
OUR SEAT AT THE TOP:

INSTITUTIONAL CHALLENGES TO INCLUSION FOR ABORIGINAL WOMEN IN THE FEDERAL PARLIAMENT

by Michelle Deshong

In Australia everyone has the right to participate in the political system through elections, representation and advocacy. However, for Aboriginal people this has not always been the case and there remains a strong legacy of disadvantage as a result of past policies and practices. To date there have only been three Indigenous males in the Federal Parliament. The most recent being in 2010, with the election of Mr Ken Wyatt, as the Western Australian Member for Hasluck to the House of Representatives. Whilst these individual triumphs have been groundbreaking, there remains a pressing need to do more to increase Indigenous participation, in particular challenging the *status quo* and identifying mechanisms to support Indigenous women in the formal political process.

Currently, there remains a void in Aboriginal women's formal representation at the federal parliamentary level. This is despite our communities witnessing Aboriginal women exercising political participation, advocating for change and taking on high level responsibilities and leadership.¹ Indigenous women have proven themselves to be capable and enduring in their fight for justice and equality. Thus, it is critically important to understand the placement of Indigenous women in the Australian political landscape. Why has this level of participation and leadership activity not translated into formal representation in the Federal Parliament? By examining institutional constructs this paper identifies some of the enablers and challenges facing Aboriginal women and their aspiration to have a seat at the top.

A recurring theme from the national consultations addressing the issue of 'Recognising Aboriginal and Torres Strait Islander people in the Australian Constitution'² was the provision of reserved Indigenous seats in the Parliament. Contrasted with the experiences of other Indigenous nations, such as the Maori people, it can be cited that the ongoing exclusion of Aboriginal and Torres Strait Islander people has created substantial disadvantage for Australia's Indigenous populations. The Maori people of New Zealand give us substantial insight in terms

of building political capability amongst First Nations peoples.³ The *Maori Representation Act 1867* (NZ) provided four designated Maori seats in Parliament. This has been increased over time to seven⁴ in line with changing social and political attitudes and an increasing Maori population. This provision is also supported by a Maori electoral roll and the adoption of a mixed-member proportional representation voting system that helps to support minority interests. This process has acted as an enabler to increase political participation of the Maori people and in the current Parliament of New Zealand there are twenty-one Maori representatives,⁵ not only fulfilling the designated seats, but as elected representatives of various parties in their own right. In Australia both our Federal Parliament and our electoral systems are different to that of New Zealand and it is therefore difficult to replicate the successful Maori model. However, there are specific lessons that can be learned from the political strategy adopted by the Maori peoples, particularly as they relate to political opportunity, influence and infiltration across the broader political landscape.

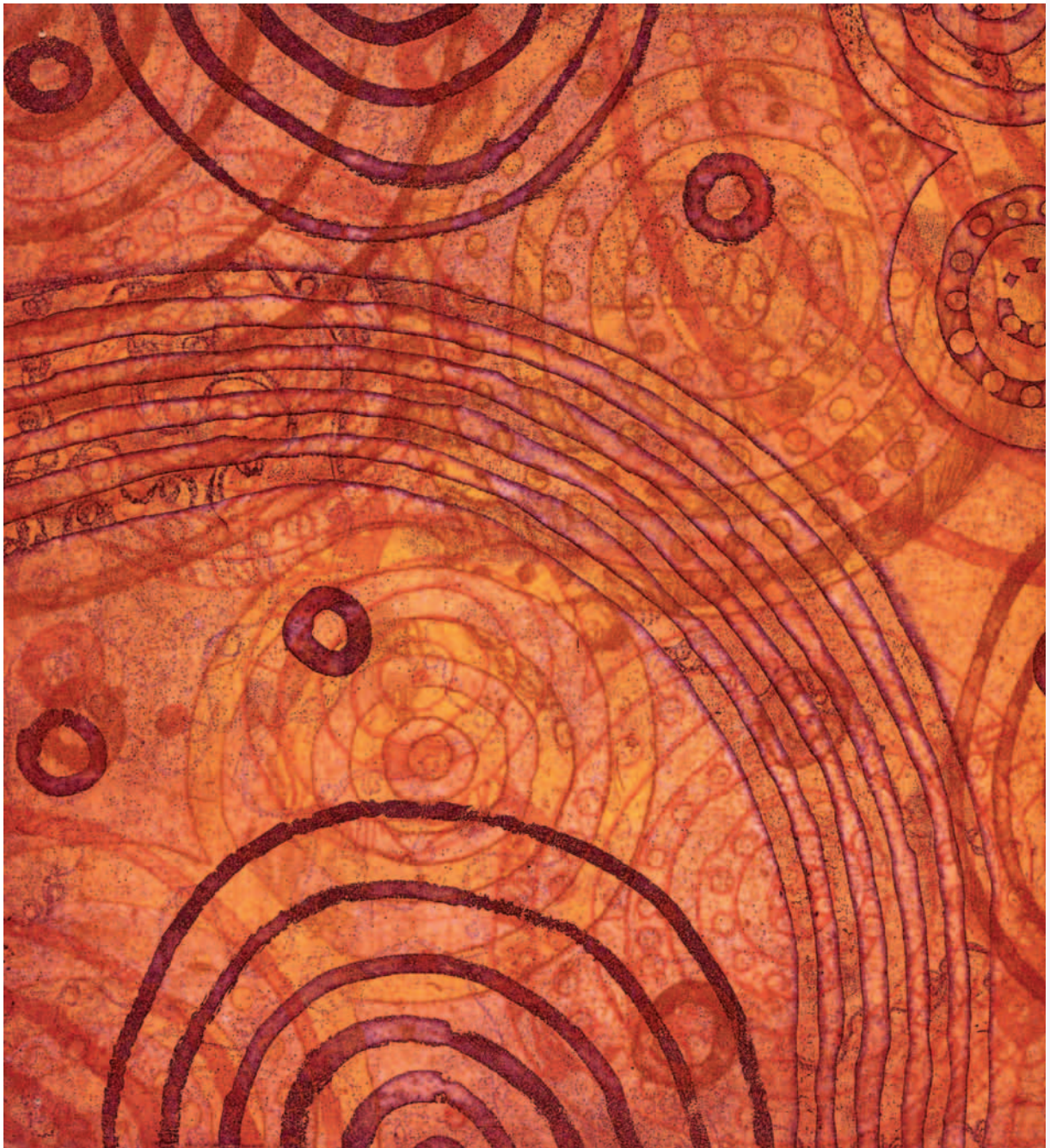
In comparison, Australia has witnessed a range of developments that have assisted in advancing Indigenous people's involvement in the political system. As a nation we have shifted from a place where Indigenous people were specifically excluded, to a place of inclusion and advancement. In particular it is noted that there are defining moments in history relating to Aboriginal electoral issues. Firstly, in 1962 the *Commonwealth Electoral Act 1918* (Cth) was amended to provide that Indigenous people should have the right to enrol and vote at Federal elections, however enrolment was not compulsory.⁶ It should also be noted that despite this change in legislature it was not until 1965 that Aboriginals in Queensland (including Aboriginal women) gained the right to vote in state elections. Secondly, the election of Aboriginal members into Federal Parliament (1971, 1998 and 2010)⁷ changed history and allowed for national representation. Finally, the election of Aboriginal women into state parliaments from 2001 (to present) addressed the disparity of rights based on gender and race exclusions.

To further address the rights of women and Indigenous peoples, there are many international conventions that recognise the exclusion of women in political systems. Human rights treaties, such as the *Convention on the Elimination of Discrimination Against Women* ('CEDAW'),⁸ include gendered perspectives requiring governments to ensure that women can participate on an equal basis with men in areas such as voting, forming and implementing government policy and forming non-government organisations. In 2010, the CEDAW committee, after reviewing Australia's performance in this regard, made the following recommendation:

The Committee recommends that the State party adopt targeted measures, including temporary special measures with clear time frames,... to ensure the equal participation and representation of women in public and political life, with a particular focus on Aboriginal and Torres Strait Islander women.⁹

It must also be acknowledged, as Valerie Bryson notes, that 'changes to legislation on its own can do little to improve the real situation of women. It may disguise or legitimise their oppression by combining it with a formal equality'.¹⁰ By using these international conventions, Indigenous

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women need to seize opportunities to use their legal rights to challenge the more intrinsic social, legal, political and equality issues that remain evident.

Marian Sawyer, a leading academic who has examined not only the issue of women and political institutions, but also the impact of a collective women's movement in Australia, notes that:

The discipline of political science has remained male dominated in most parts of the world. Women have organised within political science associations to raise the status of women in the profession and to try to transform the discipline.¹¹

For most of Australia's history, male-dominated politics has been considered the norm and the gendered relationship to power and equal bargaining has remained a barrier for women pursuing careers in political areas. This has further impacted Aboriginal women, not only through hierarchical structures, but also by the discriminatory practices of the democratic system from a gendered perspective and in the context of racial oppression and exclusion. Aboriginal women's issues have often remained at the periphery of mainstream Commonwealth and state policies.

Even within the representative structure of the Aboriginal and Torres Strait Islander Commission ('ATSIC')¹² Aboriginal women have not fared well in terms of representation, particularly when the Minister for Indigenous Affairs ceased appointing board members.¹³ Over the lifespan of the Commission the participation of women in elected positions has substantially declined. Women constituted less than half of nominees for the first elections in 1990 and around one-third of nominees in all subsequent elections.¹⁴ In a submission to the 2003 ATSIC Review, (conducted by the ATSIC Review committee) it was noted, 'ATSIC is keen to see women play a greater role in Regional Councils and the Board but it does not support designated positions or mandated levels of representation for women'.¹⁵ This statement, made by the predominately male ATSIC Board of Commissioners, conflicted with the ATSIC women's committee which postulated about the impact of under-representation of Indigenous women.

This highlights that Indigenous women's participation in mainstream politics and in any future Indigenous representative structure remains crucial to success and improvement in representation across the board. It is noted that a lack of input and participation correlates to a lack of policy on Aboriginal women's issues.¹⁶ Equal representation of women or a proportionate model will

not only help to address the marginalisation of women in Indigenous affairs or government more broadly, but also promotes their involvement in political positions of influence and power. As the first Aboriginal woman in the New South Wales Parliament, Linda Burney provides a good example of this in action. Ms Burney has undertaken substantial portfolio responsibilities including, Minister for Community Services in 2008, and Minister for Fair Trading, Youth and Volunteering in 2007. She is currently the Deputy Leader of the NSW Opposition and has responsibility for high profile portfolios, thus demonstrating her ability to move beyond the Aboriginal Affairs portfolio and contribute in her own right as a capable and influential politician.¹⁷

It is also encouraging to witness such advancement as the National Congress of Australia's First Peoples¹⁸ and their adopted gender equality principles. Through consultations held by the National Representative Steering Committee, and its subsequent report, 'Our Future in Our hands: Creating a sustainable National Representative Body for Aboriginal and Torres Strait Islander peoples', key recommendations were made for developing a new model for inclusion and representation for Indigenous peoples, ensuring equal participation of Indigenous women in governance and decision making.¹⁹ This gives a clear mandate to ensure that lessons from the ATSIC experience are not replicated under the new model and takes the next step towards placing gender equality at the forefront of decision making and structure. This now needs to be advanced into action for formulating policy positions, advocating for a gendered perspective and holding government to account in implementing actions in line with gender equality and Indigenous participation.

The future for Indigenous women in Australian politics is at a cross-road. There is much more to be done to encourage and support Indigenous women to become a part of the formal political landscape and to place gender equality at the forefront of our development. Through collective positioning, political mobilisation and progress, representation can be achieved at a substantial level by and for Indigenous women. It will require a concerted effort, but these efforts will ultimately see us rewarded with our seat at the top.

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- 1 Michelle Deshong, *The Political participation of Aboriginal women in Australia: An Indigenous feminist perspective* (Honors Thesis, James Cook University, 2008).
- 2 Expert Panel on Constitutional Recognition of Indigenous Australians, *Recognising Aboriginal and Torres Strait Islander People in the Constitution: Report of the Expert Panel* (Canberra, 2012) 177.
- 3 Ibid.
- 4 Tangata Whenua, 'Maori Members of the Parliament' *Tangata Whenua* (online) <<http://www.tangatawhenua.com/maorimps.html>> at 19 October 2010.
- 5 Joris de Bres, *Race Relations in 2011*, New Zealand Human Rights Commission <<http://www.hrc.co.nz/wp-content/uploads/2012/03/1-Introduction.html>>.
- 6 Australian Electoral Commission, *Electoral milestones - Timetable for Indigenous Australians* (24 August 2012) <http://www.aec.gov.au/voting/indigenous_vote/indigenous.htm>.
- 7 Australian Electoral Commission, *Electoral Milestones/ Timetable for Indigenous Australians* (14 February 2012) <http://www.aec.gov.au/voting/indigenous_vote/indigenous.htm>.
- 8 *United Nations Convention on the Elimination of All Forms of Discrimination Against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981).
- 9 Concluding Observations of the CEDAW Committee, 46th session (2010) [35].
- 10 Valerie Bryson, *Feminist Political Theory: An Introduction* (Macmillan Press, 1992) 195.
- 11 Marian Sawyer, 'The impact of Feminist Scholarship on Australian Political Science' (1991) 39(3) *Australian Journal of Political Science* 553.
- 12 ATSIC was the peak national representative body for Indigenous people with both elected regional councillors and ATSIC Commissioners. ATSIC was abolished on 24 March 2005 by the *Aboriginal and Torres Strait Islander Commission Act 1989* (Cth) s3.
- 13 Will Sanders, John Taylor and Kate Ross, 'Participation and representation in ATSIC elections: A ten year perspective' (Discussion Paper No 198, CAEPR, 2000).
- 14 Ibid.
- 15 Aboriginal and Torres Strait Islander Review Committee, Submission to the Review of the Aboriginal and Torres Strait Islander Commission, Parliament of Australia, 2003, 15.
- 16 Megan Davis, 'Indigenous Rights and the Constitution: Making the case for Constitutional reform' (2008) 7(6) *Indigenous Law Bulletin* 17.
- 17 New South Wales Labor Party, *Linda Burney MP* (25 April 2012) <<http://www.nswalp.com/people/electorate-search/linda-burney-mp/>>.
- 18 The *National Congress of Australia's First Peoples* was established in 2010 as the peak national representative body, following national consultations with Aboriginal and Torres Strait Islander individuals, communities and organisations. The first elections for key office holders took place in 2011; National Congress of Australia's First Peoples (Fact Sheet, 2011).
- 19 Australian Human Rights Commission, *Our Future in Our hands: Creating a sustainable National Representative Body for Aboriginal and Torres Strait Islander peoples* (2009) 16.

Fleeting Moments – Waratah

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