

INDIGENOUS VOICES IN THE QUEENSLAND PARLIAMENT

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The Opening of the 2015 Parliament - a day full of symbolism

On Wednesday 25 March I was present at the opening of the 55th Queensland Parliament, an occasion marking many milestones, particularly for women and Indigenous Queenslanders.

There were two newly-elected Indigenous representatives: Leanne Enoch, MP for the outer Brisbane electorate of Algester, and Billy Gordon MP for Cook, an electorate that includes Cape York, and the majority of remote and regional Indigenous communities in far north Queensland.

It was the first time since the 1970s that Queenslanders had elected Indigenous people to represent them: Senator Neville Bonner became a Liberal Party Senator (from 1971 to 1983), and Eric Deeral was selected by the Country Party to represent Cook (from 1974 to 1977) in the Queensland Parliament.

It was a privilege to hear the welcome to country by Turrabul Elder, Uncle Joe Kirk, to watch the smoking ceremony and admire the children who performed traditional dances on the lawns at Parliament House. It was a momentous day. It felt like a turning point. The election at last provided Indigenous Queenslanders with voices of their own in the Queensland Parliament.¹

It has been with a profound sense of unease that I have been following the drama that has unfolded since 25 March - a drama that borders on tragedy playing out between and behind three main actors.

Dramatis personae

The Premier (and the Australian Labor Party)

Annastacia Palaszczuk contested and won the seat of Inala in south-eastern Brisbane in 2006. The safest Labor seat in Queensland, Inala had been held by her father between 1992 and 2006.

The Leader of the Opposition (and the Liberal National Party)

Lawrence Springborg, current Leader of the Opposition, grew up in Yelarbon, half way between Inglewood and Goondawindi. He left school at the age 14, farmed for seven years before being elected in 1989, at the age of 21, to the safe National Party seat of Carnarvon. He has held the seat ever since.

¹ In 2010 the Australian Bureau of Statistics estimated the population of Queensland's Far North region to be 275,058. Of these, 28,909 were Indigenous (25.6% of the Queensland's Indigenous population, or 11.8% of the Far North region's population).

The Member for Cook (formerly Australian Labor Party, now Independent)

Billy Gordon MP was elected member for Cook as an ALP candidate, but resigned from the ALP rather than risk expulsion when news of past misdemeanours became public.² He now sits as an Independent. Billy Gordon won the seat of Cook 56.8% to the LNP's 43.2%. The swing to Gordon was 10.2%. Gordon grew up first in Innisfail - and then moved around the Far North with his family as his father worked on the railways. He has cut sugar cane and worked on banana farms, in construction, and as a barman at the Purple Pub in Normanton. He spent a number of years working with TAFE in North Queensland, supporting students throughout the Torres Strait, Cape York and Cairns. He has been an Army Reservist, and worked for the Foundation for Young Australians as a Co-Coordinator. He has also worked for Reconciliation Australia as the organisation's Education Officer.³

Whose 'Lifestyle choices'?

Our Prime Minister tells us that Indigenous people who live on communities have made lifestyle choices. Some Indigenous people do have the opportunity to make genuine lifestyle choices. Noel Pearson, a man of great ability, had the benefit of attending St Peter's Lutheran College and therefore could see that there was a choice he could make between life solely restricted to the Hope Vale community (originally a Lutheran mission) in which he grew up or also making his mark in the broader community. The system helped him to help himself. However, many Indigenous people grow up without being able to see for themselves that there is a choice, or what that choice might be. Many young people find an escape from poverty and violence by deliberately going to jail. And law-abiding Aboriginal and Torres Strait Islanders often despair about how they are perceived, and treated, by police.

The statistics on Indigenous over-representation in the criminal justice system

The Australian Bureau of Statistics 'snapshot' of Queensland statistics carries a shocking message. At 30 June 2014 Aboriginal and Torres Strait Islanders comprised 32% (2,243 prisoners) of the adult prisoner population. The Aboriginal and Torres Strait Islander age standardised imprisonment rate was 11 times the non-indigenous age standardised imprisonment rate (1,557.9 prisoners per 100,000 Aboriginal and Torres Strait Islander adult population compared to 143.1 prisoners per 100,000 adult non-indigenous population).⁴

Exploring the history of police/Indigenous relations in Queensland

For several years I was Director of the Office of the Commissioner of the Queensland Police Service. Falling within my span of responsibilities was a small group called the Cultural Advisory Unit. The role of the unit was to build constructive relationships between police and marginalised communities across the state: including immigrant groups, the homeless, and Aboriginal or Torres Strait Islanders.

As an immigrant from a privileged English background this was an educational but at the same time deeply distressing experience. Indigenous members of the unit taught me the history of

² 'Mr Gordon's criminal record contains offences for break and enter in Innisfail in 1987, similar offences in Atherton in 1990, again in Mareeba in 1992 and then being drunk and disorderly in 1999. The domestic violence claims, however, remain the subject of a police investigation with which Mr Gordon is cooperating.' 'Woman involved in making complaint against Cook MP Billy Gordon revealed to be Jehovah's Witness', *Cairns Post*, 2.4.15: <http://www.cairnspost.com.au/news/cairns/woman-involved-in-making-complaint-against-cook-mp-billy-gordon-revealed-to-be-jehovahs-witness/story-fnjpusyw-1227288648220>

³ Source 'Bill Gordon's biography', Cairns Chamber of Commerce, http://www.cairnschamber.com.au/fileadmin/content/PDF_s/Bio_for_Billy_Gordon_E_Invitation.pdf

⁴ <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4517.0~2014~Main%20Features~Queensland~10017>. It is worth noting that in the year from 30 June 2013 Queensland, of all states and territories, experienced the largest increase in prisoner numbers (increase of 16% or 973 prisoners). Queensland had the highest proportion of adult prisoners aged under 25 years (22% or 1,545 prisoners).

Queensland from their perspective. We held regular consultations with representatives of Indigenous and other communities. I met many Elders, both Uncles and Aunties, for whom I developed great respect. I was fortunate that I was able to accompany the Commissioner on a tour visiting Indigenous communities across Cape York, through which I acquired what was, at most, a superficial understanding of the profound challenges they face.

The then Beattie Labor government, through its *Meeting Challenges Making Choices* was implementing a strategy recommended by the 'other' Fitzgerald Report, the *Cape York Justice Study* (2001). This was a report which discussed many of the reasons why Indigenous Queenslanders were over-represented in the criminal justice system.⁵ I was one of the many people from across government who were involved in implementing the changes recommended in the report. There were some outstanding initiatives, including the 'Government Champions', through which each head of department was associated with one Indigenous community and acted as an influential advocate within government for that community.

Relationships between police and Indigenous Queenslanders had always been fragile, and remained so. The efforts of many could be confounded by the acts of a few. Just before I retired in 2004 the death in police custody of Cameron Doomadgee on Palm Island destroyed much of what we had been working to build.

The history

The troubled relationship between police and Indigenous Queenslanders reaches back into the 19th century when they were set against one another in the frontier wars. A decade ago, trying to understand this history from the perspective of each side of the divide, I explored early police annual reports. At least one early police commissioner was alarmed about the impact of white settlement on the Indigenous population: in 1884 Police Commissioner Seymour wrote in his *Annual Report*:

The condition of the blacks on the Coast and in the interior of the Cook District has become a matter of some concern. Settlement has advanced upon the tribes so rapidly that they have lost their hunting grounds, and have therefore been deprived of their only means of existence. The consequence has been the committal of depredations regarding which many complaints have reached the Department. While the population was sparse, and large tracts of country were open to the aborigines, it was possible for the Police to keep them back from settlement; but now, driving them away from one occupied locality they merely are driven to another, and so they are prevented from obtaining their natural food. As settlement is increasing in the far northern districts daily it will be necessary to consider what means will have to be adopted to protect the aborigines from starvation, and so end what is now a source of constant trouble between blacks and whites.

Henry Reynolds describes the impact of the policies that followed:

Early in the twentieth century, with white Australia established as a central objective of the fledgling nation, governments began to extend controls over Aborigines living on the outskirts of northern towns, frequently sweeping them up onto reserves and missions. Individuals, families and whole camps were taken away as white townspeople became less and less tolerant of Aboriginal neighbours. For 50 years northern towns became progressively whiter before the tide turned in the 1960s as protection legislation was repealed, missions closed and the pastoral workforce was pushed off stations in a response to equal wage judgments. The rapid urbanisation of 1960s saw a return to patterns of Aboriginal residence that had existed several generations before.⁶

The Cape York Justice Study summarised the position of Aboriginal Queenslanders under these stringent controls:

⁵ It is hard to find See also the Indigenous Justice Clearing House: <http://www.indigenousjustice.gov.au/search.html?q=more:pagemap:publication-jurisdiction:Queensland>

⁶ Henry Reynolds, *North of Capricorn: the untold story of Australia's North*, Allen & Unwin, 2003, p.34.

The life of every Aboriginal Queenslanders was now entirely dependent on official decree. A network of police 'protectors' was appointed to monitor and record the actions and conduct of all families in their area and these records formed the basis of official interventions and detentions. Without consultation or appeal, people found themselves 'removed' by local police to distant missions and reserves. There was no due process and no right of appeal - in fact, no knowledge of what was being written or why actions were taken. The evidence remained secret into the 1990s.

It was officially conceded that in the dual police role of enforcement and protection, the second was frequently subordinated to the first.

Police personified, and implemented, the system that denied Indigenous Queenslanders most of the rights the rest of the population took for granted.

Mutual mistrust is therefore deeply embedded in Indigenous / police memories. Antagonism can lead to behaviour that unsympathetic police may be less inclined excuse than they would with people with whom they normally socialise. But there are many features of life on communities that make it more likely that Indigenous people will breach the law.

Example: Driving without a license

Fine defaulting was one reason why Indigenous people were sent to jail. One of the common fines was applied to driving without a license. However, if you lived on an island in the Torres Strait, for example, the only driver training was provided on Thursday Island. To gain a drivers license required several trips by boat to TI, followed by a driving test. Few could afford the boat trips, so took the risk of driving unlicensed. When they were picked up by police they received warnings, and then were fined. They could not afford the fines, so became fine defaulters. Eventually they were sent to prison.

The *Cape York Justice Study* identified this problem and recommended that Queensland Transport consider ways to prevent it rather than wait until they had to react to breaches. As a result a police inspector was seconded to the Cultural Advisory Unit to conduct the Indigenous Licensing Program. He had recently been in charge of the driver training school at Mt Cotton. He packed his swag and travelled right across Cape York and the Islands to provide driver training and licensing. This program led to a reduction, and in some instances a complete elimination, in traffic and licensing-related offences on the communities. I do not know if a similar program exists today.

The Elders I have been privileged to meet have been impressively strong, trying to hold together their communities, often in the most adverse circumstances. I was frequently told by Elders themselves and by Corrections staff that many young people found incarceration the lesser of two evils, home or jail, as it removed them from communities in which there was nothing to do. At least in jail they received a decent feed, had activities on offer, and were not subjected to casual (often alcohol-related) violence themselves.

Given the history and the current incarceration statistics it is hardly surprising that Mr Gordon has some black marks on his record. Before getting carried away with sanctimonious 'tut tut' comments, perhaps we should consider what Mr Gordon has to offer the Queensland Parliament and contribute to our understanding about the hardships and challenges faced by Indigenous Queenslanders living in the Far North of the state.

Billy Gordon entitled to a 'fair go'

As former Senator Margaret Reynolds writes: Billy Gordon is entitled to a 'fair go' and the people of Cook certainly need to have their chosen representative heard in the parliament.