preparation in years 8-10 for students to become leaders in their communities;
- schools with students who all identified as Aboriginal and Torres Strait Islander should develop a relationship with local councils and members;
- the three Zone Constitutional Conventions held each year were a powerful educational tool for young people - more money would allow more students to become involved;
- education should be available in Indigenous languages, irrespective of the geographic location of the school;
- community support for Aboriginal peoples and Torres Strait Islanders would follow the education of all Queensland people about Aboriginal and Torres Strait Islander history; and
- experiences of Elders who had provided talks about culture endorsed the importance of education for Aboriginal and Torres Strait Islander young people.

In relation to political parties, the committee heard that:

- there was a fear of political parties driving a political line to people;
- implementation of recommendation 3 would require a financial commitment to Aboriginal peoples and Torres Strait Islanders; and

- if change were to be effected, Aboriginal peoples and Torres Strait Islanders would start to have political influence.

The committee was told that, regarding voting and enrolment to vote:

- enrolment was improving but many people feared being fined or imprisoned if they did not vote; and
- the education and awareness programs run until five years ago by the Australian Electoral Commission had been exceptional and had taught all aspects of enrolment and voting in many places, including schools.

Participants were urged to take action regarding:

- programs established by the Department of Communities directed to young people, democratic processes and young peoples' involvement in communities, such as the Reconciliation Awards – Aboriginal peoples and Torres Strait Islanders needed to look at these programs and then tell the Government about the ways in which they were deficient;
- leadership opportunities provided in communities arising out of the abolition of Aboriginal Councils which held the Deeds of Grant in Trust for those communities; and
- the development of curricula – opportunities existed for input regarding the role of the curricula and its content.

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