

# Senate Finance and Public Administration Legislation Committee

## ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 26 May-6 June 2014

Prime Minister and Cabinet Portfolio

**Department/Agency:** Torres Strait Regional Authority

**Outcome/Program:** 1.1 Prime Minister and Cabinet

**Topic:** Governance

**Senator:** Senator Cory Bernardi

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**Type of Question:** Written

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**Question:**

1. I understand that the question of autonomy and governance has been a prominent issue for the Torres Strait for some time. Could you explain what issues and challenges you have been considering?
2. Could you describe the governance structures - local, state and Commonwealth as well as island level?
3. If there any duplication in governance? If so, how could this be resolved?
4. How does the TSRA define autonomy?
5. Do you think a review of governance arrangements as outlined in the Commission of Audit is necessary?
6. How would you suggest that Government could go about conducting such a review?

**Answer:**

1. Regional autonomy is a political aspiration for leaders in the region. On 6 May 2014 the 'First Nations Home Rule *Lagual Oroaire* Aboriginal and Torres Strait Islander Leaders Forum' has proposed that there be one body of government in the region which would exercise local, State and Commonwealth powers and functions.

The Torres Strait Regional Authority (TSRA) is supporting the members of the First Nations Home Rule *Lagual Oroaire* Aboriginal and Torres Strait Islander Leaders Forum to meet with communities in the region to discuss governance models. The TSRA is providing an opportunity for its elected Board Members to participate in discussion on regional autonomy. There is, as yet, no widespread agreement on a changed governance model for the region.

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2. The Queensland Department of Local Government supports the Torres Shire Council and two Regional (Shire) Councils in the Torres Strait and Northern Peninsula Area being the Torres Strait Island Regional Council and the Northern Peninsula Area Regional Council. All three Councils have their own respective websites.

The Queensland Government Department of Aboriginal and Torres Strait Islander Multicultural Affairs has an office on Thursday Island which coordinates the delivery of Queensland Government services to all communities in the region.

The Commonwealth Government is represented by the TSRA. The TSRA comprises an elected arm of 20 non-executive board members, appointed under the *Aboriginal and Torres Strait Islander Act 1995 (Cth (ATSI Act))* and an administrative arm led by a Chief Executive Officer (SES Band One) engaged under Australian Public Service regulations.

A number of Australian Government Agencies maintain a permanent presence in the Torres Strait. These include; Australian Customs and Border Protection Service, Department of Foreign Affairs and Trade, Australian Federal Police, Department of Defence, Department of Immigration and Border Protection, Australian Fisheries Management Authority, Australian Maritime Safety Authority.

Governance at the island level varies from community to community. In general island governance is provided by the elected member of the TSRA Board, the elected member of the appropriate Regional Council, elected members of Prescribed Bodies Corporate (PBC) for Native Title matters, Elders groups (for matters of Island Kastom and Aboriginal lore). There are currently 20 PBCs in the region. There are also a number of commercial entities established under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* which exert a governance role over commercial or not for profit activities in many communities. Some of these corporations are involved in the delivery of government services under contract.

3. There is some duplication in governance representation at the island (community) level between the TSRA, the Regional and Shire Councils and the PBC. Each level is required under separate legislation.

Island level governance is complex due, in the main, to unresolved land / Native Title issues. This has manifested in the creation of more Indigenous Corporations in communities (and throughout the region) than are economically sustainable.

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The TSRA in its role as the Native Title Representative Body for the region is working with PBC and other land interest groups in the region to mediate disputes and finalise Native Title claims. This could result in a reduction of governance arrangements at the community level.

The National Commission of Audit has presented recommendations to government on addressing duplications in health policy and governance. The TSRA is waiting on the government response to the Commission of Audit in order to determine impacts for the Torres Strait.

The simplification of the multiple land tenure systems that constitute 'Native Title' in the Torres Strait would assist in the resolution of community level governance issues.

In 2011 the TSRA commissioned an independent review of its governance structure. The review was conducted by the Brisbane based corporate governance consulting firm Effective Governance. The review resulted in changes to the ATSI Act through the Indigenous Affairs Legislation Amendment Bill No 1 of 2011. This Bill changed the governance arrangements in the Torres Strait by separating the appointment of TSRA Board Members from the Queensland Local Government Act to Division 5 of the ATSI Act. In effect this created separate election processes for all Councillors and Board Members. The new arrangements were implemented at the 2012 TSRA Board election.

4. As a Statutory Commonwealth Agency, the TSRA has not attempted to define regional autonomy.
5. The issue will be considered as the Government responds to the National Commission of Audit recommendations.
6. The Government response to the National Commission of Audit recommendations is under consideration.