

**THE PARLIAMENT OF THE  
COMMONWEALTH OF AUSTRALIA**

**REPORT ON THE LACK OF  
CO-OPERATION BY THE QUEENSLAND  
GOVERNMENT**

**House of Representatives  
Standing Committee on Aboriginal Affairs**

**September 1982**

© Commonwealth of Australia 1982

ISBN 0 644 02194 2

## MEMBERS OF THE COMMITTEE

Mr P. M. Ruddock, M.P., *Chairman*

Mr A. C. Holding, M.P., *Deputy Chairman*

Mr I. M. D. Cameron, M.P.\*

Mr G. Campbell, M.P.

The Hon. R. J. Groom, M.P.

Mr J. L. Scott, M.P.\*\*

Mr G. E. J. Tambling, M.P.

Mr C. W. Tuckey, M.P.

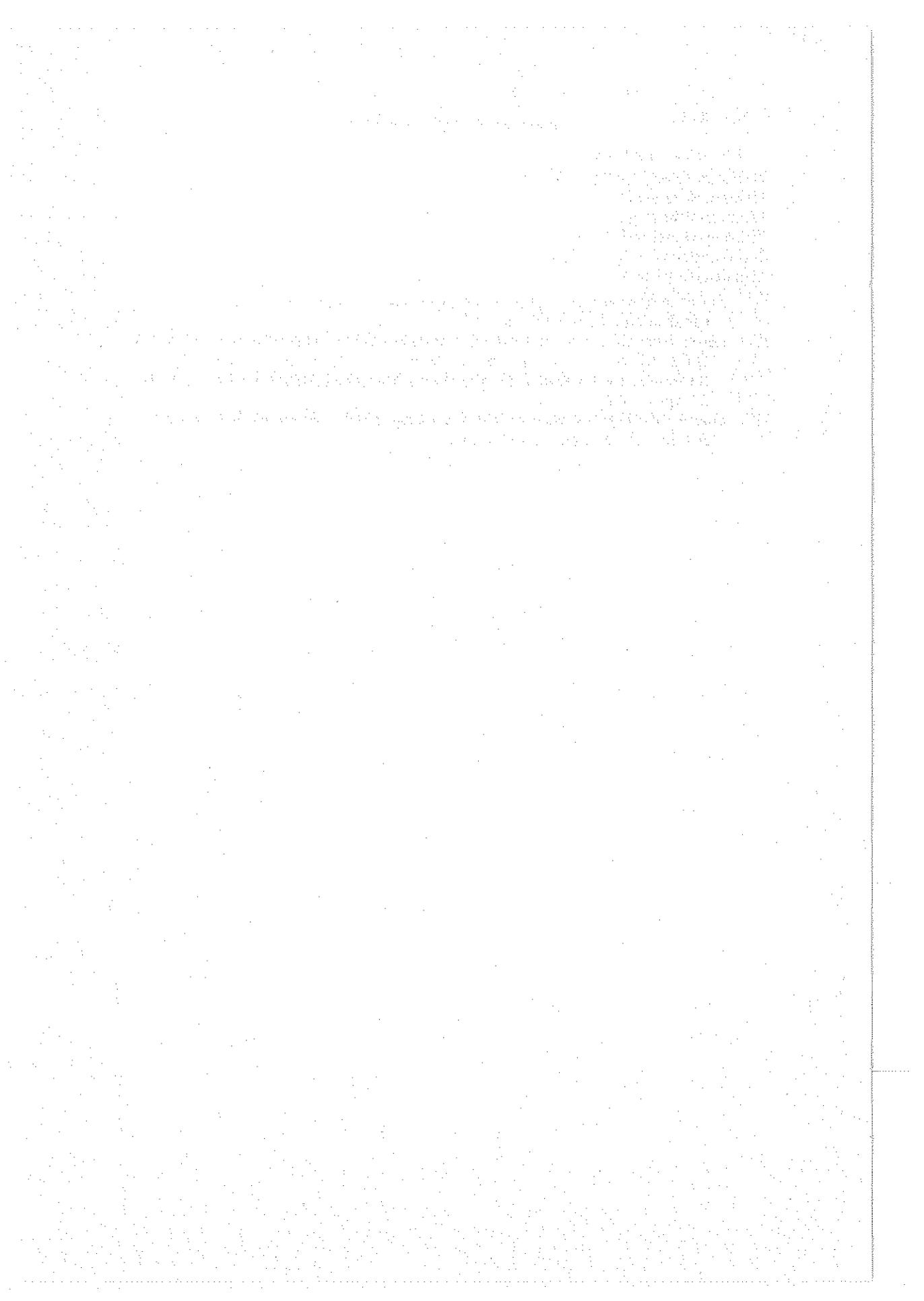
*Acting Secretary to the Committee*—Mr D. R. Elder\*\*\*

\*Mr I. M. D. Cameron, M.P. was nominated to the Committee on 8 September 1982, in place of the Hon.

I. L. Robinson, M.P.

\*\* Mr J. L. Scott, M.P. was nominated to the Committee on 8 September 1981, in place of Mr J. S. Dawkins, M.P.

\*\*\* Mr D. R. Elder acted as Secretary to the Committee in place of Mr P. F. Bergin from 24 August 1982.



# Contents

	<i>Page</i>
The Committee	1
Terms of Reference	1
Conduct of the inquiry	1
Attorney-General's advice	1
Co-operation with Queensland	2
<b>Appendices</b>	
I Terms of reference of Aboriginal education and fringe-dwelling Aboriginal communities inquiries	3
II Letter from the Attorney-General, Senator the Hon. Peter Durack Q.C., to Mr P. M. Ruddock, M.P., Chairman, House of Representatives Standing Committee on Aboriginal Affairs, dated 27 April, 1982	4
III House of Representatives Standing Committee on Aboriginal Affairs—Resolution of Appointment	6

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It highlights the importance of using reliable sources and ensuring the accuracy of the information gathered.

3. The third part of the document discusses the challenges and limitations of data collection and analysis. It notes that while technology has advanced significantly, there are still many obstacles to overcome, such as data privacy and security concerns.

4. The fourth part of the document provides a detailed overview of the data analysis process. It explains how to identify trends, patterns, and anomalies in the data, and how to use this information to make informed decisions.

5. The fifth part of the document discusses the importance of data visualization. It explains how charts, graphs, and other visual tools can help to present complex data in a clear and concise manner, making it easier for stakeholders to understand and act upon.

6. The sixth part of the document discusses the role of data in decision-making. It explains how data can be used to identify opportunities, assess risks, and make strategic decisions that drive organizational success.

7. The seventh part of the document discusses the importance of data governance. It explains how to establish policies and procedures to ensure that data is collected, stored, and used in a responsible and ethical manner.

8. The eighth part of the document discusses the future of data. It explores emerging technologies and trends that will shape the way we collect, analyze, and use data in the years ahead.

9. The final part of the document provides a summary of the key points discussed throughout the document. It emphasizes the importance of data in driving organizational success and the need for a data-driven culture.

### **The Committee**

1. The House of Representatives Standing Committee on Aboriginal Affairs is required to inquire into and report on such matters relating to the circumstances of Aboriginal and Torres Strait Island people and the effect of policies and programs on them as are referred to it by:

- (a) resolution of the House, or
- (b) the Minister for Aboriginal Affairs.

The Committee was first appointed by resolution of the House of Representatives on 16 May 1973. It has been re-appointed in successive Parliaments since then and was appointed for the present Parliament on 3 December 1980.

### **Terms of reference**

2. The Committee is at present conducting two inquiries. One inquiry is into fringe-dwelling Aboriginal communities and the other into Aboriginal education. The terms of reference for both inquiries are set out in Appendix I.

### **Conduct of the inquiry**

3. Both inquiries have been advertised and the Committee has sought the co-operation of the relevant Commonwealth Ministers, State Premiers and the Chief Minister in the Northern Territory.

4. The Chairman wrote to the Queensland Premier seeking the State Government's co-operation with the education inquiry in March 1981, and with the fringe-dwelling inquiry in June 1981. In both instances the Premier responded advising that the State Government did not propose to make a submission to either inquiry or to arrange for State public servants to appear before the Committee. It was stated that both decisions had been made after careful consideration by the State Government. All other State Premiers and the Northern Territory Chief Minister agreed to co-operate with the inquiries.

5. The Committee wrote again to the Queensland Premier expressing its extreme disappointment at his Government's decision not to assist the Committee in its inquiry and asked him to reconsider the decision in regard to the fringe-dwelling inquiry. It was to no avail. The Committee then sought legal advice from the Federal Attorney-General, Senator the Hon. Peter Durack, Q.C.

### **Attorney-General's advice**

6. The Attorney-General's advice, which is at Appendix II, said that because of paragraph 2 of its resolution of appointment (Appendix III), the Committee could seek information from State and Northern Territory Governments solely by way of 'co-operation' with them and that 'the resolution is not intended to confer power upon your Committee to *require* the attendance of State or Northern Territory officers in their official capacity'.<sup>1</sup>

7. The Attorney-General claimed that if the resolution was amended so as to purport to confer powers to compel State and Northern Territory Government officials to appear before the Committee and answer questions and produce official documents, then 'serious constitutional questions would arise'.<sup>2</sup> He referred to an opinion provided to the Parliamentary Standing Committee on Public Works in 1953 by the then Secretary to the Attorney-General's Department which doubted the constitutional power of the Commonwealth Parliament to legislate so as to empower the Committee to summon State officers.

### **Co-operation with Queensland**

8. The Committee is aware of the serious constitutional issues involved and would not seek to compel State officials to appear before it to answer questions and provide information.

9. However, the Committee feels compelled to express in this separate report its extreme disappointment at the refusal of the Queensland Government to provide submissions to the Committee's inquiries and allow State officers to appear before the Committee at public hearings. The Committee is disappointed, not because the lack of co-operation is a slight to it as a parliamentary committee, but because it concerns the future of Aboriginal people.

10. The co-operation of the Queensland Government is of particular importance to the Committee since there are over 46,000 Aboriginal and Torres Strait Island people resident in Queensland, over a quarter of the total Aboriginal population.

11. In developing strategies and making recommendations for future government action on Aboriginal affairs, the input from the responsible authorities in Queensland could be of vital importance. A number of matters arose during the Committee's visit to Queensland on the fringe-dwelling Aboriginal communities inquiry and the Committee saw a number of innovative strategies. Unfortunately it was not possible to pursue these matters with the Queensland Government nor seek additional information on strategies that could well be applied successfully in other States and the Northern Territory.

12. If genuine co-operation and goodwill are exercised on the part of State and Northern Territory Governments with the Committee (and State and Northern Territory Governments, except Queensland, have co-operated generously with the Committee) and worthwhile recommendations are developed as a result of the Committee's inquiries, then Aboriginal people throughout Australia will be assisted and advantaged. The Committee believes that this should be the desire of all governments in Australia, and accordingly, in our view, the destructive posture of the Queensland Government deserves strong condemnation.

September 1982

PHILIP RUDDOCK  
CHAIRMAN

#### Endnotes

1. Letter from the Attorney-General, Senator the Hon. Peter Durack Q.C., to Mr P. M. Ruddock, M.P., Chairman, House of Representatives Standing Committee on Aboriginal Affairs, dated 27 April 1982, p. 2.
2. Attorney-General's letter, p. 1.

## APPENDIX I

### Aboriginal Education

#### Terms of Reference

The Committee has been requested by the Minister for Aboriginal Affairs to inquire into and report on all aspects of Aboriginal education with particular reference to:

1. The educational needs of Aboriginal and Torres Strait Island people including the effect on these needs of environmental, social and cultural factors.
2. Means of promoting wider and more effective participation of Aboriginal and Torres Strait Island people at all levels in the development and implementation of appropriate programs and curricula.
3. The most effective methods of providing appropriate education for Aboriginal and Torres Strait Island people at all levels, having regard to the expressed needs of the Aboriginal communities and organisations and to the respective responsibilities of—
  - (a) the State, Northern Territory and Commonwealth Governments; and
  - (b) Aboriginal communities and other agencies administering Aboriginal education programs.
4. The effectiveness of funding arrangements, including
  - (a) whether the best use is made of available funds; and
  - (b) whether present priorities as between States Grants and Grants-in-Aid are appropriate.
5. The effectiveness of existing programs and special support schemes including—
  - (a) Aboriginal student assistance schemes;
  - (b) enclave support schemes;
  - (c) independent Aboriginal schools;
  - (d) bilingual and bicultural education programs; and
  - (e) pre-employment and vocational training courses.
6. The recruitment and training of Aboriginal and non-Aboriginal teachers and teacher assistants.

### Fringe-Dwelling Aboriginal Communities

#### Terms of Reference

The Committee has been requested by the Minister for Aboriginal Affairs to inquire into and report on:

The economic and social problems of Aboriginal communities and groups living on the fringes of cities, country towns and other communities, and the development of strategies to overcome these problems.



ATTORNEY-GENERAL  
 PARLIAMENT HOUSE  
 CANBERRA A.C.T. 2600

27 APR 1982

Dear Mr Ruddock,

I refer again to your letter dated 17 December 1981 in which you ask whether your Committee has power to summon State Government officers to appear before it in relation to its inquiry into fringe-dwelling Aboriginal communities.

You have drawn my attention to statements in Pettifer's House of Representatives Practice (1981) suggesting that action by a Parliamentary committee to seek to compel State officers to give evidence before it could pose special problems. The statements refer to an opinion furnished to the Parliamentary Standing Committee on Public Works ('the Public Works Committee') in 1953 by the then Secretary to the Attorney-General's Department (Professor K.H. Bailey) in which he doubted the constitutional power of the Commonwealth Parliament to legislate so as to empower the Committee to summon State officers.

In my view, that constitutional issue does not arise in relation to the present resolution since I do not think it purports to confer power to require the attendance of State officers in their official capacities.

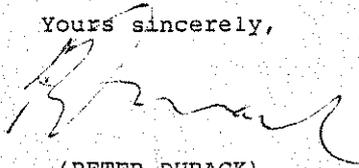
The resolution by which your Committee was established (paragraph (1)) requires it to inquire into and report on such matters relating to the circumstances of Aboriginal and Torres Strait Island people, and the effect of policies and programs on them, as are referred to it by resolution of the House or by the Minister for Aboriginal Affairs. You have informed me that your Committee's inquiry into fringe-dwelling Aboriginal communities is the result of a reference to the Committee by the Minister for Aboriginal Affairs on 20 May 1981. Paragraph (12) of the resolution confers power upon your Committee 'to send for persons, papers and records'. However, paragraph (2) of the resolution requires your Committee to 'recognise the responsibility of the States and the Northern Territory in these matters and to seek their co-operation in all relevant respects'. I think that it must be inferred from paragraph (2) that information from State and Northern Territory Governments

.../2

is to be sought solely by way of 'co-operation' with them, and that the resolution is not intended to confer power upon your Committee to require the attendance of State or Northern Territory officers in their official capacities.

If the resolution were amended so as to purport to confer powers to compel the attendance of such officers, and to compel them to answer questions or to produce official documents, serious constitutional questions would arise, as indicated above. However, it is not necessary for present purposes to express views on those matters.

Yours sincerely,



(PETER DURACK)

Mr P.M. Ruddock, M.P.,  
Chairman,  
Standing Committee on Aboriginal  
Affairs,  
Parliament House,  
CANBERRA. A.C.T. 2600

## APPENDIX III

### Resolution of Appointment House of Representatives Standing Committee on Aboriginal Affairs Thirty-Second Parliament

1. That a Standing Committee be appointed to inquire into and report on such matters relating to the circumstances of Aboriginal and Torres Strait Island people and the effect of policies and programs on them as are referred to it by—
  - (a) resolution of the House, or
  - (b) the Minister for Aboriginal Affairs.
2. That the committee recognise the responsibility of the States and the Northern Territory in these matters and seek their co-operation in all relevant aspects.
3. That the committee consist of 8 members, 5 to be nominated by either the Prime Minister, the Leader of the House or the Government Whip and 3 to be nominated by the Leader of the Opposition, the Deputy Leader of the Opposition or the Opposition Whip.
4. That every nomination of a member of the committee be forthwith notified in writing to the Speaker.
5. That the members of the committee hold office as a committee until the House of Representatives is dissolved or expires by effluxion of time.
6. That the committee elect as Chairman of the committee one of the members nominated either by the Prime Minister, the Leader of the House or the Government Whip.
7. That the committee elect a Deputy Chairman who shall perform the duties of the Chairman of the committee at any time when the Chairman is not present at a meeting of the committee and at any time when the Chairman and Deputy Chairman are not present at a meeting of the committee the members present shall elect another member to perform the duties of the Chairman at that meeting.
8. That the committee have power to appoint sub-committees consisting of 3 or more of its members and refer to any such sub-committee any matter which the committee is empowered to examine.
9. That the committee appoint the Chairman of each sub-committee who shall have a casting vote only, and at any time when the Chairman of a sub-committee is not present at a meeting of the sub-committee the members of the sub-committee present shall elect another member of that sub-committee to perform the duties of the Chairman at that meeting.
10. That a majority of the members of a sub-committee constitute a quorum of that sub-committee.
11. That members of the committee who are not members of a sub-committee may take part in the public proceedings of that sub-committee but shall not vote or move any motion or constitute a quorum.
12. That the committee or any sub-committee have power to send for persons, papers and records.
13. That the committee have power to move from place to place.
14. That any sub-committee have power to move from place to place, adjourn from time to time and to sit during any sittings or adjournment.
15. That the committee or any sub-committee have power to authorise publication of any evidence given before it and any document presented to it.
16. That the committee be provided with necessary staff, facilities and resources.
17. That the committee in selecting particular matters for investigation take account of the investigations of other Parliamentary committees and avoid duplication.

**18.** That the committee have leave to report from time to time and that any members of the committee have power to add a protest or dissent to any report.

**19.** That the committee or any sub-committee have power to consider and make use of the evidence and records of the Standing Committees on Aboriginal Affairs appointed during previous Parliaments.

**20.** That the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

