

**AN OVERVIEW OF THE
EVIDENCE AND SUBMISSIONS**

5.1 INTRODUCTION

The following Chapter summarises the position on dedicated seats taken by individuals and organisations in the submissions, evidence and consultation meetings.

5.2 THE SUBMISSIONS

The Committee received a total of 40 submissions. The majority of these were from individuals. Eight submissions were from Aboriginal representative organisations or groups interested in Aboriginal affairs.

5.2.1 SUPPORT FOR DEDICATED SEATS

Of the 40 submissions received, seven supported the establishment of dedicated seats. In its submission, the NSW Aboriginal Reference Group suggested that dedicated seats would give Aboriginal people an opportunity to play a more inclusive role in state politics and would also demonstrate a clear commitment by the State Government to the notion of self-determination for Aboriginal people in NSW (Submission 23).

in her submission, Ms Shirley Prout argued that it is a “critical part of equity and reconciliation that Australian Aborigines have representatives in all three tiers of government in all states and territories (Submission 5). The NSW Aboriginal Land Council noted that:

Rather than reducing the status and power of existing Indigenous organisations...Aboriginal representatives in Parliaments could enhance and expand the influence and powers of these organisations (Submission 22).

Mr Ray Leslie’s support for dedicated seats stems from his understanding of the barriers Aboriginal people confront in seeking election through mainstream processes. These barriers include the difficulties of being endorsed by a major political party, the cost of running a good campaign and negative media coverage (Submission 12).

In their submission, the elected representatives of ATSIC and the Land Councils in NSW indicated:

general support for the concept of dedicated seats in Parliament, but is not able, at this stage, to be specific about numbers, boundaries or which House(s) (Submission 17).

5.2.2 THE MECHANICS OF DEDICATED SEATS

Only four of the seven submissions that supported dedicated seats offered

suggestions as to how the seats could be established. These include the NSW Aboriginal Reference Group, NSW Aboriginal Land Council, the elected representatives of ATSIC and the Land Councils in NSW and Australians Against Racism. While these submissions discussed the possible “mechanics” of dedicated seats, their authors stress that the specific details should be developed in consultation with Aboriginal people.

5.2.3 OPPOSITION TO DEDICATED SEATS

Twenty of the 40 submissions opposed dedicated seats. Most of these submissions were from individuals and their opposition was based on a perception that dedicated seats are undemocratic:

As we all know, Western parliamentary democracy means one man one vote...The system of guaranteed seats will open the floodgate of unfairness, especially to every other minority populations in NSW...but not be able to compensate the Aboriginals who have been suffering from the European colonisation and its impact (Submission 9).

A smaller number of people were opposed because they consider dedicated seats may be patronising to Aboriginal people or because they think it would be better for Aboriginal people to be elected to Parliament through the usual processes. John Ah Kit, an Aboriginal Member of the Northern Territory Legislative Assembly, argued that dedicated seats were:

a form of tokenism that would permanently lock indigenous people into a minority and would be perceived as a form of “special treatment” for indigenous people that would do little to legitimise our role in the political process (Submission 10).

5.2.4 NO POSITION ON DEDICATED SEATS

Thirteen of the submissions either did not include a stated position on dedicated seats or their position was unclear.

In his submission to the Inquiry, the former Aboriginal and Torres Strait Islander Social Justice Commissioner, Michael Dodson, said he did not want to endorse a particular resolution to the “narrow question” of whether there should be separate seats for Aboriginal people in the NSW Parliament. He suggested that a “package of measures” may be the only way to acknowledge and protect the rights of Aboriginal peoples and that “it is unlikely that any one solution will be workable or provide adequate protection”. He urged the Committee to ensure that guaranteed representation was not seen as a substitute for other mechanisms to increase self determination for indigenous people (Submission 24).

While Mr Dodson did not declare his support for dedicated seats in his submission, he suggested several “propositions” in the event that dedicated seats were introduced and these are mentioned to in Chapter Seven.

The NSW Department of Aboriginal Affairs sees its role as facilitating community consultation rather than taking a stance on the issue of dedicated seats. Nevertheless, the Department’s submission outlined several options and issues to be considered if dedicated seats were introduced (Submission 21).

The Council for Aboriginal Reconciliation argued that dedicated seats should only proceed with the support of the majority of the Aboriginal and Torres Strait Islander community and the wider community in NSW and that:

...this support should be based upon an understanding of all the relevant issues gained from a public educational campaign run and funded by the New South Wales Government (Submission 25).

David Pross, Chairperson of the Ngaimpe Aboriginal Corporation and Sally Jope, Service Development Officer from the Information, Training Action Centre in Wyong, questioned the likely effectiveness of a small number of dedicated indigenous seats in a majority non-indigenous Parliament, given the diversity of interests of indigenous people across the State (Submission 16).

While sympathetic to the idea of dedicated Aboriginal seats, Professor Garth Nettheim, did not indicate support for, or opposition to, dedicated seats in his submission because he felt “answers should best come from indigenous peoples” (Submission 26).

While there may be some possible advantages in having dedicated Aboriginal seat, Michael Mansell from the Australian Provisional Government, argues there are more effective ways for Aboriginal people to gain access to political power, such as empowering Aboriginal people at the community level (Submission 40).

5.3 THE EVIDENCE

Nineteen witnesses appeared before the Committee to give formal evidence, including legal academics, a political scientist, an Aboriginal member of local government as well as representatives of indigenous organisations, the major political parties and the Australian Electoral Commission. Only three of these witnesses made a formal submission to the Inquiry: Professor Nettheim, the NSW Department of Aboriginal Affairs and the NSW Aboriginal Land Council.

Not all of the witnesses who appeared before the Committee were asked if they support dedicated seats. Certain witnesses were called to provide background information only to the Committee. However, this question was directed to Pat Dixon, the Deputy Mayor

of Armidale City Council, as well as the representatives of the major political parties in the NSW Parliament.

Pat Dixon supported the provision of dedicated seats but said she would like to see Aboriginal candidates being elected in the usual way (Dixon evidence, 13 October 1998). Ms Dixon also told the Committee that, while ATSIC and the Aboriginal Land Councils generally support dedicated seats, many Aboriginal people are not aware of the option and need to be consulted.

5.3.1 THE POLITICAL PARTIES

There was little support from the major political parties in the NSW Parliament for the introduction of dedicated seats. None of the parties have a formal policy regarding dedicated seats, but all, with the exception of the NSW Division of the Australian Democrats, indicated their party was unlikely to support such an initiative.

David Mendelssohn, President of the NSW Division of the Australian Democrats, said his party would support dedicated seats if it could be shown that this would further self-determination for indigenous people, but:

whether it promotes these objectives would depend to some extent on how it is done (Mendelssohn evidence, 19 August 1998).

5.4 THE CONSULTATION MEETINGS

The majority of participants at the consultation meetings supported the introduction of dedicated Aboriginal seats. The Committee heard in Lismore, for example, that:

It is only through decent, informed debate that you will realise, as a member of the NSW community, that the advantages of this far outweigh the disadvantages...All I am saying is that...the arguments for far outweigh the arguments against. The time is right. (Hegadus evidence, Lismore).

For some participants, their support was conditional on the involvement of Aboriginal people in the development of the particular model adopted. Support was generally greater in the rural and regional areas than the Sydney metropolitan region. This is not to say that participants were unaware of the possible limitations of dedicated seats, especially if there are only one or two of them:

can you imagine the pressure, not only from the Aboriginal community but the wider community, for that person to deliver all for all people? (McPherson briefing, Wagga Wagga).