

# CONCLUSIONS

## **10.1 INTRODUCTION**

The Committee believes that a just and equitable Australian society requires that indigenous people are able to participate in the decisions that affect their lives and communities. The evidence presented to this Inquiry clearly demonstrates that Aboriginal people are under-represented at all levels of government. Indeed, there is not, and has never been, an Aboriginal Member of the NSW Parliament.

This Chapter presents the Committee's conclusions about ways to enhance Aboriginal political representation, particularly in the NSW Parliament. It is divided into three sections. The first section includes the Committee's conclusions on the introduction of dedicated seats and the possible establishment of an Aboriginal Assembly to further the political aspirations of Aboriginal people in NSW. The second section sets out the Committee's views about what political parties can do to improve Aboriginal representation and the third section comprises suggestions designed to maximise Aboriginal participation in local government and elections.

## **10.2 THE COMMITTEE'S VIEW ON DEDICATED SEATS IN THE NSW PARLIAMENT**

Under its Terms of Reference, the Committee was required to investigate whether legislation should be introduced to establish dedicated seats for Aboriginal people in the NSW Parliament. The Committee also sought evidence on other ways to enhance Aboriginal representation.

The Committee found significant support for the concept of dedicated seats among the people who attended the consultation meetings and the key Aboriginal representative organisations in NSW. However, there was little agreement on how dedicated seats would work in practice. There was a variety of views regarding the number of seats, in which House they should be located and how they should be elected. There was, however, considerable agreement that Aboriginal people should be actively involved in deciding these issues.

The Committee recognises the enthusiasm for dedicated seats among those members of the Aboriginal community who participated in this Inquiry and some members of the wider community who contributed to the Inquiry. It also acknowledges that dedicated seats could be an important step towards furthering indigenous representation, particularly as the mainstream political process has failed to achieve this goal so far.

However the Committee is acutely aware of the significant obstacles to the creation of dedicated seats. In particular, this initiative could not proceed without the support of the NSW Parliament and the approval of a majority of voters at a referendum. Neither of the two main political parties support dedicated seats at present and the Committee

believes that a referendum on dedicated seats would not be successful in the near future. The Council for Aboriginal Reconciliation suggested to the Committee that a premature and therefore unsuccessful referendum proposal may in fact be counterproductive to the reconciliation process.

In 1995 the Council for Aboriginal Reconciliation conducted a national consultation to identify ways to promote social justice for indigenous people. During these consultations, proposals were often raised for reserved seats at all levels of government. However, the Council felt it would be better not to proceed with a referendum on this issue unless there was an extensive education campaign on the proposal and the government of the day was confident of broad community support for the idea (Submission 25).

### **CONCLUSION ONE**

The Committee considers that the following steps must be taken before dedicated seats could be introduced:

- further consultation with Aboriginal people about how dedicated seats would operate
- the conduct of an education campaign about dedicated Aboriginal seats, which involves individual Members of Parliament, political parties and the community
- an assessment of the level of support for dedicated seats in the existing political parties and the community
- the development of a proposal for dedicated seats and its adoption by the people of NSW at a referendum.

These steps pose formidable challenges to the advocates of dedicated seats. The Committee is firmly convinced that Aboriginal people should formulate the initiatives to improve Aboriginal representation and believes that the establishment of an Aboriginal Assembly should be considered, as an interim measure, by the Aboriginal community.

### **10.3 AN ABORIGINAL ASSEMBLY AS AN INTERIM MEASURE**

The Committee does not recommend the introduction of dedicated seats at present. However, it recognises that initiatives to establish dedicated seats may be taken in the future, particularly if Aboriginal people do not gain representation through the existing

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processes. An Aboriginal Assembly could be established to further the goal of Aboriginal representation and to improve the possibility of subsequent adoption of dedicated seats.

This Assembly could be an extension of the Black Parliament which has been held in the Legislative Assembly over the past two years. The primary goal of such an Assembly would be to further Aboriginal representation in all levels of government, particularly State Parliament. One of its key tasks could be to ascertain community and political support for dedicated seats, and devise an appropriate model in consultation with the Aboriginal community. In the interim, the Assembly could work to raise the profile of Aboriginal issues in Parliament and the community.

While the details of the role, function and membership of this body should be developed through consultation with Aboriginal people, the Committee offers the following suggestions based on submissions and evidence received during the course of the Inquiry.

The Assembly should be guided by a Charter which would be laid down in enabling legislation. The Charter would confer rights and duties, including the right of the Assembly to report to Parliament on a regular basis, monitoring the progress of political parties to improve Aboriginal representation within their ranks (see Section 10.4) and a duty devolving on the government to respond to recommendations made by the Assembly. The Assembly should be adequately resourced.

While a voting system to elect members to an Assembly would need to be developed, the Assembly could possibly commence with representatives of the NSW Aboriginal Land Councils and ATSIC in NSW, as well as other Aboriginal community leaders and members, ensuring fair representation of women and young people.

The potential benefits of an Aboriginal Assembly were presented in evidence and submissions to the Inquiry. It was suggested that an Assembly could allow for a broader diversity of indigenous people to be represented than if there were only one or two dedicated seats. As Michael Dodson, the former Social Justice Commissioner, said:

*Unlike the creation of dedicated seats, a separate parliament is likely to be sufficiently large to allow a broader diversity of Indigenous peoples to be represented in it. It is therefore likely that a separate Parliament would be closer to the people than one or two Legislative Assembly representatives (Submission 24).*

It was also suggested to the Committee that an Assembly could raise the profile of Aboriginal issues in the community, provide a training ground for Aboriginal people interested in politics and give access to Parliamentarians. As one participant at the consultation meeting in Wagga Wagga said:

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*[An Assembly would] give the Aboriginal community a place to go to take their issues and then possibly from there they could put a recommendation to the Parliament (Murray briefing, Wagga Wagga).*

However, it should be said that support for an Assembly among participants at the consultation meetings was conditional. Some people would only support an Assembly if it was established as an interim step to the achievement of Aboriginal representation in Parliament. Other people would only support an Assembly if it was established “alongside” dedicated seats.

Several participants were concerned that an Assembly may overlap with existing representative organisations for Aboriginal people while others thought an Assembly would lack real political power:

*...if you have an Assembly that actually does not give them any power, you are perpetuating an injustice...While ever we keep them outside the decision-making process, it remains unjust (Devitt evidence, Dubbo).*

The Committee notes the reservations about an Aboriginal Assembly raised in the evidence and submissions, but given the difficult steps that must be taken to achieve dedicated seats, considers it appropriate to suggest that the establishment of an Aboriginal Assembly be given serious consideration to encourage Aboriginal people to play an active and effective role in the political process. An Assembly could go a considerable way towards genuinely involving Aboriginal people in the operation of the NSW Parliament.

## **CONCLUSION TWO**

**The Government Members of the Committee** believe that an Aboriginal Assembly to meet in the NSW Parliament should be established as an interim measure to further Aboriginal representation at all levels of government. The Assembly should be guided by a formal charter and be adequately resourced. The Assembly should only be established if it has significant support from the Aboriginal community in NSW.

**Other Members of the Committee** do not support the establishment of an Aboriginal Assembly at this stage.

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## 10.4 THE ROLE OF POLITICAL PARTIES

The following conclusions can be drawn from a review of the evidence of the representatives of political parties in the NSW Parliament:

- none of the major parties have adopted a policy to promote dedicated seats, or to ensure the preselection of a representative number of Aboriginal people. Aboriginal people have failed to win pre-selection for a winnable seat in NSW;
- the lack of Aboriginal participation is not a pressing concern to any of the parties;
- none of the parties have developed a comprehensive strategy to seek greater participation from Aboriginal people (in 1994, the ALP distributed a recruitment brochure targeted to Aboriginal people). In fact, the Liberal Party and National Party prefer to encourage participation from the whole community, rather than target a specific group; and
- some parties said that one of the most important ways to encourage Aboriginal people to join their organisation was to make sure their structures were as accessible and inclusive as possible. However, none of them said how this could be achieved nor if and when they intended to address this issue.

The Committee believes that political parties in NSW could exercise a role in improving Aboriginal participation as members and candidates but few are taking steps to ensure this happens.

### **CONCLUSION THREE**

**A majority of Members of the Committee** concluded that every political party represented in the NSW Parliament should be asked to develop an action plan by March 2000. This plan could detail the steps the party might take to encourage Aboriginal participation, including the methods to encourage Aboriginal people to join their party, participate in committees and policy development, stand as candidates for winnable seats and gain employment as support staff to sitting Members of Parliament.

Each party could be invited to make an annual report to the NSW Parliament on the progress of their action plan.

**The other Members of the Committee** believe that the political parties could do more to encourage Aboriginal participation and seek their commitment to improve this situation.

## **10.5 ABORIGINAL PARTICIPATION IN LOCAL GOVERNMENT**

Throughout the Inquiry, many people strongly supported the Local Government Aboriginal Mentoring Program (see Section 8.7). At present, the program is only expected to operate until the forthcoming local government election in 1999. Participating councils must meet the costs incurred in sponsoring a mentor: approximately \$1500 for each six month period (Information supplied by the Department of Local Government, November 1998). For some Councils, this cost may be a disincentive to participate.

The Committee recognises the potential of this program to enhance Aboriginal representation in local government and thereby provide a “stepping stone” to State politics and considers that the program should be evaluated following the 1999 local government elections. The evaluation would assess the success of the program in encouraging Aboriginal participation in local government and consider funding arrangements. If the outcome of this evaluation is positive, the program should be extended to the elections in 2003.

### **CONCLUSION FOUR**

The Committee supports the Local Government Aboriginal Mentoring program and considers that if the foreshadowed evaluation shows that mentoring is effective in encouraging Aboriginal people to serve in local government, the program should be extended to the elections in 2003.

## **10.6 ENCOURAGING ABORIGINAL PARTICIPATION IN ELECTIONS**

During the Inquiry, many people commented on the low voter participation rate among Aboriginal people. The lack of political education available to Aboriginal people was often cited as an explanation for this situation. Several people drew attention to the cessation of the indigenous voter education campaign run by the Australian Electoral Commission between 1992 and 1996 and urged that it be reinstated. One of the most popular aspects of this program was the employment of Aboriginal Liaison Officers to conduct face-to face voter education in Aboriginal communities across the State.

Participation in elections is a primary and basic form of political participation and high levels of participation are vital to a democracy. The Committee is keen to ensure that particular groups in our community are not deterred from participation through lack of information and education.

**CONCLUSION FIVE**

The Committee urges the Minister for Aboriginal Affairs to request the federal Special Minister of State to reconsider funding an information and education program for indigenous people about the electoral system.

**10.7 CONCLUSION**

This Chapter presents the Committee's conclusions on ways to enhance Aboriginal participation in the political process, both as political representatives and as voters. The conclusions seek to address the evidence presented to this Inquiry which clearly demonstrated that Aboriginal people are under-represented at all levels of government. The Committee believes that a just and equitable Australian society requires that indigenous people are able to participate in the decisions that affect their lives and communities.