



# HOUSE OF REPRESENTATIVES

**STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS**

**Reference: Greater autonomy for Torres Strait Islanders**

**CANBERRA**

**Wednesday, 28 May 1997**

**OFFICIAL HANSARD REPORT**

**CANBERRA**

HOUSE OF REPRESENTATIVES  
STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT  
ISLANDER AFFAIRS

Members:

Mr Lieberman (Chair)

Mr Albanese	Mr Lloyd
Mr Campbell	Mr Marek
Mr Dondas	Mr Melham
Mr Entsch	Dr Nelson
Mr Holding	Mr Pyne
Mr Katter	Mr Quick
	Mr Tony Smith

Matter referred for inquiry into and report on:

Whether the people of the Torres Strait would benefit from a greater degree of autonomy;

If so, what forms should a greater degree of autonomy take; and

What implications would greater autonomy have for Torres Strait Islanders resident outside the Torres Strait region including whether the Aboriginal and Torres Strait Islander Commission or the Torres Strait Regional Authority should represent the interests of such residents.

## WITNESSES

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<b>MENHAM, Mr James George, Adviser, Torres Strait Islander Advisory Board, MLC Tower, Woden, Australian Capital Territory 2607</b>	<b>531</b>
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<b>MORONY, Mr Ronald Arthur, General Manager, Aboriginal and Torres Strait Islander Commission, MLC Tower, Woden, Australian Capital Territory 2606</b>	<b>531</b>
<b>WAIA, Mr Terry, Chairperson, Torres Strait Islander Advisory Board, PO Box 17, Woden, Australian Capital Territory 2606</b>	<b>531</b>

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STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT  
ISLANDER AFFAIRS

*Greater autonomy for Torres Strait Islanders*

CANBERRA

Wednesday, 28 May 1997

Present

Mr Lieberman (Chair)

Mr Campbell

Mr Lloyd

Mr Dondas

Mr Marek

Mr Entsch

Mr Tony Smith

Mr Holding

The committee met at 4.24 p.m.

Mr Lieberman took the chair.

**CHAIR**—Ladies and gentlemen, I would like to open this public meeting on greater autonomy for Torres Strait Islanders. I warmly welcome all the witnesses, their supporters and fellow members of the Torres Strait Islander Corporation in this area, and some members of the press and public. We have some teachers who are doing a study and they are most welcome too.

This is expected to be the last public hearing on this inquiry. We have received 41 written submissions to the inquiry and have held very extensive public hearings and discussions with Torres Strait Islanders in the region and in various places on the mainland.

We are now reaching the most challenging part of the inquiry, where we have to analyse carefully the written submissions and transcripts of the public hearings and informal meetings we have had and use that information to address the terms of reference given to us by the minister. We expect to complete the drafting of our report in July this year.

I am very pleased to have the opportunity to talk to members of the Torres Strait Islanders Corporation from the Canberra region. You are most welcome today and I look forward to hearing you expand your submission. Because of time constraints we have another schedule of witnesses at five o'clock and then members are committed to go to other places in the parliament. Are you happy and comfortable that the four people at the table be the ones who speak for all of you?

*Members of public nodded agreement.*

**CHAIR**—I can see you would be happy because, obviously, they are going to present the case very well. I do not want to deny you the right to see us today. If you are happy, the four will speak for all of you. Thank you for your cooperation. If we had more time today we would probably expand it a little bit. Thank you for helping the committee out in that regard.

[4.26 p.m.]

**BATZKE, Mr Hans, Member, ACT Torres Strait Islander Corporation, 24 Drysdale Circuit, Kambah, Australian Capital Territory 2902**

**BATZKE, Mrs Yohan, Member, ACT Torres Strait Islander Corporation, 24 Drysdale Circuit, Kambah, Australian Capital Territory 2902**

**BIN-JUDA, Ms Leilani, Chairperson, ACT Torres Strait Islander Corporation, 24 Drysdale Circuit, Kambah, Australian Capital Territory 2902**

**BON, Mr Noel Ronald Warren Beizam, Board Member, ACT Torres Strait Islander Corporation, 24 Drysdale Circuit, Kambah, Australian Capital Territory 2902**

**CHAIR**—Welcome. You have given us a submission already and we thank you for that. Do you have any amendments or additions that you wish to make to the submission? Would you like to make an opening statement?

**Ms Bin-Juda**—We are happy for you to ask questions, and we will then expand on them, if that is okay.

**CHAIR**—We are happy with that. Getting right to the nub of it, we are anxious to get your advice on how we may increase the autonomy for the Torres Strait Islanders, both on the mainland and in the Torres Strait. What do you think is the best way of increasing the autonomy for the Torres Strait Islanders?

**Mr Bon**—They are already moving towards self-government in their own right anyway. With the establishment of the TSRA a couple of years ago, they have moved to a greater extent to having more autonomy and more power than the normal regional councils. They have already taken partial steps towards almost complete autonomy. I do not think the issue of whether Torres Strait should become an autonomous region or not is a problem for any of us on the mainland. We all agree that we would like to see Torres Strait become an autonomous state. What form that will take is another thing that needs to be discussed. I do not think there is any real major problem with what we are trying to get to here.

**Ms Bin-Juda**—I would like to add an important point there. If the Torres Strait people were to achieve greater autonomy, our particular needs on the mainland should not be overlooked. If I could refer to point 2(b), TSIAB and TSIRA are looking at the possibility of a separate islander commission. If that happens then there are wider implications for us on the mainland in respect of acknowledging the diversity within our communities and that we have mixed marriages and other sorts of cultural diversities involved in our communities. A separate islander commission could actually have implications.

**CHAIR**—You have opened up an area that I wanted to explore with you. From your research and knowledge of this area, how many of your people, Torres Strait Islander people, live in the ACT, in this region?

**Mr Bon**—There are between 60 and 70 people living in the ACT region.

**CHAIR**—Right.

**Ms Bin-Juda**—We have just established the ACT Torres Strait Islander Corporation and we have approximately 40 members on that. We incorporate not only the ACT but Queanbeyan and the surrounding districts. There could be people out there who we do not know about because we have only just started up, we are fairly new. I am not too sure of the exact number.

**CHAIR**—I take it from what you said that you would like the committee to bear in mind that if a separate organisation is created to deal with the question of giving greater autonomy to Torres Strait Islander people, that that organisation either has to be responsible for all Torres Strait Islanders, both on the mainland and in the islands, or there has to be some arrangement for some other organisation to be available for the Torres Strait Islanders.

**Mr Bon**—To look after issues for the mainland Torres Strait Islanders?

**CHAIR**—Yes.

**Mr Bon**—Yes, it is a concern of ours. There has always been the implication with the regional councils and Aboriginal communities—this is not just with the ACT, it is Australia-wide—that Torres Strait Islanders get two and three bites of the funding cherry, which is just not a realistic comment to make. The avenue might be there, but for Torres Strait Islanders living on the mainland, particularly outside Queensland, we do not make up enough numbers on regional councils to sit there and be able to push for funding for something that we want to do. It is not an avenue we can get funding from, as a general rule.

That only leaves us with the option of going directly to the government department, and ATSIC generally does not want people going directly to the department, they prefer people to go through the regional councils, or, if there was a separate authority set up in the Torres Strait, the other option would then be for us, if we wanted to get funding, to actually go through them.

The biggest problem with that is that you would end up with an organisation that has approximately 30 per cent of the Torres Strait Islander population, those who still live in the Torres Strait. The remaining 70 per cent are spread out over the whole of the mainland.

**Mrs Batzke**—Just to go back to your original question on what autonomy we see the Torres Strait taking, it is important to note that at present a lot of the fishing industry is not controlled or owned by the Torres Strait Islander people themselves. There are other stakeholders involved in this and most of them are non-indigenous people. In relation to that response, our corporation would actually see greater autonomy in sea rights, in having total control of that particular infrastructure. If they were to go towards self-government, at least they would have that financial infrastructure to support themselves.

**Mr ENTSCHE**—With regard to the fishing rights, it is my understanding that TSIRA actually controls all of the licenses with regard to beche-de-mer, trochus, cray and general fishing, the exclusion being prawn

trawling. All the other fishing rights within the Torres Strait protected zone are totally controlled by the TSIRA and there is a requirement that they can only be held by Torres Strait licensees.

**Mr Bon**—To a certain extent, that is true. The problem is that the TSRA is still part of Queensland and would still have to apply any Queensland fishery rules overarching anything that they do. It is still part of Queensland and we cannot get away from that particular point.

**Mr ENTSCHE**—I do not quite understand.

**Mr Bon**—Ultimately, it is my belief that Torres Strait Islanders are looking at—if they are going to move to a separate authority that looks after their issues up in the Torres Strait—some sort of territory where they have proper control over their own resources rather than having to worry about whatever the particular concern of the Queensland government is.

**Mr ENTSCHE**—Given that that is the way you feel it needs to go and they become a separate state or a separate territory—I guess that is what you are suggesting would happen—do the people who have relocated to other areas on mainland Australia, which is not Torres Strait homeland, get picked up then in a broader community? Should they be the responsibility of the state that they came from? As a Queenslanders, if I move to Western Australia, I am looked after in Western Australia.

**Mr Bon**—That is right.

**Mr ENTSCHE**—I am not quite sure how you are going to be able to—

**Mr Bon**—By all rights, we are still part of the ATSIC regional council structure. To a certain extent, as Torres Strait Islanders living on the mainland, we have to look to the regional councils for the majority of our funding. I do not deny that there are problems with us trying to do that but that is just the reality of the situation.

The only real issue that mainland Torres Strait Islanders are going to have with the Torres Strait becoming a territory in its own right is going to be things where, as in my case, I still have land back up in the Straits. Whatever happens there, it would be the same as you owning land in Queensland, even though you were living in Western Australia. You are still going to have an interest in that and, naturally enough, an interest in what the Queensland government would be doing that might affect your land.

**Mr ENTSCHE**—Yes. There is quite a lot of funding and a large allocation of it is to allow for the remoteness and the provision of services and a whole range of things which need to be done in the Torres Strait. Opportunities up there for economic advancement are very difficult so there are special needs that need to be addressed. Do you feel that once you are living in another part of the country your needs are not being addressed adequately?

**Mr Bon**—No, not under the current structure of the regional councils.

**Mr ENTSCHE**—I am talking also about it within the broad Australian community.



**Mr Bon**—Our needs are not being any better met than any other Aboriginal organisation, as a whole. To a certain extent, I believe that is a slightly irrelevant question. We are here on the mainland and we are treated the same as any other indigenous group on the mainland. We have the same levels of access to funding and there is internal stuff within Aboriginal organisations that we have to deal with but we are the ACT Torres Strait Islander Corporation. This is where we live and this is where we get all our bits and pieces from.

**Mr ENTSCHE**—I am not talking about ATSIC funding here; I am talking about broader funding that is available to all other Australian citizens. Is there any access there that you feel you are not getting as well?

**Mr Bon**—No. I am the sort of person who does not let that sort of thing worry me. I cannot speak for other people here.

**Mrs Batzke**—We need to look at the bigger concept too, besides sea rights and total autonomy, as that type of thing is only a part of it. If we are looking in the broader context of the whole situation, we also have to take into consideration policy development for both mainland and homeland Torres Strait Islanders. At present, under the given structure that OTSIA now exists in, that really does not happen so far as policy development for mainland Torres Strait Islanders.

You will find that our concerns and issues are often lost within the realm of everything else that happens within the government departments. If greater autonomy were to take place, it would also be in the area of policy development. I understand that the Torres Strait Regional Authority has its own health strategy and is moving towards giving greater autonomy back to the Torres Strait Islanders in relation to their own health needs.

But it is also lacking in other areas. That is where we come into the bigger picture, as far as policy development is concerned for us here on the mainland. We do not have representation at the high degree we would like it to be at. If greater autonomy were to take place, it would be possibly in the restructuring of OTSIA. Roles and responsibility could be changed: whereas it had been a monitoring, evaluation and reporting body, its role could now be one of policy development, implementation and total control of that.

**Mr HOLDING**—One of the views that was put to us by Islanders in various parts of Queensland was that a lot of them really constitute almost a permanent minority within the framework of ATSIC, and that, given the fact that your heritage and culture are different, there ought to be a separate structure for mainland Islanders. That also poses the question of how you are going to link that structure in terms of policy formulation—assuming a new, more independent structure on Torres Strait Island itself. Can I get some comment on that?

**Mr Bon**—The only real concern I would have about a separate structure is that there is a limited bucket of money and, if we are going to set up another structure, you are looking at more people who are going to have to be employed. That means more money being poured into administrative dollars, rather than into cutting edge, coalface programs.

**Mr HOLDING**—It does not necessarily follow that your structure has to be larger in terms of

servicing. Presumably, ATSIC, to the extent it would have less responsibility in terms of servicing, would have positions relevant to that.

**Mr Batzke**—The question of efficiency and effectiveness comes into it. If we are going to be concerned with just the economic side of it, we are still going to undermine the rights of the mainland Torres Strait Islanders. Let us face it: 20,000 Torres Strait Islanders are within Australia, compared with 7,000—this is just to round figures—in the homeland. If we propose a restructuring, it is going to cost money, but the rights of the mainlanders have got to be acknowledged. This would require a separate structure. The current system is not working in that regard. This comes to your question about being a minority within a minority in Australia.

**Mr HOLDING**—Islander leadership was very strong in the view that there ought to be a permanent sort of bridge. They referred to people like yourself who have land there. They believe it is important that the culture and the tradition ought to be sustained. That raises the question of how you do that. There was a suggestion that perhaps there ought to be a conference, in which mainland Islander communities were represented on some sort of basis, for the formulation of policy.

People stopped short of saying to what extent that would be binding. But you are in a unique position, compared with other Australian citizens. I am a Victorian and always have been; but, if I move to New South Wales, I am a New South Welshman. If I go to the Northern Territory, I am a Territorian—but that does not mean I will stop barracking for Collingwood Football Club.

**Mrs Batzke**—This often gets mixed up, in comparison with indigenous cultures. The one common denominator we have is that we can mingle into society wherever we are and still be a part of it. The thing that holds us close to home is what is here, and that is our culture, our tradition and who we are. Being on the mainland itself, if we were to have another separate commission, there would be ramifications to that.

Most of us here have mixed marriages of both Torres Strait Islander and Aboriginal people. Our concern is that, if TSIAB and OTSIA in their submissions propose that a separate commission be developed, then it leaves us in the hot spot in relation to our co-existence with our fellow Aboriginal brothers and sisters. Many of us have mixed marriages and we accept our Aboriginality, but we identify with and acknowledge our Torres Strait Islander heritage just the same.

**Mr HOLDING**—This argument was also put to us in Townsville by people who were involved in mixed marriages. They made no apology for the fact that their children were the inheritors of both Aboriginal and Torres Strait Island culture. It is really a matter of trying to get a formulation. It is not for us to make a determination for you. It is really a question of dropping the ball into your court and asking you what you want.

**Mrs Batzke**—I think that is where our proposed structure comes into play, with the upgrade of OTSIA within ATSIC itself, and the actual upgrade of TSIAB from an advisory to an elected body, to give it more.

**CHAIR**—I think Mr Campbell has been very patient.

**Mr CAMPBELL**—Your 20,000 Islanders in Australia have all the rights of every other Australian citizen. Why are you entitled to any rights in the Torres Straits other than property rights? Would not your property rights be much better protected by the status quo or a Torres Strait regional council than by going to greater autonomy, which could actually threaten your property rights? What rights do you consider you have, other than property rights?

**Mrs Batzke**—That is true.

**Ms Bin-Juda**—When you mention property rights, does that include sea rights, or just land?

**Mr CAMPBELL**—There are no sea rights in Australia. It has never been granted and it has never been recognised at all. It is just an odd issue. If you are talking about ownership of land there, and you have title to land, that is property; but no-one owns the sea.

**Mr ENTSCH**—That is an argument that has been disputed. There has been no determination on that.

**Mr Bon**—It is an argument we will leave to a later date.

**Mr ENTSCH**—Otherwise, we are going to get locked into hypotheticals. The reality is that there is ownership of the land, and we are dealing with what is in existence right now.

**Mr CAMPBELL**—I assume, when you are talking about rights, that you are talking about land which you have title to in the Torres Strait under Queensland law. Is that right?

**Mr Bon**—That is what I believe. I am not exactly sure what the Queensland legislation says on whether we do actually own the land. I would not like to comment on what the Queensland government is thinking.

**Mr CAMPBELL**—You need to protect your property rights. I think that is reasonable; but what rights beyond that do you need to protect? It seems to me that they are protected under the status quo and they would still be protected if you had a Torres Strait regional council. If you go beyond that, I think you are starting to go down a dangerous road in respect to your own property rights.

**Mr HOLDING**—Accepting that Torres Strait Islanders own their land and have a heritage there which preceded the creation of the state of Queensland.

**Mr CAMPBELL**—That may be interesting, but it is also highly irrelevant.

**CHAIR**—To keep the parties in their corners, I would like to refocus. The committee's terms of reference ask us to consider the question of greater autonomy. To me, the message we have been getting, and which I believe in my own heart, is that we are really being asked the principal question of how the people of the Torres Strait Islands can have a greater say over their future and everyday affairs. In essence, that is the principal challenge, rather than getting into broader arguments of what rights people have in Australia—which is an important issue. Can I focus on that? Graeme, if you would not mind—

**Mr CAMPBELL**—I have no option.

**CHAIR**—You can come back on it, but I would like to focus on how you think your people can have a greater say over the decisions made that affect their lives.

**Mr Bon**—This is one of the reasons we would like to see the Torres Strait region have more authority in the area where they are, that they are in effect a government, whatever state that might become. By doing that they have actually got some sort of control; the ball is back in their court and then they become responsible for their own future. I think that is something that they do want, to cut the ties with the Queensland government and say, ‘Look, we can look after ourselves.’

**Mr CAMPBELL**—What about independence then? Why not rely on foreign aid rather than social security?

**Mr Bon**—Because independence, Mr Campbell, is unrealistic.

**Mr CAMPBELL**—There are lots of very small Micronesian islands.

**Mr Bon**—Yes there are, and they have to rely on an economy which relies generally on tourism, and though that is very viable—

**Mr CAMPBELL**—Or foreign aid.

**Mr Bon**—I would not like to see the Torres Strait region having to rely purely and solely on the wishes of people wanting to have a holiday.

**Mr CAMPBELL**—I agree with you; I think that is very wise. But what I am trying to get at is why you should have any more rights than the Abrolhos Islands or Kangaroo Island?

**Mr Bon**—I do not believe that we are asking for any more rights. The people there have lived there for X period of time. They believe that they are capable of looking after their own affairs. All they are asking is that they are given the chance to look after their own affairs.

**Mr CAMPBELL**—But doesn't local government give a lot of that? Local government deals with the nitty-gritty of living.

**CHAIR**—Can I just interrupt again. I want to make it clear that from the evidence we have had so far from so many people, from Torres Strait Islanders on the islands and on the mainland, I think I can accurately say—and it is on the public record—that they have unanimously said, ‘We wish to remain part of Australia and are proud to be that. We do not wish to separate from this country. We want to remain part of it.’

**Mr CAMPBELL**—Mr Chairman, people on—

**CHAIR**—I just want to mention that because that is the clear message.

**Mr CAMPBELL**—They also said overwhelmingly that they wanted to run their affairs and they did not want to be run by the mainland.

**Mrs Batzke**—I put this question to you, Mr Campbell: do you believe that the Torres Strait Islander people are able and willing to look after their own affairs? The problem with non-indigenous persons—and I do not care who they are—is that they often feel that they have the right to determine how they can run someone else's life. Then when people are given the opportunity to take ownership and show that they can lead and can live an autonomous life, it is in question. What we are talking about here is the right to control our own destiny and wellbeing with the current infrastructure. They are not talking about changing anything else, but giving full autonomy in decision making. At present we have a lot of Islanders in there who are just token blacks. That is the plain truth.

**Mr CAMPBELL**—But at what level of decision making? I have absolute no problem with full and totally responsible local government. That is a lot of power—in fact, enormous power; it probably impinges on people's everyday lives more than any other form of government. If you want to go beyond that, remember that in 1975 you had an option. You could have voted and become independent, then you could have had total autonomy.

**Mr Bon**—I do not believe we would have had the option of being independent. We were either going to Papua New Guinea or we were staying with Australia. I do not believe there was anything about independence.

**Mr CAMPBELL**—That is a choice. I think it should be on the agenda.

**CHAIR**—I have two members seeking questions. Mr Marek has the call, then Mr Dondas.

**Mr MAREK**—There is a public perception that the Torres Strait Islanders play a very important role up there—they look out for illegal fishing and keep an eye out for those sorts of things and diseases coming into the country—and Australia is very thankful for the fact that there are people in the Torres Strait islands. You talk about moving to a separate state or territory. If you had a separate state or territory, you would be 100 per cent autonomous. Is it fair to say that ATSIC should then be abolished and the state or territory—whatever it would be—would then have to compete for grants from the Commonwealth, just like any other state or territory? Would you accept that? Because, don't forget, once you become a state or territory, that is you, up there, and all of a sudden there is no ATSIC anywhere else in the country so you are responding to the same rules and regulations as everybody else.

**Mr Bon**—The only real problem there is that, if the Torres Strait does become a separate region in its own right, it performs the same functions as other state and territory governments. Its responsibility is the region and the area that they have defined as their operational area. For Torres Strait Islanders living outside that area—like the examples we have already had today of Queenslanders living in Western Australia and Victorians living in New South Wales—we will, as Torres Strait Islanders living on the mainland, fall under exactly the same situation.

**Mr CAMPBELL**—There will not be a place for you in such a regime, I can tell you.

**Mr MAREK**—Going back a step in relation to ATSIC, do you consider that ATSIC serves you fairly, knowing very well that ATSIC has the ability to often in more ways than one—and I use the word very freely—stack it towards the Aboriginal people so that the Torres Strait Islander people miss out? Would you then comment on the fact that the Torres Strait Islander people do not get fairly treated in relation to grants and those sorts of things from ATSIC?

**Mr Bon**—I am not going to try and speak on this particular issue for anyone else, bar myself. My personal view is that, if Torres Strait Islanders living on the mainland want to get funding from regional councils, they need to be more active in those regional councils. We should not just rely on, ‘Yes, we have a moral right to this money.’ We need to sit there and be as politically active as any other politician is in the country. If we are going to represent our region we cannot just represent Torres Strait Islanders. We also have to represent Aboriginal people in those regions. If we want to get on those councils we have to get their votes as well as Torres Strait Islander votes.

**Mr MAREK**—While we were up in the Torres Strait we spoke to many different people up there. They said all the funding should go to the Torres Strait. No funding should go anywhere else; it should go there. If the people of the Torres Strait want that money, they have to come back to the Torres Strait.

**Mr Bon**—Yes.

**Mrs Batzke**—That is where we have concerns and that is where as a corporation we envisage TSIAB’s role to actually be elevated to represent us here on the mainland.

**Mr MAREK**—As you can see, we have travelled the country very extensively.

**Mr Bon**—Also, the other thing with that too is: is that the view of the previous chairman of the TSRA or is it the view of the current chairman of the TSRA?

**CHAIR**—I do not want to get into that. Can I just crystallise this before I call on Mr Dondas. As I understand it, you are saying you would like to see the Torres Strait Islanders in the homeland have more say and their own organisation.

**Mr Bon**—That is correct.

**CHAIR**—You would like as mainland Torres Strait Islanders to ensure that, if that should happen, that some organisation in Australia linked with the Commonwealth parliament is empowered and given the responsibility to ensure that Torres Strait Island mainlanders’ interests are also taken into account.

**Mr Bon**—Yes.

**CHAIR**—You tell me that you perhaps could still live with ATSIC doing that, but you feel that there needs to be a revamp if that is the case. Is that it, in essence?

**Mr Bon**—Yes.

**Mr DONDAS**—How has ATSIC failed you as Torres Strait Islanders in Australia?

**Mr Bon**—The commission or the regional councils?

**Mr DONDAS**—I am just talking about ATSIC in plural.

**Mr Bon**—The whole body.

**Mr DONDAS**—Yes.

**Mr Bon**—The problem is mainly with the regional councils. The board of ATSIC is made up of people from those regional councils and they reflect whatever view those regional councils have as a general rule. The problem is that I have had criticisms from Aboriginal people in states other than Queensland. As far as they are concerned, we are a Queensland issue and a Queensland problem and, if we want to sit there and get any funding, we go to Queensland or the Torres Strait.

The view has come around for the simple reason that there is a perception—whether it is true or not—that there is not enough money to go around for everything that may need to be fixed. Naturally enough, most of the people on the regional councils—and it is an unfortunate reality of Aboriginal politics—have relationships with other people in their communities, whether they are uncles or aunts. Quite often on the regional councils all of them are family members. They are more concerned with helping their own particular families than they are going to be concerned with helping Torres Strait Islanders with issues that Torres Strait Islanders have in those regional areas. I do not blame them for doing that. It is just a reality of the situation.

**Mr Batzke**—I had the opportunity of working with some Aboriginal corporations in Cairns with their Torres Strait Island housing co-ops. When the co-ops have to bid for funds for housing, Torres Strait Islander co-ops were at the bottom of the list. They were bypassed. It is the Aboriginal cooperatives that got all the funding. That is one of the areas that I know personally. I have had experience where funds were not going to the right place on an equitable basis and that is within the ATSIC framework.

**Mr DONDAS**—Are there any examples of other services? You gave an example in terms of housing but are there any other services where nepotism has played a higher role?

**Mr Batzke**—It is business enterprises as well.

**Mrs Batzke**—I think you have to look at it holistically.

**Mr CAMPBELL**—In my electorate we have large concentrations of Torres Strait Islanders and they get no look-in whatsoever.

**CHAIR**—Mr Dondas has the floor.

**Mr DONDAS**—I noticed the clock and I will be brief. If a recommendation of this committee was that there be more autonomy granted to the Torres Strait Islanders and a mechanism was found, and that recommendation from this committee was accepted by the minister and the government, how would you see people on the mainland from the Torres Strait being represented on a Torres Strait regional authority, for example?

**Mrs Batzke**—That is in our proposal.

**Mr DONDAS**—How do you do it?

**Mrs Batzke**—Through TSIAB itself. It would be the voice of the mainland Torres Strait Islanders for implementation of policy and programs. It would receive funding for us here on the mainland for programs in the area of health, education, housing or whatever.

**Mr DONDAS**—In your policy document that we have here, do you have numbers? Should it be a 25-member council, a 30-member council or a 50-member council?

**Mr Batzke**—We prefer to keep TSIAB the way it is at the moment with a representative from each state on a full-time basis, with staff. It would depend on size but it could be two members to service the whole state because there is not much population in Australia.

**Mr DONDAS**—So you have seven regional members including the states and territories. How many members would you have from the Torres Strait?

**Mrs Batzke**—The Torres Strait would have their commissioner on that board with TSIAB.

**Mr DONDAS**—Are you saying all the power comes back to the Australian contingent?

**Mrs Batzke**—No.

**Mr DONDAS**—That is what you are inferring.

**Mrs Batzke**—No. What we are saying is that TSIRA be in control of the homeland region and the affairs there and that TSIAB be in control of the mainland affairs here. Whoever is our commissioner for TSIAB and the commissioner for the Torres Strait under TSIRA would actually sit on the board of commission so we have equal representation. We have had commissioners in the past who are of Torres Strait Islander descent from other metropolitan areas but, then again, their voice is not heard over 10 to 12 other commissioners.

**Mr DONDAS**—Let me take it one step further. If you had equal representation on your board and, for example, a decision needed to be made in terms of providing health infrastructure on some of the islands within the Torres Strait, and the funding levels needed to be decided by people living in Canberra, Perth, Melbourne, Sydney, Brisbane or Darwin where hospitals exist and where there are rural and remote health services provided to the general community, how do you see yourself playing a role in making a decision that



the funds go into the remote areas of the Torres Strait?

**Mr Batzke**—Because the Torres Strait is a separate entity on its own. The TSIRA board will make a recommendation and they will do the implementations. TSIAB has nothing to do with the Torres Strait region itself.

**Mr DONDAS**—How does it benefit you here in Canberra? How does more autonomy for the Torres Strait benefit you?

**Mrs Batzke**—In a sense, most of our needs will be acknowledged more so than before because, at the moment, a lot of policies are often done on a traditional rule and not on an urban setting. You find that, whether we be Aboriginal or Islander in metropolitan areas, our needs on a health, education, housing and training level are often lost with things that are taken care of in the remote areas.

**Mr HOLDING**—If your child is sick, you will use the local hospital in Canberra. They are probably going to the local schools. There is a range of facilities and choices for you here that your colleagues on the islands do not have. Therefore, primarily what has been put to us is that your interest is in the maintenance of the culture, the tradition and the religion. The suggestion that came out of the Torres Strait Islands is that you need to have some kind of national conference which enables participation in terms of those sorts of issues. In terms of limited resources, the actual day-to-day management of what occurs on a particular island in terms of island culture is related to the people who live on those islands and is an overall governing situation. Can you legitimately ask for more than a participation in the broad policy formulations?

**Mr Bon**—I do not believe we really have asked for any more. As mainlanders, we accept that there are limitations on what we can and cannot do.

**CHAIR**—That is what I understood you to be say about it.

**Mr ENTSCH**—You are talking about a separate territory. There is a population up there of less than 8,000 people, which is equivalent to a very small town. When we talk autonomy, the TSRA and ICC and local councils already have a considerable control over the day-to-day running of the islands. They are in charge of their funding, even though they have to draw that funding from ATSIC. Separating that funding is crucial, so that the priorities can be set by the Torres Strait Island people, rather than out of ATSIC. That is great. With a limited amount of money and a small population, the extent of the autonomy is a concern. If you are going to go to a separate territory like the Northern Territory—

**CHAIR**—Not like the ACT.

**Mr ENTSCH**—No, you would never get the infrastructure, that is for sure. First of all, there is the problem of control. You are under Queensland resource management and general things like that. If you were to set up your own bureaucracies and all your infrastructure to duplicate all of that, the amount of money that would go into that bureaucracy with your resources and your economic benefits within the Torres Strait would be extremely limited. They are not infinite and we all know that. It concerns me that, if you go too far down that way, it is going to create this huge consuming thing, and it is not going to provide basic services

that people need.

**Mr Bon**—Granted.

**Mr Batzke**—It is not really funding of money that we are after on the mainland. It is just a full-time position on the existing structure, which is only voluntary and appointed by a minister.

**Mr ENTSCH**—That is great.

**Mr Batzke**—But that is just an existing structure. There is no additional funding for housing. There is some there.

**Mr ENTSCH**—I am pleased to hear that.

**Mr Batzke**—It is just a policy.

**Mrs Batzke**—It is more or less a stronger voice for mainland Torres Strait Islanders. Given the current situation, we personally feel that OTSIA itself is an umbrella under a bigger umbrella, because it has been overshadowed by other concerns. Whereas, in our submission, we propose that OTSIA be elevated to a branch level, where there is more say on a policy level for the mainland Torres Strait Islanders and equal representation in a lot of areas.

**Mr Batzke**—That means not necessarily more money for housing or anything like that.

**Mr ENTSCH**—That is good, that has clarified it. As Clyde said, there were accesses here that you could never get up in the islands.

**Mr Bon**—Funding for mainland Torres Strait Islanders will still have to come through regional council structures.

**Mr ENTSCH**—That clarifies something for me. It just concerned me that, if there was a push from mainland Islanders to say, 'We also want to share that funding cake', it is really going to blow.

**Mrs Batzke**—No, sorry. We are not wanting to share their funding at all.

**Mr ENTSCH**—I have been worried about it.

**Mrs Batzke**—Ours is the major concern.

**Mr ENTSCH**—That is good. You have made me feel a lot better.

**Mr CAMPBELL**—You were talking about independence for the Torres Strait Islanders. Australia is silly enough to give the Northern Territory statehood, but it is not silly enough to give 7,000 people

statehood. It is simply unworkable.

**Mr Bon**—I agree. I would personally not like to see statehood—perhaps something else, but not statehood.

**Mr CAMPBELL**—Local government.

**Mr ENTSCH**—I totally support the push for autonomy, but it is difficult to work out how to do it in a way that is going to maximise it. We do not want to do something that at the end of the day is going to deprive people. It is already tough up there.

**Ms Bin-Juda**—That is what we are about. We are saying: do not forget what our needs are here.

**Mr ENTSCH**—I think we have clarified that now.

**CHAIR**—Thank you very much for coming along. Your submission is a good one and I have been assisted greatly by it. One of our biggest challenges in our terms of reference has been that, whatever we recommend, we have to have regard to the impact on mainland Torres Strait Islanders.

**Mrs Batzke**—Exactly.

**Ms Bin-Juda**—Exactly. May I add to that: consultation with all Torres Strait Islander communities as well.

**CHAIR**—Yes. We have tried to do that. We have covered a lot of Australia. We have not been able to get to Broome; we could not get there.

**Mr DONDAS**—They came up and saw us in Darwin.

**CHAIR**—Mr Dondas was kind enough to chair that. We have done pretty well, I think. Your evidence today has helped bring it together. I wish you well and I hope we will meet again. You are welcome to stay; we are taking evidence from another group now.

**Ms Bin-Juda**—On behalf of the ACT Torres Strait Islanders Corporation I would like to thank you and your committee for allowing us this opportunity of putting forward our submission. We hope that something positive comes out of it.

**CHAIR**—Thank you very much.

[5.14 p.m.]

**MENHAM, Mr James George, Adviser, Torres Strait Islander Advisory Board, MLC Tower, Woden, Australian Capital Territory 2607**

**WAIA, Mr Terry, Chairperson, Torres Strait Islander Advisory Board, PO Box 17, Woden, Australian Capital Territory 2606**

**MILLS, Mr Benny, Manager, Office of Torres Strait Islander Affairs, PO Box 17, Woden, Australian Capital Territory 2606**

**MORONY, Mr Ronald Arthur, General Manager, Aboriginal and Torres Strait Islander Commission, MLC Tower, Woden, Australian Capital Territory 2606**

**CHAIR**—It is my pleasure to welcome you to the table today. Do you have any comments to make on the capacity in which you appear?

**Mr Mills**—I am manager of the Office of Torres Strait Islander Affairs, which provides administration support for the Torres Strait Islander Advisory Board.

**Mr Waia**—I am a joint commissioner for the Torres Strait, and the chairman of TSIAB.

**Mr Morony**—I am with ATSIC but the Office of Torres Strait Islander Affairs administratively reports to me in terms of the administration; it also works to the TSIAB Board.

**CHAIR**—We have got some young people here today. The parliament, when it opens each day, says a prayer. We know that the Torres Strait Islander people say a prayer at the opening and the end of their meetings. Our prayer was said today for the whole parliament, and it consists of the Lord's Prayer. I thought I would let you know that that is the custom of the parliament.

You have made an excellent submission, gentlemen, and I would like to thank you very much for doing that. Obviously a lot of work has gone into it. Do you have any amendments or additions you wish to make to the submission?

**Mr Mills**—No.

**CHAIR**—Would you like to make an opening statement before members of the committee commence questions?

**Mr Waia**—Yes. I would like to take this opportunity to thank all the people here for listening to us in this regard. Our submission states clearly that what we want is something to be considered by the government of the day. There will be, of course, things that will not be answered at this time but there will certainly be a process leading towards answering all the problems that we are facing or things that will be answered down the line later on. It is a long struggle in regard to autonomy, the things we are talking about for our people,

and that must be considered right across the board in white Australia.

**CHAIR**—Is there anything else you wish to add?

**Mr Mills**—I will just go through the paper briefly and provide an overview of the main component of the paper, and then we will look at answering questions directly from members.

The paper, as stated, provides the Torres Strait Islander Advisory Board's position and, at the outset, sets out a number of principles and issues for consideration. Those issues are in relation to the autonomy for the Torres Strait islands and the implications for Torres Strait Islanders on the mainland. It goes on, at the end, to make specific recommendations in relation to the situation in the Torres Strait, but more so it elaborates on the third term of reference in relation to mainland Torres Strait Islanders.

There is a chart at the back, at page 26, which is not a structural chart but tries to highlight some matters. It serves to portray the sorts of concepts that are being outlined in the paper itself, in terms of the Torres Strait arrangements and also in terms of mainland Torres Strait Islanders. But, clearly, the focus is on the third terms of reference in relation to mainland Torres Strait Islanders.

The main consideration proposed by TSIAB is for enhancement of TSIAB's position to be the principal focus on Torres Strait Islander issues on the mainland, advising the government and ATSIC, and also the links of the advisory board are outlined. It is proposed that that board be changed to a Torres Strait Islander council. That council assumes the responsibility of the Office of Torres Strait Islander Affairs as well, which is to monitor, evaluate and report on government programs and their effect on Torres Strait Islanders. So the two functions—the one of the advisory board and the one of the Office of Torres Strait Islander Affairs—are amalgamated and it becomes the one office. I basically just wanted to highlight that point and then I am happy to look at specific questions from the committee.

**CHAIR**—As I understand it from the diagram on page 26 of our briefing notes, the new Torres Strait Regional Authority would absorb the present activities of the Torres Strait Regional Authority; would that be right?

**Mr Mills**—Yes.

**CHAIR**—It would also be responsible for the present responsibilities of the Torres shire council under the Queensland Local Government Act; is that right?

**Mr Mills**—We are saying there is the capacity for it move towards that sort of arrangement but those sorts of details should be left to people in the Torres Strait to actually determine.

**CHAIR**—Right—subject to some mechanism to be sure that that is what the people want, which is actually our discussion basis.

**Mr Mills**—Yes, that is right.

**CHAIR**—Would you hope that the Torres Strait local government be absorbed into it, subject to the people's support for that, and that the authority members be elected; is that what you want? Would you want the authority members on this new body to be elected by the people?

**Mr Mills**—The process of election is again for the people in the Torres Strait to look at and determine. At the outset we supported the notion of the move towards a Torres Strait commission, but they left the specific details to the people of the Torres Strait to actually determine.

**CHAIR**—Because we are looking to improve and give greater autonomy, in principle, is your advice that we endeavour to achieve a model—provided the people support it—that enables the people on the Torres Strait Island to elect the representatives on the new authority? Is that in principle what you are saying?

**Mr Mills**—Yes. There are all those notions of elected under ward systems that are being proposed now and that we are hearing.

**CHAIR**—Provided the proper balance is achieved.

**Mr Mills**—Yes.

**CHAIR**—I want to ask you something, which is not to cause you any difficulty but which is to clear the air more than anything else: there are some people living in the Torres Strait Islands at the moment, and who will undoubtedly in the future, who are not indigenous Torres Strait Islanders but they are part of the Torres Strait Island community, socially and economically. I want to ask whether your submission encompasses them in this new authority. Do you want them to be able to participate in the authority's workings? For example, if there is an election system, do you want them to have a right to participate in the voting process for that new authority?

**Mr Menham**—Mr Chairman, I wonder if I might just assist the discussion by giving you a very quick background to that scenario.

**CHAIR**—Yes.

**Mr Menham**—The purpose of listing a TSRA there in that form was to reflect what the TSRA itself has said about it seeing itself as the body that moves forward ultimately into some form of autonomous situation. The ICC, who are members of that authority, have also confirmed that they see the TSRA as being the starting point for that; so they see the TSRA as ultimately becoming some kind of umbrella authority. At the moment, as you know, it is limited by virtue of the fact that it only covers indigenous people. The Torres Strait Island Regional Authority and the ICC themselves have declared that, on any movement towards autonomy, the interests of all people in the Torres Strait must be taken into account.

You then look at a situation of either moving progressively through an enlarged indigenous Pacific organisation or moving into an organisation that represents all people in the Torres Strait. The moment you move into a situation where you represent all people in the Torres Strait, you move out of the ATSIC umbrella or the indigenous Pacific umbrella and then move into what might be seen to be an elevated

regional local government type structure.

**CHAIR**—If I can interrupt—one that I live under in the north-east of Victoria and which other communities in Australia have had for years. I just make that observation but keep going. This is a very important issue.

**Mr Menham**—I also wanted to reinforce the point that Torres Strait Islander people themselves are saying they do not want to abrogate the responsibilities of individual local government councils. So those outer islands which are listed there in the constitution would continue to perform their own local government functions, as would—according to the submissions being made—the Torres shire council. It seems to me that what the Torres Strait Islander people are proposing, therefore, is that extra level of local government—some people even call it an assembly—where you still have those local government councils operating as local government councils and then defining the role of the assembly or the TSRA as a planning authority, a coordinating authority or a representative authority to be the representative of all interests in the Torres Strait.

That reflects—and I am not trying to impose a view here—the submissions and the views that have been put by Torres Strait Islander people themselves. There is then a conflict or an uncertainty as to whether you just exist with the TSRA as it currently is, which consists of all ICC members as well, and then add the Torres shire in some form or other; or whether you change the whole structure, maintain the individual regional councils, go to a ward system which would then mean that any TSRA that was representative of all interests would be elected and be a smaller organisation. The problem then is to define the role of that particular umbrella—local government, regional authority, assembly or call it what you like.

I do not have an answer, Mr Chairman, nor would I even suggest an answer. But I thought it was important just to indicate to you those particular dimensions which have come out of the continuing discussions we have had in the process of preparing this submission.

**CHAIR**—That is very helpful. If we want to give the maximum input and opportunity for Torres Strait Islander people to decide their affairs, on an everyday basis and also to project into the future on strategic matters: can we do that successfully if we do not also welcome our brothers and sisters who live on the Torres Strait Island but who are not indigenous people? Can we successfully do that? Do you think that the Torres Strait Island people, as a community, can work together and have one body representing all of their interests?

**Mr Waia**—This is one of the charters that the TSRA was seeking to accommodate—people other than people born in the Torres Strait Islands who have made the Torres Strait their home. But then it needs to have some kind of advice to the Torres Strait Authority in regard to how best that can be accommodated. At the moment, this is why we kept ICC and TSA separate but at the same time trying to marry them in some form to deliver services.

In the meantime, we have to work towards what will be a sensible answer to all this. We are very conscious of people living in the Torres Strait as non-Torres Strait Islanders, but they call themselves Torres Strait Islanders as of today.

At the moment the ICC is to fight certain things in regard to infrastructure that come through to the Torres Strait, such as housing, water and roads, so that can be accommodated and coordinated through the ICC into the smaller communities that we call local government in their own right.

The outer island chairperson does not want to take away that power from their own communities. There was a study done before and some people have said that people in authority are elected people; they are not there by appointment. This is what we are considering now. It will be best to take that course. As Benny said earlier, it is up to the TSRA at this stage, but of course this will be reported by me back to the TSRA.

**CHAIR**—Your advice to us is that you do not think the community is ready to have one organisation with all people living in the Torres Strait Island inputting into it through voting systems. Do you think that if we suggested that system, it would not be accepted by the people?

**Mr Waia**—I think it will be accepted, but, honestly speaking, certain areas and information regarding that are in doubt. Through time, I have seen that change is needed. People within the Thursday Island area, for example, are to be counted, like non-Torres Strait Islanders. At the same time, we are trying to identify to ATSIC the former region that our Aboriginal people in the Torres Strait have been taken into.

**Mr ENTSCHE**—It is going to be a difficult one to try to deal with. You have had migration from the South Sea island groups there into the St Pauls community in the last 100-odd years. You now have quite a significant number of people from Papua New Guinea who are now moving down and permanently living—and have been for a long time—in some of the communities. Of course, you have people with Japanese backgrounds too who have been there for a long time.

It is going to be a big issue. There is quite a significant population of these different groups of people who have come in at different times into the Torres Strait. They call themselves Torres Strait Islanders as well and they are expecting to get that representation or be part of it. It is not going to be an easy one to resolve. How do you differentiate one from the other?

**Mr Waia**—That is the other area. I have been raising immigration time and time again and the citizenship of Papua New Guineans when they become a citizen of Australia. The other form that they come in on is permanent resident status, which allows them to move freely from Torres Strait into Papua New Guinea as a tourism inhabitant. There are others who have been nationalised Australians. That is where the problem lies.

**Mr HOLDING**—Is it much of a problem if we were to take as a model, say, some of the Aboriginal land councils? That is to say, there are parts of Australia where non-Aboriginal people live but, if you are living within the framework of an Aboriginal community, you get there by having a pass et cetera. You have got large areas of Australia which are controlled by Aboriginal land councils in order to perpetuate the culture and the tradition which, in many cases, are quite well funded organisations. What is the problem if you say: you can be an Australian citizen, which means you vote in a federal electorate, but there has been continuous occupation of these islands before white people set place on the continent. I cannot see why they cannot determine, as Aboriginal people determine, basically who constitutes their group.



**Mr ENTSCHE**—But the problem is that there has been a continual migration within the Torres Strait for centuries, I guess. I use the St Pauls community because it is one of the more recent communities where there has been a movement of people from outside the Torres Strait Island group into there. They were given land by people in the community, they have settled there and they are not part of the Torres Strait Island group. By including them—and rightfully so—you could then get a challenge from, say, the Japanese background people who have been there almost as long or some of the PNG people who have also been there for very extended periods of time. So it is going to be a very difficult challenge to determine, unless you can encompass all of the permanent residents. It is going to be very hard, and I can see it coming up as a very divisive period of time. It will be the community fighting within itself and that is something you have to try to avoid.

**Mr Waia**—The other thing, Mr Chair, might be to have another look at the treaty itself, because what Torres Strait people are saying that they do not want taken away the other privileges that they enjoy today.

**CHAIR**—Of course.

**Mr Waia**—That is why the TSRA and ICC did not want to table the treaty again, as it might destroy the other privileges that people enjoy. So that needs to be taken into account and have a closer look at.

**Mr ENTSCHE**—This is an excellent model that I see here and I think, with very little tidying up, I could see this working. But you say here with the regional authority ‘not limited to indigenous people’. That is going to be the big issue as far as whether they can stand for election on councils, whether they can stand to be a member of that board and whether they can have a say in their community. It is because of this migration that has happened, probably forever in the Torres Strait where different people have been coming in, I see that one single body as being very divisive unless you are able to include all of the people who are living in the Torres Strait as part of it.

You know there are major problems up there now with people from PNG, for example, living on Thursday Island because there is a different status between those people—even though they are Australian citizens—and Torres Strait island people. We do not want to see that continue to grow, because it will have a major negative effect on any successes that the autonomy can bring. I think that model is brilliant and I think it could work, but I think that that is one area that really needs a lot of careful thought.

**Mr Waia**—That is why I mentioned earlier that we should have another look at the immigration. We seem to be getting all kind of messages in regard to citizenship of Papua New Guinea, permanent resident status of people that are allowed within the treaty to travel to and fro. But Papua New Guinea then became a citizen of Australia. I do not see a citizen of Torres Strait being embedded into their citizenship papers.

**Mr ENTSCHE**—I know the problems that you have had in recent times. The treaty has a lot of benefits but it also has major failures, as we both know. But you cannot afford to walk away from it. What we need to do—and I support you totally, as you know in trying to tidy it up a little bit—is to strengthen it so that some of the problems that migration from PNG are causing in the community can be resolved, but that is in recent times. We are talking about some of those Japanese families who have been there for close to 100 years. I can guarantee you that, if you try to stop those families from being part the elections, they will

then challenge the right of the families from St Pauls who have been there probably about the same period of time or maybe a little bit less. So that is where I see the problems occurring.

I do not see the problems with new people migrating in; I am talking about old established, multiple generation families—people from Papua New Guinea. Up until 1975 there was very little control and there was just continual movement. There are a lot of people with PNG background that are now permanent residents and accepted as Torres Strait Islanders. But the more recent ones who have come over and have got new citizenship are, in actual fact, almost full brothers to others that are accepted as Torres Strait Islanders. It is a difficult situation; it is one that really needs some careful consideration. I see it as probably the one thing that will destroy this.

**CHAIR**—I would just like to add that, when I started this inquiry, I did not know much about Torres Strait Island people. I made a commitment to myself that the very least that I should try and work towards was to ensure that the Torres Strait Island people had as much autonomy and say about their affairs as I did. I tried to benchmark it by saying, ‘I live in north-east Victoria. What say have I and my family got in everyday affairs and how do I get that?’ That is what has been in my mind all along.

If we start off with that and then, as Mr Entsch has been helping to develop, if you move towards at least what everybody else has got as a bare minimum—because you have not got that at the moment and that worries me tremendously and we would like to redress that—if you do that and you exclude people that are part of your community, then the model that comes out is one that will fail eventually because you are just perpetuating the problem. You are leaving people out of your community in a model that should not be left out. That is the sort of issue that I think we have got to have the courage to address it—and we will as a committee. That is why I am looking for some guidance from you on it as well, because of its sensitivity.

**Mr ENTSCHE**—I do not think there is anybody here—maybe one person—that is not totally committed to seeing maximum autonomy for the Torres Strait Island people. There is absolutely no question about it. It is a matter of making sure that, when we do it, we do not do it in such a way that in 10 years time we have got a civil war up there. We want to see it progress. This has to be a step in progression, not a step that in 10 years time the people are going to go backwards, because it is so much harder to pick up. We have focused on this issue because, as I say, that is a great model. To me, there is nothing in there that I do not feel uncomfortable with, except that one single point. It is something that we need to look at real hard.

**Mr Menham**—Mr Chairman, if I can extend that just one little bit: the reason that the Island Coordinating Council appears in that hierarchy or that plan is to recognise that the problems you raise will be very real. Therefore, there needs to be the continuation of that Island Coordinating Council which is, in a sense, the representative of all the outer islands and not the Thursday Island people. It has been a useful service delivery agency, but moreover it has been an instrument of cultural cohesion among those outer islands.

It is listed there for retention under a model, if that were to be the model, similar to the House of Arikis in the Cook Islands constitution, which you might have already examined. There they have a legislative assembly representative of all people in the Cook Islands but, for the purposes of culture, heritage and social and cultural cohesion, they have created the House of Arikis which basically mirrors—or

alternatively the ICC would mirror—that collection of what you might call elders or chieftains.

**Mr HOLDING**—The British have had, up until now, the House of Lords which operated as a sort of second chamber. Why should you not use this traditional structure to advise specifically on areas of culture and coordination et cetera? Then you give everybody a vote—

**Mr Menham**—That, in a sense, would be precisely what that ICC would do.

**CHAIR**—Can I just come in on what Clyde said to try to crystallise this? So if a bloke like me from Victoria moved on to a Torres Strait island and said, ‘I’m here forever,’ you would be saying firmly, ‘Welcome. You’ll have the right to help us once you have become an established resident and move off the electoral roll for Victoria and into the Torres Strait Islands. You will have the right to vote for people in our local government type organisation, the authority, but there is a special cultural assembly which is dedicated to the Torres Strait Islander indigenous people. You are welcome to come along and listen to it, but you will not be able to stand for election to it and you will not be able to vote for the people that go on that special cultural assembly.’ In essence, that is what you are saying.

**Mr ENTSCH**—It might be the way that could be dealt with. If you slightly changed the role of the ICC, and that be the one that deals at that level while giving people the opportunity to stand as representatives of island councils or stand as representatives of the regional authority. But the two areas where they really could not stand would be on the mainland Torres Strait Island council, because that is specifically for Torres Strait Islanders, and the ICC which would be a council of elders maintaining the cultural integrity of the area. Maybe that is one way which would at least give you maximum protection and development of your culture while, at the same time, giving the broader Torres Strait Islander community an opportunity of having a say. Maybe that is worth looking at.

**CHAIR**—It is helpful to break it down. As Warren just said, let us put it in everyday practice. When I go back home and there is an election for the city of Wodonga, the city where I live, because my wife and I and my children over the age of 18 are registered on the Commonwealth and state electoral rolls, we have the right to vote by secret ballot for the people who will go on that city council. That city council’s role is to ensure that we have good roads, drainage, proper town planning and that community health services, in conjunction with the state and federal government, are planned and developed. That is just a quick summary.

So I have the right to elect someone. I could not run as a councillor because I am a member of parliament but my son could. So it is that sort of function that I think we need to look at. We are saying that all the people who are genuinely residents of the Torres Strait Islands region would probably need to have a right to vote representatives in. But on top of that, recognising the unique cultural situation, there is a need to ensure that the elders on the islands maintain their role, and that there is also a mechanism for indigenous Torres Strait Islander people to be able to ensure that their cultural integrity and traditions are preserved, regularly visited and strengthened. That is the sort of concept that I think we are all talking about.

**Mr ENTSCH**—Absolutely. Opening up the island councils to probably a broader base, you are going to allow people with other skills to come in and enhance the development of any particular council as an elected representative. If you change that ICC role, that would be really good because at least you could

guarantee you are bringing back the elders concept and also focusing in that area on traditional practices.

**CHAIR**—We could speak for hours on this—it is a very exciting thing—but I am very conscious of the fact that a lot of your brothers and sisters live on the mainland and we have had a great group of them here today. Whatever we do, we must not overlook the mainland Torres Strait Islanders. So, implicit in what you are saying, there would be a cutting off out of ATSIC of all the things that ATSIC presently does for Torres Strait Islander people on the islands. You will have your own legal authority that is set up by the Commonwealth and state parliaments to take over all those things.

But that means that the mainland Torres Strait Islanders are left out of it. In what you have been telling us, the mainland Torres Strait Islanders of necessity will not be able to be involved in the everyday running of the Torres Strait Islands. Can I ask you then: do you envisage that your special cultural assembly would have representatives of Torres Strait Islander people from the mainland involved? Could that be a possibility so that culturally you have the Torres Strait Islander brothers and sisters on the mainland being involved in that very important assembly that you spoke about.

**Mr Menham**—I will make just one introductory comment. Others, I think, would be better able to answer the question. The model, which represents in the first instance the views coming out of the Torres Strait—so they are accurately representative of those views rather than mine or anyone else's—has been built around the notion of linkages to ensure just that proposition which you raised.

If you look at this particular model, the TSIRA, at the top in whatever form it is constituted, includes the outer islands in the Torres Shire Council representation—and you are better at drawing electorates than I am, because there is a certain issue of numbers here—comes down to mainland Torres Strait Islanders having an automatic legislative right to be represented on that body to maintain those links. It is suggested there that that link be established through the TSIRA in whatever form by the elected chairperson of the Torres Strait Islanders Council which TSIAB is proposing as being elected throughout and therefore is more properly representative of Torres Strait Islanders on the mainland.

The additional linkage would be that the TSIRA, in whatever form, would nominate also a reciprocal person to be a member of the mainland Torres Strait Islanders Council. So you have got two links. I think Mr Waia should explain to you, because he has explained it to me, that there needs to be understanding through information of what is going on on the mainland on the one hand, and information and understanding of what is going in the Torres Strait on the other. So to maintain the cultural integrity of all Torres Strait Islanders, that exchange of information and interaction is fundamental. But I should leave that to Mr Waia.

**Mr Waia**—What I have been trying to do is go to the centres of the state where Torres Strait Islanders live to explain and maybe open myself to questions regarding what is happening and how they fit into the ATSIC structure at the moment. As George was saying, it will be in the form of a reverse. Instead of having someone from TSRA representing Torres Strait Islanders on the mainland, it will be then, through a proper process, electing someone on the mainland to sit as a commissioner and at the same time being a link to the ATSIC. When TSRA meets, that elected chair of the Torres Strait Islander Council can sit when TSRA sits. At the same time TSRA nominates someone to sit when the Torres Strait Islander Council meets. That way the islanders here have a link to their homeland and at the same time information still flows through that

structure.

It answers a certain cry of people that they do not want people to be appointed to the positions. They would rather have people being elected by the people to represent them. That is the people's view.

**Mr TONY SMITH**—I have a few problems with your submission. You seem to roll the mainland and the islanders interchangeably in here and do not separate them. That is something I have a problem with when I read it—6.1 and 6.2 in particular.

We were told when we were in the islands that there were two fishing licences especially reserved for Torres Strait Islanders that were not taken up. That seemed to me to be an opportunity to be a part of the economic development up there and yet, for some reason or another, no-one had got involved, and yet that was a traditional pursuit. I was wondering about that aspect in terms of autonomy. It is absolutely essential to have some sort of an economic base, and yet at the present time there are two licences that are just sitting idle that have not been taken up by Torres Strait Islanders although they were specifically reserved for them.

Following on the discussion about the future autonomy, I am, like most other people, all for autonomy in the sense that a great future for the Torres Strait in my view depends on autonomy. It seems to me that the real problem which is identified by Warren—and is one that we have all thought about on the committee—is that there has to be some sharing between everybody living up there who calls themselves a Torres Strait Islander. Do you envisage at some stage an independent territory if that was possible—we are only just postulating at the moment—where all people who regarded themselves as Torres Strait Islanders, as I regard myself as an Australian, will have a right to vote and/or be a candidate for election as a member of the assembly if there is to be an assembly at some stage?

Lastly, in relation to 6.1, the islanders always had their culture. One thing I noted when visiting the islands last year was the almost total absence of market gardening, yet I read that that was an essential element of Torres Strait Islander culture. I saw that some of islands were fantastically fertile, particularly Darnley—from memory—and Murray Island. Yet there seemed to be almost an absence of market gardening, which is something essential to preserving your own health and wellbeing. Can you just comment on all of those matters?

**Mr Mills**—In response to the points highlighted by the member, the paper in its entirety focuses predominantly on mainland Torres Strait Islanders. The Torres Strait Islander Advisory Board mandate is to advise the minister and the commission on issues affecting Torres Strait Islanders on the mainland. However, it has made comments in relation to general propositions of autonomy for the Torres Strait. I just point that out.

The paper does not go into the details, whether on culture or economic empowerment, specifically in the Torres Strait and tries to address issues in relation more to the mainland arrangements. It is something that the Torres Strait Regional Authority in its submission to the committee, and other submissions from organisations like the Torres Shire Council, have put forward in looking at the organisation being representative of people other than Torres Strait Islanders in the Torres Strait.

Those submissions have been fairly clear on the sorts of things that need to be happening. It seems there needs to be a range of discussions between those organisations and elements of the community in the Torres Strait for them to come to grips with. The thrust of the paper is predominantly focused on the mainland Torres Strait Islanders and it is not meant in any way to address in large part, or in detail, the situation in the Torres Strait, although the commissioner is the commissioner for the Torres Strait, and he may wish to comment on the specific issue of economic opportunities in relation to culture and market gardening.

**Mr Waia**—The CDEP was recently introduced to some of the islands but not to all of the islands. One of the things that we are trying to do is bring back somewhat what has been lost with the introduction of other foreign influences that have partly destroyed what was up there. The culture itself is what you say—gardening and other things—but it has also been something else. It has meant survival and the knowledge and other things like that of the past. While we are talking about linkages, there are all kinds of things in this word ‘culture’.

For economic development up there, we have started a process in TSRA we call service providers’ reports. We tried to advise the service providers in the region to have our people somehow under some kind of training because in the past there was always a rejection in regards to our participation in areas such as hotels, shops and other things. Immigration, foreign affairs and customs have come in.

One of the charters that TSR has is to put our people through that and, at the same time, find out what the legal roads are to have this thing happen, because the change we are talking about now will not come tomorrow. It will come through an education of our people again, and this is the beginning of this kind of process.

We have done that in trying to get the message through to the governments of how best we can have our people participating in those areas, even to picking people out for certain jobs. The criteria of picking people is to think how best that custom and culture can be incorporated into the criteria. Once a Torres Strait Islander is sitting next to someone else trying to get that job, if there is a criteria laid down in an area that this simple Torres Strait person will know in the back of his head what the culture is all about, but he cannot get the position because these things are structured by another language. Culture is something like that. The Torres Strait has got to be seen in a different light.

**Mr ENTSCH**—There is a problem there. I think the island coordinating council or TSRA needs to take more of a leading role within its own community. First of all, with regard to the market gardening, I remember quite vividly that this same question was asked by one of the island chairman at one of the meetings. He said, ‘Why on earth aren’t these gardens growing?’ and the response was to laugh and say, ‘Why do we have to grow gardens? Our market garden is the Seaswift Barge and the Ibis Store.’

I think that the councils themselves or the leaders within the Torres Strait Island communities have got to look within their own communities and start to encourage them to be participants as well. It particularly bothered us that leaders of these communities were making those sorts of statements—and he was quite serious about it. It is something that, while we can help as much as we possibly can, there has to be a

focus within as well. It blew me away when he made that comment. I thought there would have been a whole range of reasons, and for that to come out like that does raise concerns.

**Mr TONY SMITH**—That flows through to 6.3 too in relation to the health problems, I would have thought. It is quite clear that a lot of these things have got to come from within your community and it comes best from you rather than us. I feel patronising in the extreme to be telling you what you should do. You know what you should do. You are the people with the history there.

There is just one other question. I do not understand this sentence in 6.2. It says:

Torres Strait Islanders on the mainland, along with other indigenous people, need to share equitably in economic development opportunities as a foundation for their self-empowerment in accordance with Government policies.

Could you just explain that? I cannot understand what 'in accordance with government policies' means, in particular.

**Mr Mills**—The issues have been highlighted through the national Torres Strait Islander workshops, the Torres Strait Islander Advisory Board meetings, and organisations making representations to the Torres Strait Islander Advisory Board members in the various states. They say that there is lack of Torres Strait Islander participation in government programs in relation to economic development for Torres Strait Islanders specifically.

**CHAIR**—Is that lack of Torres Strait Islander involvement from the mainland?

**Mr Mills**—Yes. We highlight in general—

**CHAIR**—I am sorry. We have that terrible green light flashing. I think that it is a division. We will just have to wait and see what happens. We do apologise. I will have to close the proceedings. Thank you very much. We will have to talk to you again informally, but your contribution has been a marvellous one. We will do our best.

Resolved (on motion by Mr Entsch):

That, pursuant to the power conferred by section 2(2) of the Parliamentary Papers Act 1908, this committee authorises publication of the evidence given before it at public hearing this day.

**Committee adjourned at 6.11 p.m.**