

PART TWO

THE INQUIRY PROCESS

CHAPTER FOUR

METHODOLOGY

4.1 INTRODUCTION

This Chapter describes the methods employed by the Committee to consult members of the Aboriginal and wider communities about dedicated seats for Aboriginal people.

The usual way for a parliamentary committee to canvass community opinion is to call for written submissions and to invite individuals to provide oral evidence at public hearings. Both methods were employed by the Committee for this Inquiry. In addition, because it wanted to hear a wide range of views on this issue, the Committee conducted a series of consultation meetings across the State. This allowed members to hear the views of people in a familiar and non-threatening environment and to ensure the voices of people in rural communities, including members of grassroots Aboriginal communities, were heard. More than 400 people attended the community meetings.

The information generated by the call for submissions, public hearings and community consultation meetings are reported in Chapters Five to Nine.

4.2 CALL FOR SUBMISSIONS AND THE ISSUES PAPER

In April 1997 the Committee published an Issues Paper titled *Aboriginal Representation in Parliament*. The paper includes information about measures to allow for, or improve, indigenous representation in Norway, Canada, the United States and New Zealand and gives an historical overview of Aboriginal representation in Australia.

The paper was sent to more than 600 indigenous and non-indigenous organisations and individuals, to generate interest in the Inquiry and to assist people to make a written submission. In April 1997, the Inquiry's Terms of Reference were advertised in the major metropolitan newspapers and the *Koori Mail*, with an invitation to make a written submission to the Committee.

The Committee received a total of 40 submissions. More than two-thirds of the submissions were from individuals and less than one-third from organisations and agencies, including the NSW Department of Aboriginal Affairs, the Aboriginal and Torres Strait Islander Commission and the Council for Aboriginal Reconciliation. A list of people and organisations who provided submissions is included in Appendix Two. Chapter Five includes a summary of the views on dedicated seats presented in the submissions and evidence.

4.3 PUBLIC HEARINGS

During the course of the Inquiry the Committee heard formal evidence from 19 witnesses, including academics and representatives of Aboriginal organisations and political parties Appendix Three is a list of witnesses who appeared before the Committee.

4.4 THE CONSULTATION MEETINGS

Nine consultation meetings were held between March and September 1998 in Redfern, Parramatta, Armidale, Moree, Lismore, Wagga Wagga, Batemans Bay, Coffs Harbour and Dubbo. These areas were selected to ensure that as many people as possible would have an opportunity to express their views to the Committee. Due to the lack of a quorum in Wagga Wagga, the meeting was considered to be a “briefing”, rather than a formally constituted meeting of the Committee.

The meetings were held in well known and convenient locations, usually the local services club or community centre. Participants were invited to join the Committee members for lunch and morning and afternoon tea.

Approximately 415 people attended the consultation meetings, an average of 46 people per location. There were three participants at the smallest meeting and 65 at the largest meeting (some people did not stay for the whole day, while others joined the meeting at different times throughout the day). The proportion of Aboriginal people in attendance at the meetings comprised approximately one-half to three-quarters of the total number of participants. A list of the locations, venues and dates for each of the consultation meetings is provided at Appendix Four.

4.4.1 THE LAUNCH

The first consultation meeting in Redfern in March 1998 was also the formal “launch” of the consultation process and the consultation brochure (see below). The official guests at the launch included the Attorney General, the Hon Jeff Shaw, MLC, Ms Millie Ingram, Councillor for the Wiradjuri NSW Land Council and musician and activist, Mr Peter Garrett. This event received considerable electronic and print media coverage.

4.4.2 THE PROJECT CONSULTANTS

The Committee contracted two consultants to help plan and conduct the consultation meetings: Shelley Reys from Arrilla Aboriginal Training and Development and Mr John Telford of Glencoe Consulting. The consultants were selected because of their extensive project experience in indigenous affairs and community consultation.

4.4.3 THE CONSULTATION BROCHURE

To assist with the consultation process, the Committee produced an eight-page information brochure with details on the workings of the NSW Parliament, arguments for and against dedicated seats, how dedicated seats could work in practice and other options to increase Aboriginal representation. The purpose of the brochure was to guide discussion at the consultation meetings. The brochure was designed by *Campaign City*. A copy is included at Appendix Five.

4.4.4 INVITATIONS TO ATTEND THE MEETINGS

The following steps were taken before each consultation meeting to encourage participation:

- **Direct Mail Campaign**

An invitation to attend the meeting was sent to a selection of individuals and organisations listed in the relevant community services directory produced by the local council or shire. Invitations were also sent to a proportion of people on the project consultants' mailing list. Between 150 to 200 invitations were sent at least three weeks before each consultation. Invitees were encouraged to tell their friends and colleagues about the meeting and to display a flier about the meeting in an appropriate location. The local State and Federal Members of Parliament were also invited to attend.

- **Personal Contact before the Meetings**

For every meeting, except Lismore and Moree, the project consultants arrived the day before to encourage members of the Aboriginal community to attend the consultation. This was not possible in Lismore because a public holiday preceded the consultation and so the consultants made contact with key people by telephone and fax a few days earlier.

- **Using the Media**

All of the consultation meetings were advertised in the *Koori Mail* and local newspapers approximately two weeks before the scheduled date and a media release was sent to the local print and electronic media outlets approximately one week before each meeting.

4.4.5 THE MEETING FORMAT

- **Steps to Keep the Meetings Informal**

The Committee was keen to make the meetings as informal as possible to encourage participants to express their opinions freely and openly. It was felt that some of the formal procedures required at public hearings should be avoided, such as serving witnesses with a summons and requiring them to swear an oath or affirmation.

The Committee was concerned that, by dispensing with such procedures, participants may not enjoy the same "parliamentary privilege" afforded to individual witnesses sworn under an oath. Parliamentary privilege means that no one can take legal action against a witness in relation to anything they may say during the course of a public hearing.

The Committee sought clarification of this issue from the Clerk Assistant-Committees and Usher of the Black Rod, Legislative Council, NSW Parliament. He advised that:

To ensure that participants at the community consultations...enjoy the same legal protection afforded to individual witnesses sworn and under oath the committee should ensure that it is at all times properly constituted and treats the procedural rules for committee meetings with strict compliance (Cahill correspondence, 24 February 1998).

- **The Meeting Structure**

Most of the consultation meetings commenced at approximately 10.00 am and finished at 5.00 pm. The meeting in Parramatta was held in the evening to make it easier for people who work during the day to attend. Where possible, each meeting started with a “welcome to the land” presented by a representative of the local Aboriginal community. The meetings at Armidale and Moree included a separate one-hour information session the night before the consultation meeting. The aim of this session was to give participants an opportunity to meet Committee members and find out more about the Inquiry. In the final five meetings, this session was held at the beginning of each meeting, rather than as a separate session so that participants did not have to attend two separate events.

At each meeting the participants were divided into groups of approximately equal numbers on three different occasions to discuss the following issues: the advantages and disadvantages of dedicated seats; the “mechanics” of dedicated seats; and other options to increase Aboriginal representation. A plenary session was held after each of the three “workshops” to allow a representative of each group to report the outcomes of their discussion and for participants to comment on some of the issues raised by other groups.

At the Armidale and Moree consultations separate meetings were held for Aboriginal and non-Aboriginal participants. This was because the Committee was advised by the project consultants that this would be more conducive to frank and open discussion. It would also make it possible to delineate between indigenous and non-indigenous responses in the report of the consultation meetings.

This approach was revised after the Armidale and Moree meetings when some participants expressed their opposition to separate groups. It was felt that, in the spirit of reconciliation, it was important for Aboriginal and non-Aboriginal people to listen to each other’s viewpoints on such an important issue. Subsequent meetings were open to Aboriginal and non-Aboriginal people, although participants could opt to have separate small group discussions.

4.4.6 RECORDING THE PROCEEDINGS

Given the discussion-style format of the consultation meetings, making an accurate record of the proceedings was a particular challenge. Rather than attempting to record every word said during the day, Hansard recorded the plenary sessions that followed each workshop. It was felt that this would give a reasonable indication of the views expressed during the day.

One of the major challenges posed by the combined consultation meetings was whether to record if a particular speaker was indigenous. Participants were asked if they wanted Hansard to record whether they were Aboriginal or non-Aboriginal. In some instances they did not want this information recorded. For this reason, the Committee decided not to identify whether a person was Aboriginal or non-Aboriginal in the final Report. The summaries of each community consultation can be found at Appendix Six. The progress reports from Arrilla, the projects consultants are found at Appendix Seven.

4.5 OBSERVATIONS ABOUT THE CONSULTATION MEETINGS

Several participants at the meetings were critical of aspects of the consultation process for this Inquiry. Concern was expressed that Aboriginal people were not more closely involved in the consultation process:

the process needs to be driven by the Aboriginal people. We don't want the government saying this is what is going to be done; we want the Aboriginal people coming forward and saying, "This is our preferred option. How can we process this through?" (Stride evidence, Coffs Harbour).

Other participants were frustrated by the limited amount of time available to debate such complex issues and the lack of opportunity to take the issues back to their communities for more discussion:

An important part of working these things through is to be able to talk about the issues, go away, come back again another time, give people some time to chew the thoughts over in their heads, and then come back and talk it over again. It does not happen in the space of a one-day workshop (Layton evidence, Coffs Harbour);

we are only a small number of locals from our community. So this is not viewed as the opinion of the 7,000 people here in Dubbo. It would not be right if it were viewed as full consultation involving the Koori community when there is such a small number of people here (Lancaster evidence, Dubbo).

Others were frustrated by the tendency for Aboriginal communities to be “overconsulted”, especially when this consultation does not lead to any positive outcomes:

...at the community end we receive so many requests to give feedback and input to one inquiry after another (Layton evidence, Coffs Harbour);

I am sick of seeing meeting after meeting where it just ends up nowhere (Kennedy evidence, Batemans Bay).

Despite the above concerns, many participants were pleased to have an opportunity to participate in the Inquiry as demonstrated in Wagga Wagga:

on behalf of the people here we really do appreciate the fact that you took the time and trouble to come and visit Wagga Wagga...because from my experience anyway it was really worthwhile. I have been a bit critical of politicians and political parties but this is part of the political process too and it clearly has worked very well (Matthews briefing, Wagga Wagga).

4.6 CONCLUSION

The Committee acknowledges there were limitations in the conduct of the community consultation meetings as noted by some of the participants quoted above. Nevertheless, it considers that the consultations provided valuable feedback from the Aboriginal and wider communities about ways to enhance indigenous political representation. This feedback is an integral part of the Inquiry’s final Report.