

Indigenous Representation – Julian Amos

There is a growing awareness within the Australian community generally and the Tasmanian community specifically, to recognise claims by aboriginal communities for appropriate recognition and representation. Already geographical landmarks are being given aboriginal names, aboriginal culture and art is being promoted and more widely accepted, and claims for greater autonomy, including treaty and landrights are being acknowledged as being legitimate claims.

Your committee is concerned with the restoration of the Tasmanian Parliament to 35 members, and submissions have been made to the committee by members of the aboriginal community to provide dedicated representation in the House of Assembly, the house of government.

However, a restoration in the size of the House of Assembly lends itself to an equivalent (one for two) increase in the size of the Legislative Council.

In my submission to your committee I suggested that such representation could be provided in the Legislative Council, by the provision of 2 additional seats, as determined by a vote within the aboriginal community as defined. The existing boundaries would be retained for the current 15 seats.

The rationale for doing so is as follows:

Why a specific recognition of entitlement?

It is a recognition of a pre-existing aboriginal presence, and as such bestows an entitlement – and a responsibility - to review legislation to ensure aboriginal rights are not ignored.

Why the Leg Co and not the Hof A?

The House of Assembly is the chamber where government is made - and lost. There is a danger that the position could be used to hinder legislation or the workings of parliament generally in the case of a hung parliament. Although such a circumstance bestows an enormous power, the risk of backlash is also great and would be self-defeating.

The Legislative Council is a House of review. The purpose of creating the positions is not to control legislation – and governments – but to review legislation. The position in the Legislative Council is equally as powerful from a legislative point of view, but without the public perception – and odium - of determining governments.

A possible mechanism for doing so

The two positions would need to be elected at the same time, and not staggered. Persons would choose to be on an indigenous roll, and by doing so would be removed from the normal Leg Co roll. They would remain on the HofA roll, and vote as per normal. Voters on an indigenous roll would not be allowed to transfer to the normal Leg Co roll for a period of time, say 6 years. In other words, they cannot vote twice, or chop and change at whim.

Two options:

1 the two positions would be elected every 6 years, as per other positions in the Council. However, the logistics of running a state-wide vote at a Leg Co election would be prohibitive and unnecessary.

2 they would be elected at the same time as the HofA election, and would serve their term for a similar period as the HofA.