

The Parliament of the Commonwealth of Australia

# **TORRES STRAIT ISLANDERS: A NEW DEAL**

**A REPORT ON GREATER AUTONOMY FOR  
TORRES STRAIT ISLANDERS**

**House of Representatives Standing Committee  
on Aboriginal & Torres Strait Islander Affairs**

**August 1997**

**Canberra**

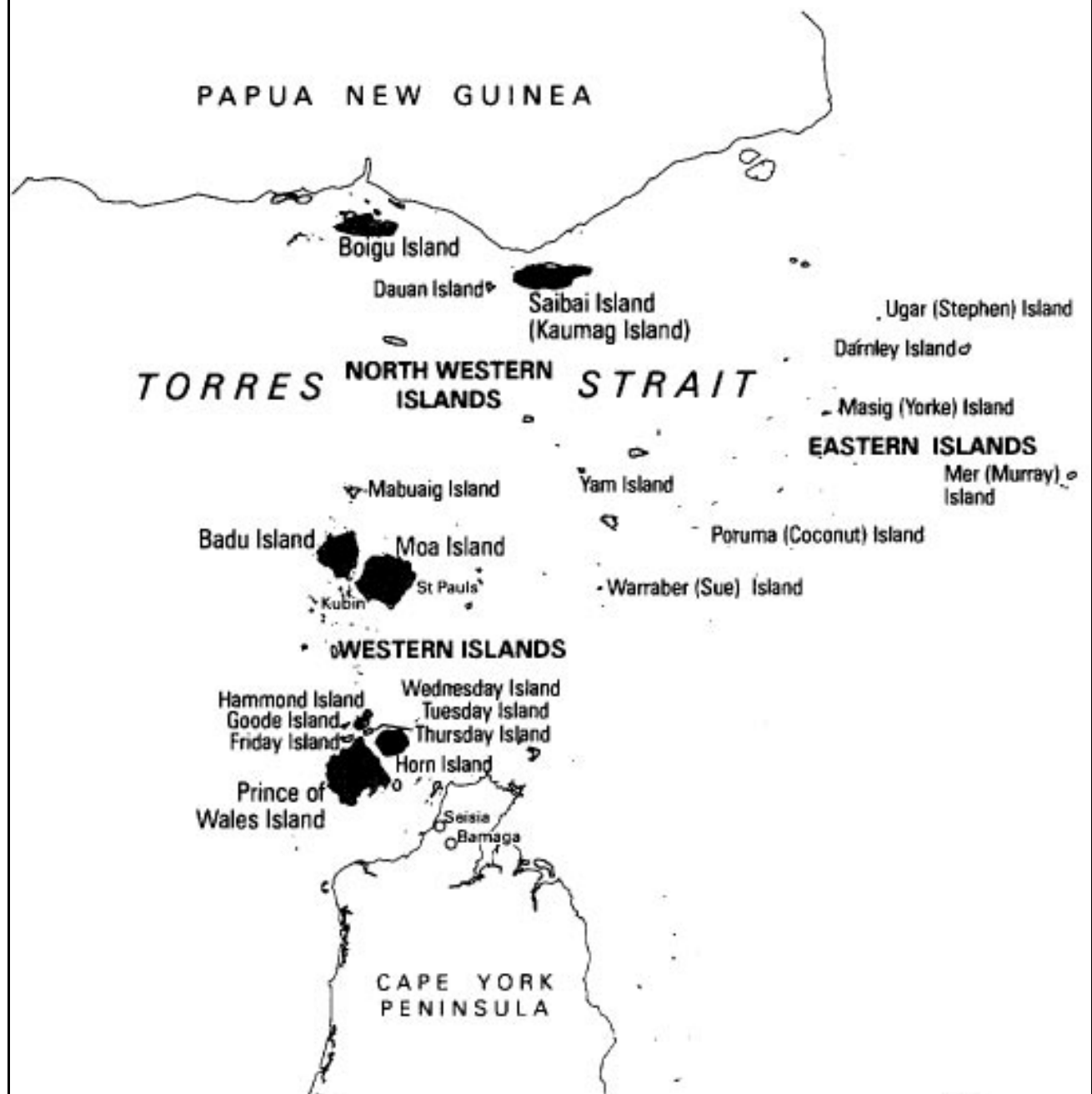
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# TORRES STRAIT REGION





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## Foreword

Torres Strait Islanders have always been keenly aware of their unique position within the wider Australian community. They are a special and separate people. Their culture has developed from ancient traditions and beliefs which varied from island to island. In more recent times there has been a sharing of old traditions across all the communities of the straits and a development of new ways of expressing themselves as Torres Strait Islanders according to *Ailan Kastom*. The Christian religion is a very important part of modern *Ailan Kastom*.

It is not surprising that this strong identification as a separate people has led to calls for ways of giving political expression to their unique experience. Torres Strait Islanders have been calling for greater autonomy – greater control over their lands and the events which affect their everyday lives for many years. Change has been incremental with aspects of control being granted through various pieces of Queensland and Commonwealth legislation over the past thirty years or so. The pace of change has not pleased all islanders.

The Committee's inquiry into greater autonomy for Torres Strait Islanders has given the people an opportunity to reiterate their claims for greater control over their own lives and to discuss what forms greater autonomy should take. In considering the evidence provided during the inquiry, the Committee was impressed by the dominance of a number of vital issues. It became clear that unless a view could be developed on these factors there would be little chance that there could be any real increase in autonomy.

The first of these vital issues was the fact that Australia's federal system did not serve the people of the Torres Strait well. While the distinct levels – Commonwealth, state and local government – provide a satisfactory means of delivering services and allowing democratic representation to most Australians, this has not been so for Torres Strait Islanders. The result for a small, contained and geographically isolated population has been inefficiency, duplication, a lack of services and a dilution of real autonomy.

The Committee was and is very concerned that the people of the Torres Strait region should be encouraged and assisted to tackle their health problems and the region's economic dependence on public sector

programs. The Committee is sure that, with a greater degree of autonomy, the people of the Torres Strait region will be able to tackle these issues effectively.

The second important factor which any move to greater autonomy would have to take account of, is that solutions would have to be acceptable to the Commonwealth and Queensland governments as well as to the local people. Another vital issue in the inquiry was the growth of a diverse population in the region. Torres Strait Islanders comprise the vast majority of the population of the smaller islands, but the concentration of Australians with European, Malay, Indian, Japanese and other backgrounds on Thursday and Horn Island means that traditional Torres Strait Islanders comprise only 75 per cent of the total population of the region.

A further important factor which the Committee had to face was that any solution regarding greater autonomy for Torres Strait Islanders in the region might have the effect of disadvantaging those on the mainland. Many mainland Torres Strait Islanders own land on the islands and regard themselves as having their roots in the straits, even though they may be second generation mainlanders. Solutions had to be sought which would protect the unique identity of these mainlanders.

The Committee recommends a number of initiatives to give Torres Strait Islanders living on the mainland a higher profile within ATSIC and more effective representation by Regional Councils. The Committee also calls for a strengthening of the partnership between Torres Strait Islanders living on the mainland and mainstream service providers.

This report details the Committee's reasoning as it confronted these issues and outlines the solutions we recommend (twenty-five in all). We hope that the people concerned as well as the relevant governments agree with our suggestions for promoting greater autonomy for Torres Strait Islanders. We came to the task with great good will towards all Torres Strait Islanders and a genuine belief that they should have greater control over their lands and their lives. We hope we have helped this process.

We also hope that our suggestions will encourage other indigenous communities on the mainland to develop strategies to increase their own autonomy and self reliance.

It remains for me to thank the people who have helped us conduct this inquiry and prepare our report. First I thank all the many Torres Strait

Islanders in the region and on the mainland who were so generous with their time in helping members of the Committee understand what it is to be a Torres Strait Islander.

I also thank the members of the Committee from all shades of the political spectrum for their support throughout the inquiry. Thanks also to the secretariat for all their work, particularly to James Catchpole, the inquiry secretary and Judy Middlebrook, the committee secretary. We hope that our labours will benefit Torres Strait Islanders wherever they may live.

Hon Lou Lieberman MP  
Chairman

## **Terms of Reference**

The Committee shall inquire into and report on:

1. whether the people of the Torres Strait would benefit from a greater degree of autonomy;
2. if so, what forms should a greater degree of autonomy take; and
3. 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.

## **Membership of the Committee**

|                        |                     |
|------------------------|---------------------|
| Hon Lou Lieberman MP   | Chairman            |
| Mr Daryl Melham MP     | Deputy Chair        |
| Mr Anthony Albanese MP |                     |
| Mr Graeme Campbell MP  |                     |
| Hon Nicholas Dondas MP |                     |
| Mr Warren Entsch MP    |                     |
| Hon Clyde Holding MP   |                     |
| Hon Bob Katter MP      |                     |
| Mr James Lloyd MP      |                     |
| Dr Brendan Nelson MP   |                     |
| Mr Paul Marek MP       |                     |
| Mr Christopher Pyne MP | (until 5 June 1997) |
| Mr Harry Quick MP      |                     |
| Mr Anthony Smith MP    |                     |
| Mrs Sharman Stone MP   | (from 5 June 1997)  |

### **Committee Secretariat**

James Catchpole (inquiry secretary)  
Judy Middlebrook (committee secretary)  
Claressa Surtees (senior research officer)  
Natalie James (research officer)

## **Glossary**

|         |                                                                                              |
|---------|----------------------------------------------------------------------------------------------|
| ACS     | Australian Customs Service                                                                   |
| ATSIC   | Aboriginal and Torres Strait Islander Commission                                             |
| CAEPR   | Centre for Aboriginal Economic Policy Research                                               |
| CDEP    | Community Development Employment Projects Scheme                                             |
| DEETYA  | Department of Employment, Education, Training & Youth Affairs                                |
| DEVETIR | Department of Employment, Vocational Education, Training & Industrial Relations (Queensland) |
| DOGIT   | Deed of Grant in Trust                                                                       |
| DSS     | Department of Social Security                                                                |
| ICC     | Island Coordinating Council                                                                  |
| OTSIA   | Office of Torres Strait Islander Affairs (within ATSIC)                                      |
| PNG     | Papua New Guinea                                                                             |
| PZJA    | Protected Zone Joint Authority                                                               |
| QCFO    | Queensland Commercial Fishermen's' Organisation                                              |
| TSIAB   | Torres Strait Islander Advisory Board                                                        |
| TSC     | Torres Shire Council                                                                         |
| TSPZ    | Torres Strait Protected Zone                                                                 |
| TSRA    | Torres Strait Regional Authority                                                             |

# **Summary and Recommendations**

## **Chapter 1 – introduction**

1. On 15 August 1996 the Minister for Aboriginal and Torres Strait Islander Affairs, Senator, the Hon John Herron, asked the Committee to inquire into and report on greater autonomy for Torres Strait Islanders. The Committee collected written and oral evidence and visited Torres Strait Islanders both in the Torres Strait region and on the mainland.
2. The report's scope and structure covers the current situation of Torres Strait Islanders, the meaning of 'autonomy' and possible benefits of greater autonomy, a proposal for a Torres Strait Regional Assembly as a vehicle for greater autonomy for residents in the region, the potential for greater economic autonomy in the region, ways of enhancing autonomy for Torres Strait Islanders on the mainland and the process of achieving greater autonomy.
3. Government in the Torres Strait region is provided by Commonwealth, State (Queensland) and local government agencies. Local culture and tradition also plays an important part in Torres Strait life. Greater autonomy in the region can only be delivered with the good will and cooperation of all levels of government and all the people of the region. Changes are likely to be gradual to allow full consultation.

## **Chapter 2 – setting the context**

4. This chapter describes the geography and the people of the region. There are about 5700 Torres Strait Islanders (the traditional inhabitants of the region who are of Melanesian origin) who live in the region and they make up about 80% of the total population of the region. The people have a strong and unique culture which continues to develop. It is known collectively as Ailan Kastom.
5. In addition, about 600 Aboriginals are traditional inhabitants of the southern part of the Torres Strait region. There are also many visitors to the region from Papua New Guinea. While numbers fluctuate, many of these are long term residents. Another 23,000 people living on the mainland identify as Torres Strait Islanders.

6. The region is a melting pot of different backgrounds and cultures. The Committee believes that all the permanent residents of the region who are Australian citizens should have equal rights. Greater regional autonomy should be on the basis of residence rather than on any cultural basis.
7. The chapter describes existing institutions in the Torres Strait region including the 17 island councils, the Torres Shire Council, the Island Coordinating Council, the Torres Strait Regional Authority and various state and federal government agencies active in the region. The role of ATSIC (the Aboriginal and Torres Strait Islander Commission) is described as it provides services to mainlander Torres Strait Islanders. Mainlanders are currently served by the Torres Strait Advisory Board (TSIAB) of ATSIC and by the Office of Torres Strait Islander Affairs (OTSIA) within ATSIC.
8. The chapter includes a chart showing the history of the region. It identifies steps on the path to greater autonomy.

### **Chapter 3 – autonomy and its benefits**

9. The chapter looks at various meanings of 'autonomy' and potential benefits which might flow from greater autonomy. Autonomy means different things to different people, with definitions variously focusing on political/structural, economic and cultural themes. The word is commonly used to mean enhanced self-government within Australia. 'Autonomy' is also used to mean better influence and control over policy and programs developed by Commonwealth, State and local governments. Some people consider that autonomy means more say in decisions about resources in the region. Others concentrate on the separateness of Torres Strait Islanders as a distinct culture.
10. One of the central problems of the inquiry was who should be given greater autonomy. Should it only be for the indigenous inhabitants of the region? The Committee considers that there can be no real autonomy unless it applies to all the residents of the region. The sort of autonomy which will be achieved through the establishment of a regional assembly may be a first step towards a more absolute autonomy. For example, in the future there may be greater economic independence in the region and this may lead to calls for territory status. The basis on which greater autonomy is achieved now should be seen as a building block for the future. It would be a backward step

to build such autonomy on an institution catering for only part of the population.

11. The chapter concludes with an overview of the benefits greater autonomy might deliver to the people of the Torres Strait. Achieving greater autonomy might be seen as returning a traditional right once held by the people of the region. Returning the right of autonomy is part of reconciliation. It will also put Torres Strait Islanders in charge of their cultural development. Decisions affecting every day life including those concerned with government services, should be taken by the residents of the region. They are likely to be better decisions and better meet the needs of the people.

## **Chapter 4 – a possible form of greater autonomy for the Torres Strait region**

13. This chapter outlines a proposal for a Torres Strait Regional Assembly to be a joint Commonwealth-State regional organisation. It would carry out the existing functions of the TSRA, the ICC and the Torres Shire Council. It would also have an enhanced role in consulting with and advising Commonwealth and State government agencies operating in the region.
14. Establishing such a body would require consultation between the Commonwealth and Queensland. There would need to be complementary Commonwealth and Queensland legislation and the assembly would be responsible to both Commonwealth and Queensland ministers.

### **Recommendation 1**

The Committee recommends that the Commonwealth Government negotiate the establishment of a joint statutory agency (the 'Torres Strait Regional Assembly') with the Queensland Government to represent all residents of the Torres Strait area and to replace the Island Coordinating Council, the Torres Strait Regional Authority and the Torres Shire Council.  
[p 52]

15. The population of the region is relatively small and it is not efficient to have three institutions developing policy and providing services. In order that a single new institution can provide all the necessary services, it would have to be a democratic organisation.
16. While the Committee believes the assembly's form would need to be determined by the local people in consultation with the Commonwealth and Queensland governments, it sets out a recommendation for the representation on the new assembly.

### **Recommendation 2**

The Committee recommends that the proposed Torres Strait Regional Assembly consist of: one representative elected from each Torres Strait Island Council electorate; three representatives elected from Thursday Island; and two representatives elected from the residents of Horn and Prince of Wales Islands. All qualified voters should be eligible to be elected to the Regional Assembly, including those also running for office on island councils. Elections for the Regional Assembly should be held at the same time as island council elections. [p. 55]

17. The chapter continues with a consideration of the detailed functions of the proposed regional assembly.

**Recommendation 3**

The Committee recommends that the statutory functions of the proposed Torres Strait Regional Assembly be to

- formulate policy and implement programs for the benefit of all people living in the Torres Strait area;
- accept grants, gifts and bequests made to it;
- act as trustee of money and other property vested in it on trust and accept loans of money from both the Commonwealth and Queensland Governments, or other approved sources;
- expend monies in accordance with the terms and conditions on which the money is received;
- develop policy proposals to meet national, state and regional needs of people living in the Torres Strait area;
- advise the responsible Commonwealth and Queensland Ministers on matters relating to the Torres Strait area, including the administration of legislation and the coordination of the activities of all government bodies that affect people living in the Torres Strait area;
- undertake activities on behalf of one or more island councils for such purposes as are requested of it by the council or councils concerned;
- have power to delegate to and contract with Island Councils;
- establish and operate such businesses as the Regional Assembly thinks fit for the benefit of the people of the region; and
- have and discharge the functions of local government within the region, except in areas covered by the Community Services (Torres Strait) Act 1984 (Qld) and the Community Services (Aborigines) Act 1984 (Qld).

The final description and detail of these functions is to be negotiated by the Commonwealth and Queensland Governments and the people of the Torres Strait area. [p. 57]

18. The powers and operations of the regional assembly are then considered. Maximum community involvement in the assembly will ensure the people have greater autonomy than they presently enjoy. The Committee believes the assembly should conduct its business in

public with a parliamentary style of organisation. One consequence of the establishment of the assembly would be the end of the current Torres Shire Council.

#### **Recommendation 4**

The Committee recommends that the Commonwealth Government negotiate with the Queensland Government to abolish the Torres Shire Council on the basis that the Council's existing functions be transferred to the proposed Torres Strait Regional Assembly. [p. 61]

19. Because the Committee believes the new assembly should represent the whole population of the region, there would need to be changes to amend current rules regarding non indigenous candidates for election. This is a matter for the Queensland Government and the Committee's recommendation is phrased accordingly.

#### **Recommendation 5**

The Committee recommends that the Commonwealth Government negotiate with the Queensland Government to amend the Community Services (Torres Strait) Act 1984 (Qld) to enable non indigenous electors on each Torres Strait Island Council electors' roll to run for office on island councils. [p. 61]

20. The success of the new regional assembly would depend to some extent on the funds made available to it. Funding to support services in the region currently comes from the Commonwealth and Queensland governments. Such funding should continue to be provided to the assembly. In the early years of the new institution there will be a need for supplementary funding which is discussed in more detail in chapter 5.

21. The Committee believes that eventually the regional assembly should receive untied grants from the Commonwealth and

Queensland. The assembly itself should decide how the money should be spent. True autonomy will not be a reality until this happens. Again, such arrangements will have to be negotiated with the Commonwealth and Queensland governments.

**Recommendation 6**

The Committee recommends that the Commonwealth Government and the Queensland Government provide block grant funding to the proposed Torres Strait Regional Assembly. The goal being to devolve maximum authority to the Regional Assembly to determine the priorities for the allocation of funds, consistent with appropriate Commonwealth or Queensland Government accountability requirements. [p. 63]

22. One of the important functions of the regional assembly is the protection and promotion of the unique Torres Strait culture - the body of traditions, beliefs, art and practices which is known as Ailan Kastom. The Committee suggests that the assembly should establish a forum of elders from both the region and mainland to be responsible for this very important function. The forum would act as a cultural council. It would be up to the regional assembly to determine what the forum's duties should be and how it should carry out its functions. Nevertheless, the Committee makes a recommendation setting out a possible methodology.

**Recommendation 7:**

The Committee recommends that the proposed Torres Strait Regional Assembly sponsor a Cultural Council consisting of Torres Strait Islanders from the Torres Strait and the mainland. The Cultural Council should meet annually and advise the Regional Assembly on how to promote and maintain the *Ailan Kastom* of Torres Strait Islanders. The costs associated with the involvement in the Cultural Council of Torres Strait Islanders living on the mainland should be borne by the Torres Strait Islander Advisory Board. [p. 64]

23. One of the functions of the regional assembly would be to maintain links with the Torres Strait Islanders on the mainland. The Committee envisages that a member of the regional assembly could be elected to represent the region on the ATSIC Board of Commissioners. This should be a matter for the Assembly to decide. Similarly, a Torres Strait Islander from the mainland, preferably the Chairman of the TSIAB, could be given observer status on the assembly.

**Recommendation 8**

The Committee recommends that the proposed Torres Strait Regional Assembly grant observer status to the Chairman of the Torres Strait Islander Advisory Board. [p. 66]

24. Again, the Committee emphasises that many of the structural changes proposed in order to provide greater autonomy for Torres Strait Islanders are outside the Commonwealth's jurisdiction. A successful outcome will depend on the Queensland government agreeing with the proposals. Consultation and negotiation between the Commonwealth and Queensland governments, together with

consultations and negotiation with the people of the Torres Strait, are essential.

25. A regional assembly, once achieved, would not be a static body. Because there are no similar structures in Australia, the Committee considers that there should be a review of the assembly after three years.

#### **Recommendation 9**

The Committee recommends that after three years of operation, the proposed Torres Strait Regional Assembly report to the responsible Commonwealth and Queensland government ministers on any modifications necessary to the structure and processes of the Regional Assembly to improve the effectiveness of the Regional Assembly's operation and its ability to reflect the wishes of the residents of the Torres Strait region. [p. 67]

### **Chapter 5 – greater economic autonomy and greater community control in the Torres Strait region**

26. While the previous chapter considered a model for promoting political autonomy in the region, this chapter considers initiatives which could encourage greater economic autonomy.
27. The Committee considers that the residents of the Torres Strait region should get a fairer share of Commonwealth funds allocated to the Aboriginal and Torres Strait Islander portfolio. In particular, a proportion of the additional \$15 million per year for four years allocated in the 1997-98 budget, should be earmarked for the region.

**Recommendation 10**

The Committee recommends that the Aboriginal and Torres Strait Islander Commission allocate at least 2.7% of the additional \$15 million funding provided to the Aboriginal and Torres Strait Islander portfolio in the 1997-98 budget to the Torres Strait Regional Authority. Such an allocation should be continued for the period of the fixed term funding agreement.

When the Torres Strait Regional Assembly, as described by the Committee, is established, then the above funds should be allocated to the Assembly for Torres Strait Islander and Aboriginal specific purposes, particularly to help achieve more effective employment training and health care programs. [p. 70]

28. The chapter looks at Commonwealth funding provided through various agencies to the region. The Committee considers that there is a need to develop the private sector in order to enhance the region's economic independence and capacity for self-government.
29. At the same time the Committee recognises that there are many institutional barriers to the growth of the private sector in the region. One such barrier is that of employment opportunities and the lack of training available to young people. The Committee recommends that the regional assembly address this issue.

**Recommendation 11**

The Committee recommends that the Regional Assembly, when established, develop programs, in consultation with Island Councils and appropriate Commonwealth and Queensland agencies, to enhance the training and apprenticeship positions available for people living in the Torres Strait region. [p. 72]

30. The chapter looks at the fishing industry which has a great potential to improve the economic self reliance of the region. Again, training is necessary to maximise opportunities for people in the region.

**Recommendation 12**

The Committee recommends that the Torres Strait Regional Authority allocate a proportion of the additional funding detailed in Recommendation 10 above to allow the Torres Strait Island Fisheries Training Project to commence. The Torres Strait Regional Authority (and later the Torres Strait Regional Assembly) should investigate the possibility of establishing joint ventures to ensure that the three prawn fishing licences allocated to Torres Strait Islander and Aboriginal inhabitants of the Torres Strait can be used to the benefit of these people. [p. 75]

31. The chapter then considers the range of regional organisations in the Torres Strait and looks at enhancing the involvement of local people in decision making. The proposed Regional Assembly should be an integral part of this process.

**Recommendation 13**

The Committee recommends that the Torres Strait Regional Assembly develop generic guidelines for negotiation with people of the Torres Strait region, that can be used by Commonwealth and State agencies which are developing policies that particularly affect the region. Until the Regional Assembly is established, the above task should be conducted by the Torres Strait Regional Authority, in conjunction with the Island Coordinating Council. [p.78]

32. The Committee then considers the difference between community control and autonomy. The former refers to management and administration of programs by Torres Strait Islanders. While this is not

the same thing as political autonomy, it is an important concept for the future of Torres Strait Islanders. Where Torres Strait Islanders can be employed in government positions in the region, they should be. It will be necessary to provide suitable training so that this goal can be realised. It is also important that government agencies aim to have a presence in the region wherever possible.

#### **Recommendation 14**

The Committee recommends that Commonwealth agencies with staff positions in the Torres Strait region should ensure that an important selection criterion for all such positions is that applicants have a demonstrated knowledge and understanding of Torres Strait Islander and Aboriginal cultures and a proven ability to communicate with Torres Strait Islander and Aboriginal people' (or words to that effect). [p. 81]

#### **Recommendation 15**

The Committee recommends that those Commonwealth agencies that employ Torres Strait Island and Aboriginal residents in the Torres Strait region, develop cadetships and training programs for those employees, with the goal of extending their representation at all levels and in all occupational groups within the agencies. [p. 82]

33. Another issue related to greater autonomy is the health status of Torres Strait Islanders. The Committee considers the unfavourable health statistics for the region and looks at the relevance of autonomy to this aspect of people's lives.

### **Recommendation 16**

The Minister for Aboriginal and Torres Strait Islander Affairs should seek the agreement of appropriate Queensland Ministers, that Queensland agencies which deliver services to the Torres Strait Region, develop charters committing the agencies concerned to involving the residents of the Torres Strait in the planning, administration and delivery of those services to the region. [p. 86]

## **Chapter 6 – Torres Strait Islanders living on the mainland**

34. There were some calls during the inquiry for greater autonomy to include Torres Strait Islanders on the mainland. Because the Committee has proposed a political model for greater autonomy in the region, the options for including mainlanders in this regional government are necessarily limited. Therefore the Committee has focused on solutions to give mainland Torres Strait Islanders greater autonomy over their own affairs.
35. The Committee is not satisfied that the current ATSIC arrangements for representing the interests of mainland Torres Strait Islanders is the best option for protecting and promoting Torres Strait Islander culture. Because the Torres Strait Islander population on the mainland is widely dispersed (particularly outside Queensland), it is difficult for them to have an effective input into ATSIC policies and participation in ATSIC programs.
36. The Torres Strait Advisory Board (TSIAB) as it is presently constituted, does not seem to provide an effective voice for mainlanders, particularly as it is only advisory. Some mainlanders felt they did not get a fair share of ATSIC program funds, but this criticism is difficult to substantiate because of the way funds are disbursed. The Committee notes that ATSIC is attempting to deal with perceived problems and that it has commenced an evaluation of the level of access to ATSIC programs and services by Torres Strait Islanders living on the mainland.
37. Despite difficulties with the current arrangements for Torres Strait Islanders living on the mainland, the Committee does not favour a separate Commission for mainlanders. Such a solution would be

inefficient and wasteful. In addition, many Torres Strait Islanders living on the mainland also identify with Aboriginal ancestors. They do not wish to chose between their Torres Strait and Aboriginal heritage.

38. Because of these factors, the Committee recommends that the interests of Torres Strait Islanders on the mainland should continue to be protected and promoted by ATSIC. It suggests ways this can be done more effectively by changing the composition of TSIAB.

#### **Recommendation 17**

The Committee recommends that the interests of Torres Strait Islanders living on the mainland should continue to be represented by the Aboriginal and Torres Strait Islander Commission. [p. 106]

#### **Recommendation 18**

The Committee recommends that the Aboriginal and Torres Strait Islander Commission develop a program encouraging mainstream Commonwealth, State, local government and non government agencies to develop partnerships and joint ventures with Torres Strait community groups on the mainland. [p. 106]

#### **Recommendation 19**

The Committee recommends that each regional office of the Aboriginal and Torres Strait Islander Commission should have a nominated Torres Strait Islander contact officer. [p. 108]

**Recommendation 20**

The Committee recommends that each Regional Council be required to state in its Annual Report the measures taken by the Council to identify and respond to the concerns of Torres Strait Islanders within their region. [p. 109]

**Recommendation 21**

The Committee recommends that the Torres Strait Islander Advisory Board (TSIAB) be retained. Membership should consist of two representatives from Queensland; one person to represent both New South Wales and the Australian Capital Territory; one to represent both Victoria and Tasmania; and one representative from each of Western Australia; South Australia; and the Northern Territory. The members of TSIAB should be elected by Torres Strait Islanders living on the mainland, the elections taking place at the same time as ATSIC Regional Council elections. [p. 111]

**Recommendation 22**

The Committee recommends that the Chair of the Torres Strait Island Advisory Board (TSIAB) be elected by the members of TSIAB from amongst their number. The Chair should be appointed to the Aboriginal and Torres Strait Islander Commission Board of Commissioners and should replace the Commissioner for the Torres Strait Zone. [p. 111]

### **Recommendation 23**

The Committee recommends that the *Aboriginal and Torres Strait Islander Commission Act 1989* be amended so that the functions currently specified for the Office of Torres Strait Islander Affairs (OTSIA) be transferred to the Torres Strait Islander Advisory Board (TSIAB). The new function of OTSIA should be to provide secretariat support to TSIAB and assist TSIAB undertake its functions.[p. 112]

## **Chapter 7 – the way ahead**

39. The Committee concludes its report with a look at the processes necessary to encourage the greater autonomy which is the subject of the report.
40. The key to success in delivering benefits to Torres Strait Islanders is consultation and negotiation.

### **Recommendation 24**

The Committee recommends that the Commonwealth Government facilitate a process of consultation with relevant State Ministers, Torres Strait Islanders and all other residents of the Torres Strait region to ensure their support before any legislation is introduced into the Commonwealth Parliament to amend the structures of government or administration in the Torres Strait region. [p. 115]

**Recommendation 25**

The Committee recommends that the Aboriginal and Torres Strait Islander Affairs Commission (ATSIC) facilitate a process of consultation with Torres Strait Islanders living on the mainland before any changes are made to the ATSIC structures and arrangements for Torres Strait Islanders living on the mainland.  
[p. 116]

41. The Committee concludes by observing that greater autonomy gives people greater control over the events that affect them, which in turn, gives them the opportunity to enrich their lives and those of future generations.



# **Chapter 1 – Introduction**

## **Referral to Committee**

1.1 This is the report of the inquiry by the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs ('the Committee') into whether Torres Strait Islanders should be granted a greater degree of autonomy.

1.2 The inquiry was referred to the Committee on 15 August 1996 by the Minister for Aboriginal and Torres Strait Islander Affairs, Senator the Hon John Herron. A copy of the terms of reference is at page xii.

## **Conduct of the Inquiry**

1.3 The Committee advertised the inquiry towards the end of August 1996 and distributed an information booklet to people in the Torres Strait and mainland Australia.

1.4 Forty four submissions were received from a range of Torres Strait Islander groups, government agencies, academics and other interested parties. A list of the submissions received by the Committee is at Appendix one.

1.5 The Committee held a number of public meetings and hearings in the Torres Strait and on the mainland. Details of where the Committee visited and who gave evidence to the Committee can be found at Appendix two. The meetings culminated in a seminar on Thursday Island on 7 May 1997 at which a range of issues that the inquiry had raised were discussed. The seminar brought together Torres Strait

Islanders from the region and the mainland, academics, Queensland and Commonwealth Government officials and, of course, the Committee.

1.6 The considerable effort that many individuals and groups made to present evidence to the Committee and participate in the inquiry underlined the importance of the issue of greater autonomy to Torres Strait islanders.

## **Scope of the Report**

1.7 The second chapter sets the context for the rest of the report. It describes the people of the Torres Strait, their cultural and physical environment and the governing structures and institutions that deliver services in the region and to Torres Strait Islanders living on the mainland.

1.8 Chapter three addresses the first term of reference. It outlines the various forms of 'autonomy' and examines the evidence on the benefits of greater autonomy for the people of the Torres Strait.

1.9 In Chapter four, the Committee outlines the details of its suggested Torres Strait Regional Assembly for delivering greater autonomy to people of the Torres Strait region. This chapter addresses the second term of reference and expands on the Committee's recommendations for political and administrative reform in the Torres Strait region. The Committee advocates a single elected new Commonwealth-State sponsored authority to replace the Torres Strait Regional Authority, the Island Coordinating Council and the Torres Shire Council for all the people living in the Torres Strait region. This new

authority, referred to in this report as the Torres Strait Regional Assembly, will work with the 17 Island Councils and, one day, if the region can achieve greater economic independence, would provide all the people living in the Torres Strait region, the opportunity to consider seeking Territory status (in cooperation with the Queensland and Commonwealth government).

1.10 Chapter five examines some initiatives to enhance the economic independence of the Torres Strait region. The chapter concludes with a discussion about the differences between economic autonomy and community control and then makes several recommendations to improve the participation of Torres Strait Islanders in service delivery in the Torres Strait region.

1.11 Chapter six turns to the inquiry's third term of reference and reviews the implications for mainland Torres Strait Islanders of greater autonomy for the people of the Torres Strait. In this chapter, the Committee also discusses institutional changes to give Torres Strait Islanders greater influence in Aboriginal and Torres Strait Islander agencies on the mainland.

1.12 In the concluding chapter, the Committee outlines its vision for the process of achieving greater autonomy.

## **Preliminary Observations**

### **Commonwealth-State Cooperation**

1.13 Services are delivered to the Torres Strait region by the Commonwealth, Queensland and local governments. Progress towards

any greater degree of autonomy for the region will need the cooperation of all three tiers of government.

1.14 A number of the Committee's recommendations hinge on the Queensland Government's cooperation to be implemented. Ultimately, the Committee can only encourage the Queensland Government to support these recommendations. The Committee is optimistic. So far, the Queensland Government has given a high level of support to the inquiry. The Committee hopes that this spirit of cooperation will continue. Indeed, it will be necessary if the aspirations of Torres Strait Islanders for a greater degree of autonomy are to be realised.

### **The Need for Consultation**

1.15 One of the clearest messages arising from the inquiry is that Torres Strait Islanders wherever they may live want to be as involved as possible in decisions that affect their culture and homeland.

1.16 The Committee understands this desire and believes that Torres Strait Islanders and Aboriginals people should have a greater say in decisions that affect their social, economic and political development. This should lead to more effective decision making because the people involved are usually in the best position to determine their needs and how to meet them. The people are also more accountable and more likely to achieve greater self reliance.

1.17 It is vital that Torres Strait Islanders and all residents of the Torres Strait region are involved as much as possible in the negotiations to establish the Committee's proposed Regional Assembly.

## A Staged Process

1.18 Achieving greater autonomy for the people of the Torres Strait is complex and will require consultation with a range of organisations and people.

1.19 All have a legitimate stake in the process and potential form of greater autonomy for the people of the Torres Strait. Issues of autonomy involve the interests of all Australians, including especially: Torres Strait Islanders in the region and elsewhere in Australia; Aboriginal people; other residents in the Strait; and governments at the local, Queensland and Commonwealth level.

1.20 Achieving appropriate changes in structures of governance and political roles and responsibilities will be challenging because of the overlay of Commonwealth and State Government interests, Torres Strait Islander & Aboriginal culture and traditions and the law.

1.21 Land in the region includes: crown land; freehold land; land held under Deed of Grant in Trust<sup>1</sup>; reserve land<sup>2</sup>; land held under native title<sup>3</sup> and native title claim; and national park land.

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1 Deed of Grant in Trust (DOGIT) land is unallocated Queensland State land that is dedicated as a reserve or granted in trust for community purposes. (Land Act 1994 (Qld), chapter 3, part 1). In this case DOGIT land is land granted in trust for the benefit of Torres Strait Islanders (Torres Strait Islander Land Act 1991 (Qld), s.12). Each area of DOGIT land (including Bamaga) must be governed by an Island Council (Community Services (Torres Strait) Act 1984, s. 14.)

2 Torres Strait Islander reserve land is land set apart under the Land Act or under the Aborigines and Torres Strait Islanders (Land Holding) Act 1985 (Qld) for the Benefit of Torres Strait Islanders (Torres Strait Islander Land Act 1991, s.13).

3 On the Mer (Murray) Islands.

1.22 The seas of the Torres Strait are subject to regulation from being part of the Australian Exclusive Economic Zone, the Australian Fishing Zone and the Torres Strait Protected Zone. The region is also covered by the joint Australia-Papua New Guinea Torres Strait Treaty.

1.23 With so many interests and factors, progress towards greater autonomy will require extensive consultation to ensure that the 'detail' is correct. Some of the Committee's recommendations, for example, will require new laws to be passed by the Queensland and Commonwealth parliaments. The Committee believes that there is a need to move as quickly as possible to implement these changes and so start the process of increasing autonomy and urgently addressing the important issues and challenges facing the people in the region. This may take time, but it will allow all the interested parties to consult fully with each other and consider the options.

1.24 However, before discussing these recommendations, the report sets the context for the inquiry by describing the people and institutions of the Torres Strait region.

## **Chapter 2 – Setting the Context**

### **Introduction**

2.1 This chapter describes the geography and people of the Torres Strait and the major Commonwealth and Queensland Government agencies that deliver services in the Torres Strait region and to Torres Strait Islanders living on the mainland. It provides a backdrop for the rest of the report.

### **The Geography of the Torres Strait Region**

2.2 The Torres Strait region is bounded by the Papua New Guinea (PNG) border to the north, the Jardine River on the Cape York Peninsula to the south, some uninhabited islands and reefs near 141°E to the west and the edge of the Great Barrier Reef near 144°E to the east.

2.3 The total area covers over 40 000km<sup>2</sup>, of which just over 90% is ocean. The region includes some 150 islands, 18 of which are currently inhabited. The region is now taken to include the tip of the Cape York Peninsula as large communities of Torres Strait Islanders have settled at Seisia and Bamaga on Aboriginal land north of the Jardine River.

## The People of the Torres Strait

### Torres Strait Islanders

2.4 The 1996 Census indicated that 8 572 people live in the Torres Strait region.<sup>4</sup> Of this total, 5 667 identified themselves as being Torres Strait Islanders – the traditional inhabitants of the region who are of Melanesian origin.<sup>5</sup> In addition, 564 people living in the Torres Strait region identified themselves as being of mixed Torres Strait Islander and Aboriginal ancestry. Furthermore, 23 077 people who identified themselves as Torres Strait Islanders and 9 542 people who identified themselves as of mixed Torres Strait Islander and Aboriginal ancestry in the same census now live on the Australian mainland, mostly on the eastern seaboard of Queensland.<sup>6</sup> Thus, Torres Strait Islanders living outside the Torres Strait region outnumber those living in the homeland by some four to one. Table 6.2 in Chapter six provides greater detail on the dispersion of Torres Strait Islanders on the mainland. Chapter six also examines issues affecting Torres Strait Islanders living on the mainland in more detail.

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4 Australian Bureau of Statistics, *Personal Communication*, August 1997.

5 The report uses the phrase 'Torres Strait Islanders' to refer to indigenous Torres Strait Islanders living in the Torres Strait region or on the mainland. The phrase 'Torres Strait Islanders' does not include Aboriginals or other residents of the Torres Strait region.

6 ABS, *Personal Communication*, August 1997. See Australian Bureau of Statistics (ABS) & Centre for Aboriginal Economic Policy Research, *1994 National Aboriginal and Torres Strait Islander Survey, Torres Strait Islanders Queensland*, 1997, p. 5.

2.5 Torres Strait islanders make up some 73% of the population of the Torres Strait region and approximately 11% of the total Australian Aboriginal and Torres Strait Islander population.<sup>7</sup>

2.6 Torres Strait Islanders traditionally lived on islands that were separate, although culturally similar, sovereign entities.<sup>8</sup> It was not until after European contact that the various island communities were identified as a single cultural group by outsiders. Torres Strait Islanders now identify as belonging to the wider cultural group of Torres Strait Islanders. A body of customs, traditions, observances and beliefs, referred to as *Ailan Kastom*, has survived European contact and continues to develop. *Ailan Kastom* combines strong elements of Christianity, as evidenced by the significance of the 'Coming of the Light' ceremonies, with traditional values associated with the authority of elders and sea and market garden based economies. *Ailan Kastom* forms a strong bond between the different island communities and between Torres Strait Islanders living in the region and on the mainland.

2.7 Torres Strait Islanders retain a strong identity with their home island, even if living on the mainland. The importance of this identity is illustrated by the reluctance of individual Torres Strait Islanders to generalise and claim they speak on behalf of others. The Committee notes the words of the Erub Council of Darnley Island on this point:

whilst all Torres Strait people have many interests in common, the interests and aspirations of those in one region are not

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7 Based on the 1996 Census figures (314 120 Aboriginals, 28 744 Torres Strait Islanders and 10 106 identifying as of both Aboriginal and Torres Strait Islander ancestry).

8 See Mr P. Stephen, *Transcript*, p. 44.

necessarily universal, nor can they be automatically expressed by any persons from outside the region concerned.<sup>9</sup>

### **Aboriginals Living in the Torres Strait Region**

2.8 The traditional Aboriginal inhabitants of the tip of the Cape York Peninsula and nearby islands are the Kaurareg. The Kaurareg claim native title ownership to the southern islands and surrounding seas in the Torres Strait.<sup>10</sup> In the post European contact period, some Kaurareg people have been relocated to Hammond and Moa Islands, and settlements of Torres Strait Islanders have been placed on Kaurareg land at Seisia and Bamaga.<sup>11</sup> There are now approximately 500 adult Kaurareg, with over 200 of these living in the Torres Strait region.<sup>12</sup>

2.9 The Kaurareg consider that their culture is marginalised by a dominant Torres Strait Islander culture in the Torres Strait region. This is in much the same way that Torres Strait Islanders resident on the mainland believe they are overlooked in indigenous matters.<sup>13</sup>

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9 *Submissions*, pp. S56 and S247–48. See also Mrs A. Gela, *Transcript*, p. 366 and Mrs Fischer, *Transcript*, p. 471.

10 Native Title land claims have been made on parts of Horn and Prince of Wales Islands, Zuna Island and some small islands south of Prince of Wales Island.

11 See Kaurareg Land Council, *Submissions*, pp. S69–S80; *Transcript*, pp. 55–56.

12 Kaurareg Land Council, *Submissions*, p. S78; and Centre for Aboriginal Economic Policy Research (CAEPR), *Submissions*, p. S202.

13 See Kaurareg Land Council, *Submissions*, pp. S70–S71; Mr R. Aken, *Transcript*, pp. 55–56.

## Other Residents of the Torres Strait Region

2.10 While the Torres Strait region remains predominantly inhabited by Torres Strait Islanders, some 20% of the population does not identify as being either Torres Strait Islander or Aboriginal<sup>14</sup>. In the inner southern islands, the number of other residents rises to nearly 40% of the total population.<sup>15</sup> While many of these residents are on temporary postings to Thursday Island, others have families which have lived in the region for generations and may have intermarried with Torres Strait Islanders. As Mr George Mye, an elder of Darnley Island, acknowledged:

there are some people other than islanders on Thursday Island whose families have been here for hundreds of years. Some of them you can class as indigenous, and some are more indigenous than the indigenous.<sup>16</sup>

2.11 All Torres Strait Islanders who spoke to the Committee accepted the fact of non indigenous Australians in the region and their right to live there. A small number of Torres Strait Islanders, however, did not fully support other residents having an equal decision making role in any new forms of regional government that a greater degree of autonomy might bring.<sup>17</sup> There was no strong opposition, however, to the concept of all the people living in the Torres Strait Region having 'equal rights'.

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14 1 714 people in the 1996 Census, *Personal Communication*, August 1997.

15 Primarily on Thursday and Horn Islands. See CAEPR, *Submissions*, p. S202.

16 *Transcript*, p. 398. See also Mr C. Coleman on behalf of the Wongai Corporation, *Transcript*, p. 357.

17 For example, see various speakers, *Transcript*, pp. 390–391.

2.12 While understanding the views of those Torres Strait Islanders in this matter, the Committee strongly believes that the benefits and rights to participate in any greater regional autonomy should be for all residents of the area. This Committee's views on this matter are expanded on in Chapter four. Suffice to say here, that the concepts of equality: a full electoral franchise; equal opportunity; mutual respect and non discrimination; provide the best basis for achieving democracy, accountability and greater autonomy.

### **People from Papua New Guinea**

2.13 The northern islands of the Torres Strait – Boigu, Dauan and Saibai – are within five kilometres of the PNG mainland. The Torres Strait Treaty (see below), allows PNG people and Torres Strait Islanders to cross the Australian-PNG international border for traditional visits under a permit system.

2.14 Torres Strait Islanders living on Saibai raised concerns that traditional visiting rights were being abused in some cases by PNG citizens who came to Saibai in order to use the superior health facilities on the Australian side of the border.<sup>18</sup> This opinion was echoed by Queensland Health who were also concerned that PNG citizens could introduce exotic diseases into the Australian population.<sup>19</sup>

2.15 In June 1997, the Department of Immigration and Multicultural Affairs began a review of Torres Strait border control. At the time of writing, terms of reference for the review had not been established.

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18 Saibai Island, *Records of Informal Discussions*, 22 October 1996, pp. 3–4.

19 Ms G. Taylor, *Transcript*, p. 166 and Dr J. Scott, *Transcript*, p. 170.

However, the review will involve consultation with other Commonwealth agencies and Torres Strait Islanders. The Committee does not consider that the changes it recommends in this Report need to be delayed until this Review is completed.

## History of the region

2.16 The following chart indicates some of the major developments in the efforts of Torres Strait Islanders to gain a greater degree of autonomy, shown with the more general history of the region.

| GENERAL HISTORY                                                                                                | DATE | STEPS TO AUTONOMY                                                                                                                |
|----------------------------------------------------------------------------------------------------------------|------|----------------------------------------------------------------------------------------------------------------------------------|
| Captain Willem Jahszoon (Dutch) entered western entrance to Strait and landed on west coast of Cape York       | 1606 | [The people of the Torres Strait enjoyed complete autonomy from pre-historic times to annexation by Queensland in 1872 and 1879] |
| Luis Vaez de Torres (Spanish navigator) sailed through Straits                                                 | 1606 |                                                                                                                                  |
| Captain Cook sailed through Straits (raised the flag at Possession Island and claimed east coast of Australia) | 1770 |                                                                                                                                  |
| William Bligh sailed through the Straits in the Bounty                                                         | 1789 |                                                                                                                                  |
| "Coming of the Light"-arrival of missionaries in the islands                                                   | 1871 |                                                                                                                                  |

| GENERAL HISTORY                                                                                                        | DATE | STEPS TO AUTONOMY                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Queensland annexed many of the islands close to the coast                                                              | 1872 |                                                                                                                                                                                                        |
| Govt administration and garrison at Somerset on Cape York relocated to Thursday Is                                     | 1877 |                                                                                                                                                                                                        |
| Qld Coast Islands Act-extended the Qld boundaries to within 5 km of the PNG coast)                                     | 1879 |                                                                                                                                                                                                        |
| Gold rush on Horn Island                                                                                               | 1894 |                                                                                                                                                                                                        |
| Peak of pearling industry (thousands of divers and deckhands from all over the world - more than 400 boats in Straits) | 1897 |                                                                                                                                                                                                        |
| Anglo-Australians, Malays, Southern Islands and Japanese                                                               | 1903 |                                                                                                                                                                                                        |
| First official count – 2368 Torres Strait Islanders left in Strait area                                                | 1913 | Establishment of forerunner of the Torres Shire Council                                                                                                                                                |
|                                                                                                                        | 1936 | Strike against Qld Govt (maritime strike which spread to be a general strike). Result of strike was establishment of elected island councils to take charge of local government matters on each island |

| GENERAL HISTORY                                                                            | DATE      | STEPS TO AUTONOMY                                                                                                     |
|--------------------------------------------------------------------------------------------|-----------|-----------------------------------------------------------------------------------------------------------------------|
| Torres Strait Light Infantry Battalion (four companies recruited on a regional basis)      | WWII      |                                                                                                                       |
|                                                                                            | 1943      | Troops on strike re poor pay compared with white troops and lack of access to various benefits                        |
| First Torres Strait Islanders allowed onto mainland to work in cane fields                 | 1947      |                                                                                                                       |
|                                                                                            | 1952-1991 | Elected Torres Shire Council replaced by a state govt administrator advised by an appointed local executive committee |
| Major emigration to Qld. (downturn in pearling industry)                                   | 1960s     |                                                                                                                       |
| Referendum to amend s. 51(xxxvi) to permit Commonwealth to legislate for indigenous people | 1967      |                                                                                                                       |
| Torres Shire Treaty signed (between Aust. and PNG)                                         | 1978      | Proposal for establishment of Magani Malu Kes (organisation to represent all TSI people in Townsville)                |
|                                                                                            | 1982      | The case, Eddie Mabo & Others v. the State of Qld. commenced in the High Court (writ issued 1981)                     |
|                                                                                            | 1984      | Establishment of Island Coordinating Council (ICC) . under Qld Community Services (Torres Strait) Act                 |

| GENERAL HISTORY                                                                                                                                                                                                                             | DATE | STEPS TO AUTONOMY                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                             | 1984 | Introduction of Deeds of Grant in Trust Legislation (Qld) – deeds given to Queensland Aboriginal and TSI communities by 1987 – refused by Murray Island |
| Qld. Coast Islands Declaratory Act (to extinguish retrospectively any native title that may have existed prior to annexation of the outer Torres St. islands in 1879 (disallowed by High Ct. in 1988 because of inconsistency with the RDA) | 1985 |                                                                                                                                                         |
| Torres Strait Treaty ratified                                                                                                                                                                                                               | 1985 | Community Services (Torres Strait) Act 1985 [QLD] - established current system of Island Councils and Courts                                            |
| Full repatriation benefits equal to those of white troops finally granted to Torres St. Islanders who served during WWII                                                                                                                    | 1986 |                                                                                                                                                         |
| Census – 5617 indigenous people in Straits region of whom 5397 were Torres St. Islanders and 220 Aboriginal people.                                                                                                                         | 1991 | First National Torres St Islander Conference - Brisbane, organised by IINA                                                                              |
| High Ct. upheld claim of Mabo & other in <i>Mabo &amp; Others v. the State of QLD</i> (Mabo 2) establishing that the common law recognises a form of native title.                                                                          | 1992 |                                                                                                                                                         |
| Common law stated in Mabo 2 incorporated into statute in the Native Title Act                                                                                                                                                               | 1993 |                                                                                                                                                         |

| GENERAL HISTORY | DATE      | STEPS TO AUTONOMY                                                                                                         |
|-----------------|-----------|---------------------------------------------------------------------------------------------------------------------------|
|                 | 1994      | Establishment of TSRA (under the ATSIC Act)                                                                               |
|                 | 1995      | Various assets and liabilities of ATSIC (including contracts relating to loans and grants) transferred from ATSIC to TSRA |
|                 | 1995      | Abortive secession attempt for Murray Island organised by mainlander islander James Akee and others                       |
|                 | June 1997 | Amendment to ATSIC Act to provide for direct funding for TSRA                                                             |
|                 | July 1997 | Prime Minister promised TSRA full independence from ATSIC by 2000                                                         |

## The Torres Strait Treaty

2.17 In 1985, Australia and PNG entered into the Torres Strait Treaty. The treaty settles the international border between the two countries and establishes the Torres Strait Protected Zone (TSPZ) in which each nation is responsible for various matters on its side of the border.

2.18 A range of Commonwealth agencies are involved in the implementation of the treaty, including the Australian Federal Police, the Australian Customs Service (including Coastwatch), the Australian

Fisheries Management Authority, the Australian Quarantine Inspection Service, and the departments of Environment, Sports & Territories; Foreign Affairs & Trade; and Immigration and Multicultural Affairs.

2.19 Issues of concern to these agencies (and their PNG equivalents) include fisheries management, environmental protection, cross border crime, smuggling, cross border movements of people and quarantine failures.

## **Existing Regional Institutions**

### **Introduction**

2.20 In the Torres Strait region, political representation and service delivery is provided by a complex overlap of local, state, Commonwealth indigenous and mainstream institutions. These institutions are described below.

### **Island Councils**

2.21 There are 17 Island (or 'community') Councils in the Torres Strait region established under the Queensland Government's Community Services (Torres Strait) Act 1984.<sup>20</sup> Councils are funded primarily by way of grants from both Commonwealth and Queensland Government sources. The Councils discharge the functions of local government.<sup>21</sup> As such, they are responsible for, amongst other things,

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20 Most councils are island based. However, Bamaga and Seisia councils are on Cape York Peninsula and Kubin and St Pauls councils are both on Moa Island.

21 See Community Services Act (Qld) s. 23.

road maintenance, construction of public housing, water and sewage systems, airstrips, child care facilities, and the upkeep of parks and outdoor facilities.

2.22 In addition to these 'regular' local government functions, Island Councils employ island police, administer island courts and control entry onto land granted in trust to Torres Strait Islanders (Deed in Grant of Trust land).<sup>22</sup>

2.23 Council budgets, staff numbers and Island facilities are detailed in Appendices 3 & 5.

**Table 2.1 Island Councils and their Chairpersons at August 1997**  
(established under the *Community Services (Torres Strait) Act 1984*)

|                                     |                                        |
|-------------------------------------|----------------------------------------|
| Bamaga (Mr Reg Williams)            | Mer Island (Mr Ron Day)                |
| Badu Island (Mr Jack Ahmat)         | Saibai Island (Mr Terry Waia)          |
| Boigu Island (Mr Edward Dau)        | St Pauls, Moa Island (Mr Miseron Levi) |
| Coconut Island (Mr Gibson Pearson)  | Seisia (Mr Joseph Elu)                 |
| Darnley Island (Mr Eliah Doolah)    | Stephen Island (Mr Henley Stephen)     |
| Dauan Island (Mrs Margaret Mau)     | Sue Island (Mr Ted Billy)              |
| Hammond Island (Mr Henry Garnier)   | Yam Island (Mr Getano Lui Jnr.)        |
| Kubin, Moa Island (Fr Salatelu Joe) | Yorke Island (Mr Joseph Mosby)         |
| Mabuiag Island (Mr Terrence Whap)   |                                        |

2.24 Only indigenous people can run for office on Island Councils, although all eligible voters (indigenous and non indigenous) can vote for candidates.<sup>23</sup> Elections are by the 'first past the post' (simple majority) voting system.

22 See Community Services Act (Qld) ss. 34–43 and 63–68 See also footnote one.

23 Community Services Act (Qld), Regulations, s. 8.

## **The Torres Shire Council**

2.25 The Island Councils are not the only local government organisations in the Torres Strait Region. The Torres Shire Council (TSC), formed under the Local Government Act 1993 (Qld), provides local government services to all areas of the Torres Strait not covered by Island Councils.

2.26 The boundary of the Shire extends from the Jardine River on the mainland to the international boundary with PNG. However, the TSC's administrative control does not include those Islands and mainland areas where Islander and Aboriginal Councils exist under the provisions of the Community Services Acts. In practice, however, the TSC primarily provides services for people on Thursday, Prince of Wales and Horn Islands.

2.27 The TSC represents some 4 500 people - more than half the resident population of the Torres Strait region. Many of these people are not Torres Strait Islanders and the TSC stresses that one of its roles is to act as the political voice of all people - Islander and non Islander - of the shire.<sup>24</sup>

**Table 2.2      Torres Shire Councillors at August 1997**

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|                           |                   |
|---------------------------|-------------------|
| Cr. Pedro Stephen (Mayor) | Cr Patricia Holt  |
| Cr John Adidi             | Cr Pan Laifoo     |
| Cr Leo Akee               | Cr. Marsha Loban  |
| Cr Agnes Fox              | Cr Isao Shibasaki |

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24 *Submissions*, p. S330.

2.28 Elections for the Council are by the 'first past the post' (simple majority) voting system. The TSC's budget revenue for 1995-96 was \$4.4 million and the Council employs 38 staff in total.

### Island Coordinating Council

2.29 The Community Services Act (Qld) established the Island Coordinating Council (ICC) as the peak Queensland organisation to represent the Island Councils. As such, ICC membership consists of all the Island Council Chairs and one person representing the Tamwoy community of Torres Strait Islanders living on Thursday Island.<sup>25</sup> The ICC is supported by a secretariat of eight people.

**Table 2.3 Members of the ICC at August 1997**

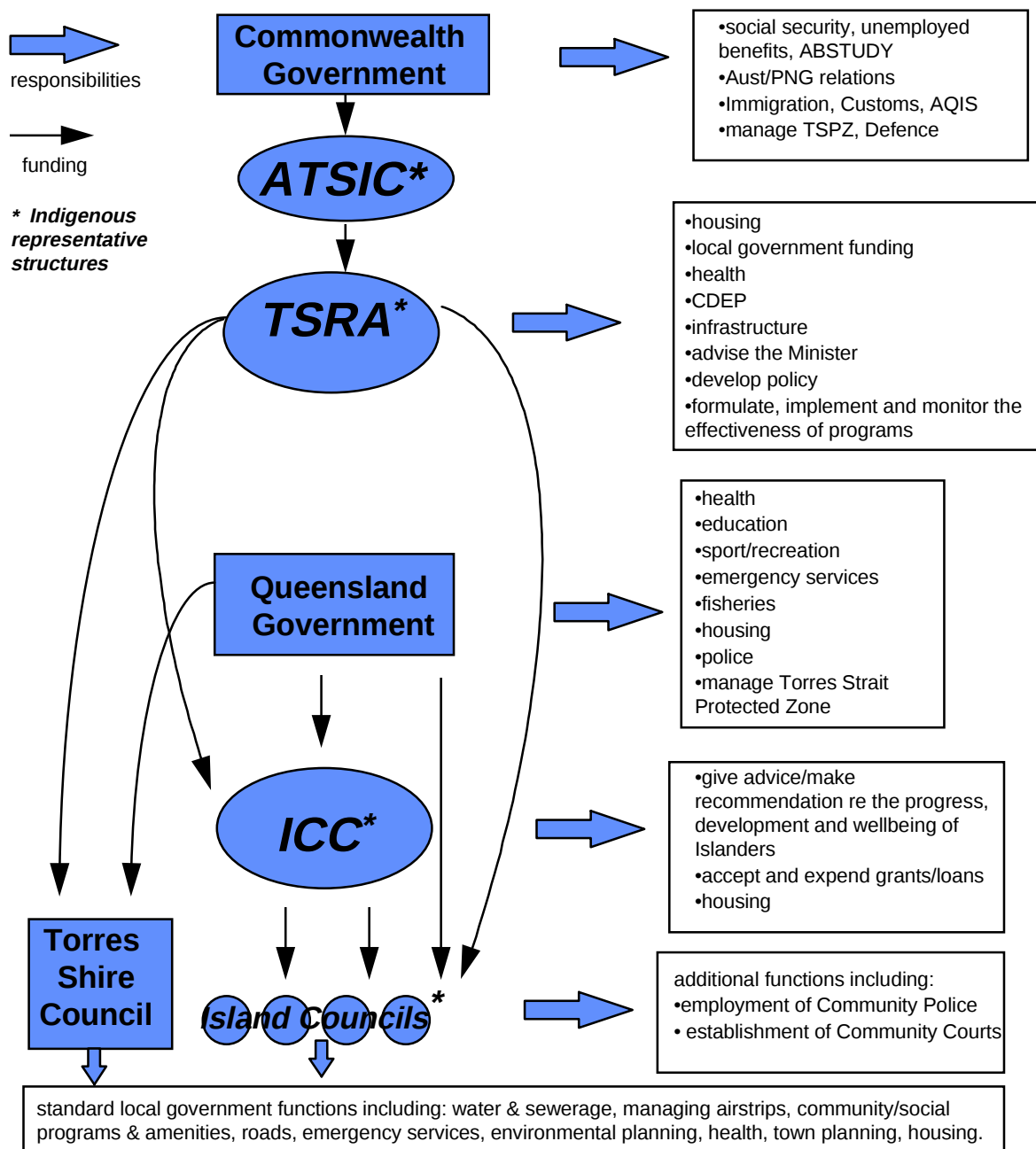
|                                         |                                        |
|-----------------------------------------|----------------------------------------|
| Mr Getano Lui Jnr. (Yam Island) (Chair) | Fr Salatelu Joe (Kubin, Moa Island)    |
| Mr John Abednego (Tamwoy)               | Mr Miseron Levi (St Pauls, Moa Island) |
| Mr Jack Ahmat (Badu Island)             | Mrs Margaret Mau (Dauan Island)        |
| Mr Ted Billy (Sue Island)               | Mr Joseph Mosby (Yorke Island)         |
| Mr Edward Dau (Boigu Island)            | Mr Gibson Pearson (Coconut Island)     |
| Mr Ron Day (Mer Island)                 | Mr Henley Stephen (Stephen Island)     |
| Mr Eliah Doolah (Darnley Island)        | Mr Terry Waia (Saibai Island)          |
| Mr Joseph Elu (Seisia)                  | Mr Terrence Whap (Mabuiag Island)      |
| Mr Henry Garnier (Hammond Island)       | Mr Reg Williams (Bamaga)               |

2.30 The ICC's statutory functions and organisational links with other agencies are described in Tables 2.4 and 2.5.

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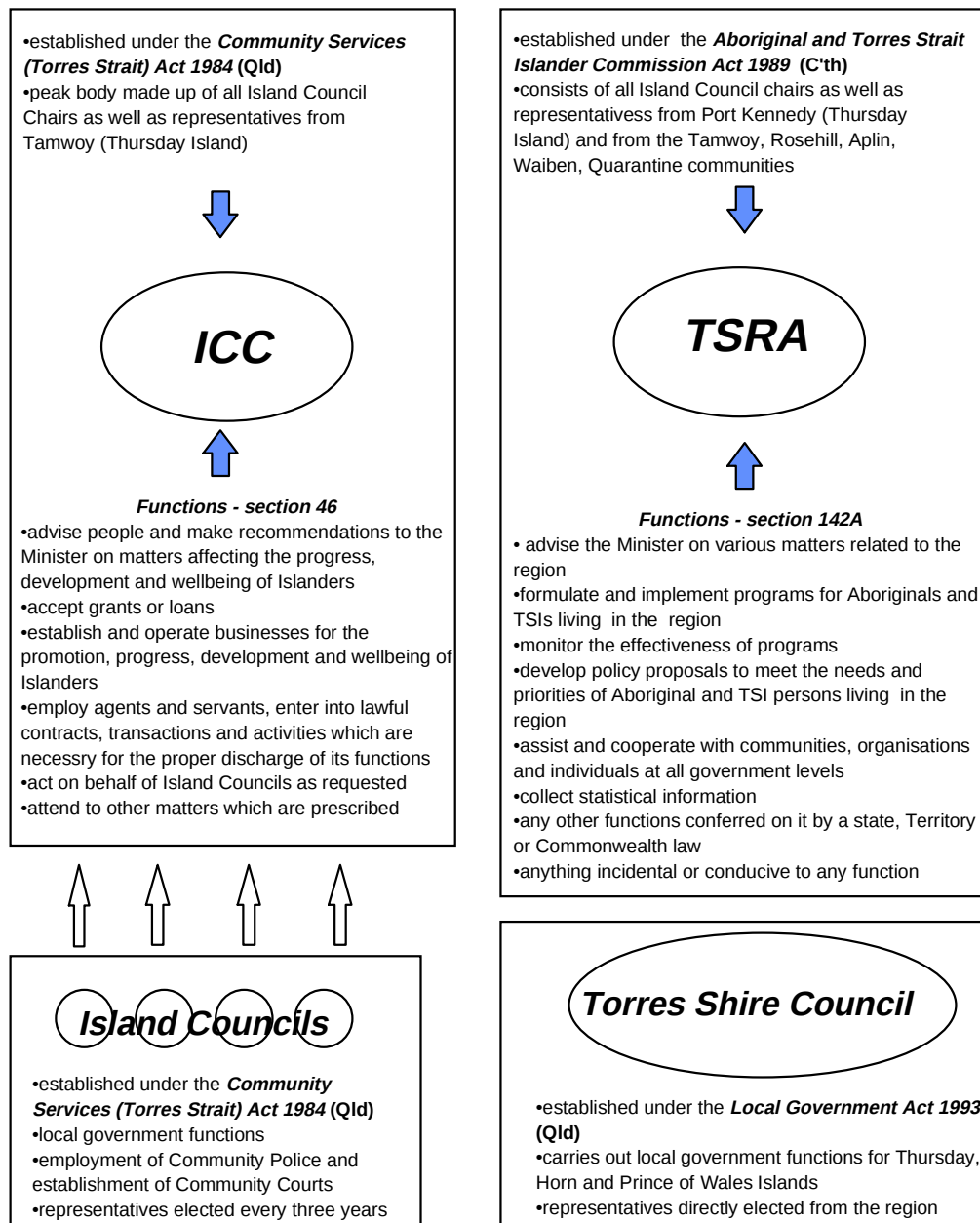
<sup>25</sup> Section 45, Community Services Act. Under s. 45(4) of the Act, members of the ICC can appoint delegates in certain circumstances.

**Table 2.4 Government Services and Funding in the Torres Strait Region 1996-97<sup>26</sup>**



26 From 1989-99, the TSRA will negotiate its own budget with the Commonwealth Government. A Member of the TSRA sits on the ATSIC Board of Commissioners as the Torres Strait Zone Commissioner

**Table 2.5 Legislative Functions of Government Entities in the Torres Strait Region**



2.31 In 1995-96, the ICC received a total revenue of \$10.5m. Of this amount, some \$7.8m was provided by the Commonwealth via the Torres Strait Regional Authority and \$1.7m from state government agencies.<sup>27</sup> For further details, see Table 2.7.

### **Torres Strait Regional Authority**

2.32 In 1994, following amendments to the *Aboriginal and Torres Strait Islander Act 1989* (the 'ATSIC Act'), the former Aboriginal and Torres Strait Islanders Affairs Commission (ATSIC) Torres Strait Regional Council was replaced by an independent statutory authority - the Torres Strait Regional Authority (TSRA). Within the Torres Strait, the TSRA has similar powers and functions to ATSIC itself (see Tables 2.4 & 2.5) and carries out all the functions that ATSIC used to undertake.

2.33 TSRA represents and acts on behalf of all Torres Strait Islanders and Aboriginals living across the Torres Strait region and there is a statutory provision which states that TSRA's focus on Torres Strait Islanders 'does not imply that the TSRA may disregard Aboriginal tradition and custom'.<sup>28</sup>

2.34 TSRA consists of an elected arm and an administrative arm. The elected arm currently comprises 20 elected representatives, consisting of: the 17 island council chairs; a representative of Horn and Prince of Wales Islands; a representative of the Port Kennedy community on Thursday Island; and a person representing (collectively)

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27 ICC, *Annual Report 1995-96*, p. 90. Note that \$6.1m of the Commonwealth funds was for water supply maintenance.

28 ATSIC Act, s. 142A(2).

the Tamwoy, Rosehill, Aplin, Waiben and Quarantine communities on Thursday Island. An amendment to the ATSIC Act in 1994, allowed for three extra members on TSRA, but these have not yet been filled.<sup>29</sup> TSRA is currently supported by 27 staff.

**Table 2.6 Members of the TSRA at August 1997**

|                                                  |                                                  |
|--------------------------------------------------|--------------------------------------------------|
| Mr John Abednego, (TRAWQ <sup>30</sup> ) (Chair) | Mr Miseron Levi (St Pauls, Moa Island)           |
| Mr Jack Ahmat (Badu Island)                      | Mr Getano Lui Jnr. (Yam Island)                  |
| Mr Ted Billy (Sue Island)                        | Mrs Margaret Mau (Dauan Island)                  |
| Mr Edward Dau (Boigu Island)                     | Mr Joseph Mosby (Yorke Island)                   |
| Mr Ron Day (Mer Island)                          | Mr Gibson Pearson (Coconut Island)               |
| Mr George Dewis (Port Kennedy)                   | Mr Henley Stephen (Stephen Island)               |
| Mr Eliah Doolah (Darnley Island)                 | Mr Terry Waia (Saibai Island)                    |
| Mr Joseph Elu (Seisia)                           | Dr Roney Wasaga (Horn & P. of W. <sup>31</sup> ) |
| Mr Henry Garnier (Hammond Island)                | Mr Terrence Whap (Mabuiag Island)                |
| Fr Salatelu Joe (Kubin, Moa Island)              | Mr Reg Williams (Bamaga)                         |

2.35 Note the overlap of members between the TSRA, the ICC (Table 2.3) and the list of Island Council Chairpersons (Table 2.1). This overlap is discussed in greater detail in Chapter four.

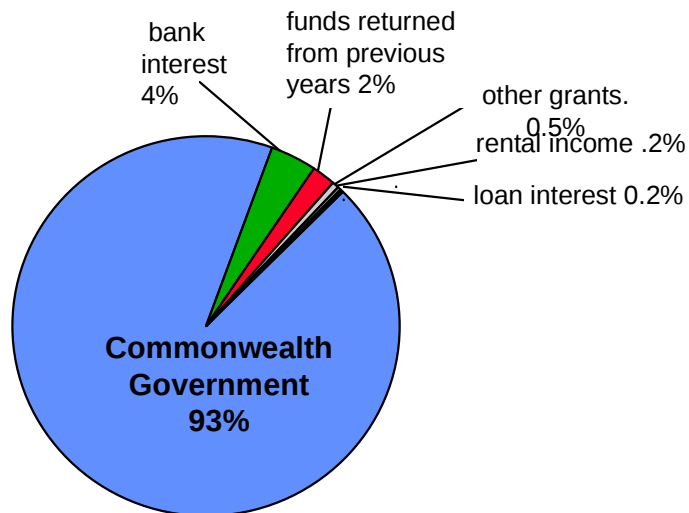
2.36 In 1995-96, the TSRA received Commonwealth funding of \$36.5m and received revenue from other sources of \$2.6m. Some \$37.4m was disbursed, of which \$16.1m was spent on Community Development and Employment Projects (CDEP). In the year, the TSRA also provided funding of \$1.5m for capital works in the region. Some

29 See ATSIC Act, s. 142R(1B).

30 The Tamwoy, Rosehill, Aplin, Waiben and Quarantine communities on Thursday Island

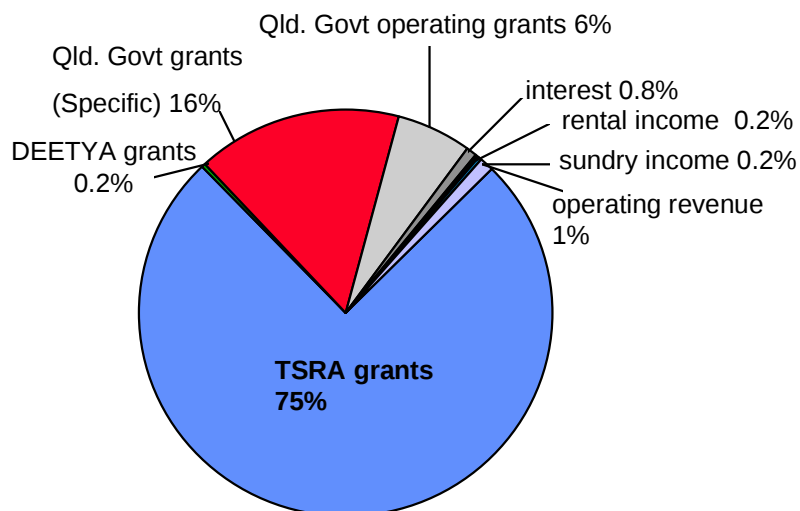
31 Horn Island & Prince of Wales Island.

**Table 2.7      Torres      Strait      Regional      Authority      Revenue      base  
1995/96**



Information taken from TSRA *Annual Report* 1995/96.

**Island Coordinating Council Revenue base 1995/96**



Figures have been rounded.  
Information taken from ICC *Annual Report* 1995/6.

Note that the TSRA grant in 1995-96 included a \$6 million special purpose grant for the maintenance of the Torres Strait Island water supply. This single grant constituted 59% of the ICC's total revenue for the year, and 78% of the TSRA's grant to the ICC for that year.

\$1.4m was distributed to the island councils, the ICC, the TSC and the Tamwoy Development Association to supplement their running costs.<sup>32</sup> The TSRA's administrative expenses in 1995-96 were \$3.4m.

## **ATSIC**

2.37 ATSIC represents all Aboriginal and Torres Strait Islanders people at the national level, including Torres Strait Islanders. Accordingly, ATSIC's national Board of Commissioners includes a representative from the Torres Strait region. The Torres Strait Zone Commissioner, as the representative is called, is elected to the position by and from the TSRA (see Chapter six for further discussion on this position).<sup>33</sup>

2.38 Within ATSIC, the Office of Torres Strait Islander Affairs (OTSIA) monitors and reports on the conduct and development of programs and policies which affect Torres Strait Islanders and, in doing so, evaluates whether or not the programs and policies meet the needs of *all* Torres Strait Islanders.<sup>34</sup> However, OTSIA is required to 'pay particular attention to the needs of Torres Strait Islanders who live outside the Torres Strait area' (see below). In practice, OTSIA leaves the TSRA to monitor the impact of programs and policies on Torres Strait Islanders living in the Torres Strait region.

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32 TSRA, *Annual Report*, 1995-96.

33 The Commissioner is possibly also a member of the ICC (see chapter four).

34 ATSIC Act, s. 81.

2.39 Currently, the TSRA's enabling legislation is part of the ATSIC Act. ATSIC is also responsible for the TSRA's global budget and has provided corporate services for the TSRA (financial systems, staff training, pay systems, grants procedures) under a Memorandum of Understanding. However, there have been two recent initiatives that will completely separate the TSRA from ATSIC and the ATSIC Act. In July 1997, the TSRA was formally moved out of ATSIC's financial umbrella and will begin negotiating its annual appropriations as a separate agency from the 1998-99 budget. Also in July 1997, the Prime Minister publicly recognised the distinctive nature of Torres Strait Islander culture and promised Torres Strait Islanders that, by the year 2000, the TSRA would have separate enabling legislation.<sup>35</sup>

### **Other Agencies**

2.40 The Torres Strait region is part of Australia and, as such, is serviced by the range of Commonwealth and Queensland Government agencies that provide services to Australians.

2.41 Queensland Government departments with a particular involvement in the region include: Education; Health Services; Emergency Services; Environment; Families, Youth and Community Care (particularly, the Office of Aboriginal and Torres Strait Islander Affairs); Primary Industries, Fisheries and Forestry, Public Works and Housing; Training and Industrial Relations; Health; and the Queensland Police Service.

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35 At a speech on Thursday Island on 8 July 1997.

2.42 In addition, to the Commonwealth agencies involved in administering various aspects of the Torres Strait Treaty, the Department of Health and Family Services funds agencies to deliver health programs in the Torres Strait and the Department of Employment, Education, Training and Youth Affairs provides a number of small grants directly to the region. The Department of Social Security provides a range of benefits to residents of the region.

## **Commonwealth Institutional Structures for Torres Strait Islanders Living on the Mainland**

### **Introduction**

2.43 There are some 23 100 Torres Strait Islanders who live outside the Torres Strait region on mainland Australia. While the Torres Strait Regional Authority (TSRA) and the Island Coordinating Council (ICC) operate for the benefit of Torres Strait Islanders and Aboriginals living in the Torres Strait region, neither agency represents or acts on behalf of Torres Strait Islanders living on the mainland.

2.44 Torres Strait Islanders living on the mainland, along with Aboriginals, are represented by the Aboriginal and Torres Strait Islander Commission (ATSIC).

2.45 The ATSIC Act provides for three different mechanisms to represent the interests of Torres Strait Islanders living on the mainland. Firstly, Torres Strait Islanders living on the mainland have the same rights as Aboriginals to participate in ATSIC's general representative structures and seek ATSIC grants. Secondly, within ATSIC, a Torres Strait Islander Advisory Board (TSIAB) has been established to

represent the interests of Torres Strait Islanders living outside the Torres Strait region. Thirdly, an Office of Torres Strait Islander Affairs (OTSIA), established within ATSIC's Central Office, supports the TSIAB and monitors the effects of government policies and programs on Torres Strait Islanders living on the mainland.<sup>36</sup>

2.46 This chapter concludes by detailing these mechanisms. They are discussed again in Chapter six in the context of giving greater autonomy to Torres Strait Islanders living on the mainland.

### **ATSIC's General Representative Structures**

2.47 For the purposes of the ATSIC Act, mainland Australia is divided into 35 regions.<sup>37</sup> Each region has an elected Regional Council.<sup>38</sup> One function of Regional Councils is 'to represent Aboriginal and Torres Strait Islander residents of the region and to act as an advocate of their interests'.<sup>39</sup> Torres Strait Islanders are entitled to vote and run for office in their local Regional Council elections.<sup>40</sup>

2.48 The Regional Councils are grouped into 16 zones, and members of Regional Councils then elect a person to represent the

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36 *Aboriginal and Torres Strait Islander Commission Act 1989* (the 'ATSIC Act'), Part 2, Division 10.

37 ATSIC Act, s. 91.

38 ATSIC Act, s. 92.

39 ATSIC Act, s. 94(1)(e).

40 ATSIC Act, s. 101 provides the general entitlement for people to vote. Section 113 also provides for special entitlements to vote.

zone.<sup>41</sup> The Minister appoints these zone representatives as members of ATSIC's Board of Commissioners.<sup>42</sup>

2.49 Thus, in theory at least, Torres Strait Islanders living on the mainland, can gain office as ATSIC Regional Councillors and ATSIC Commissioners. In practice, however, Torres Strait Islanders have only tended to gain election to Regional Councils in council areas where there are significant Torres Strait Islander minorities (along Queensland's eastern seaboard).<sup>43</sup>

## **TSIAB**

2.50 TSIAB has a total membership of seven Torres Strait Islanders. Six of these are from the mainland, with one being appointed by the Minister from New South Wales & the Australian Capital Territory, Victoria & Tasmania, Queensland, Western Australia, South Australia and the Northern Territory. The seventh member, and Chair of TSIAB, is the ATSIC Commissioner representing the Torres Strait Zone (and thus from the Torres Strait region).

2.51 TSIAB is required to provide advice to the Minister and to ATSIC for the purpose of furthering the social, economic and cultural advancement of Torres Strait Islanders living outside the Torres Strait area.<sup>44</sup>

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41 ATSIC Act, ss. 130 and 131.

42 ATSIC Act, s. 27.

43 Although Ms T. Mam, a Torres Strait Islander, has been elected to the Board of Commissioners.

44 ATSIC Act, s 83(1).

2.52 The members of TSIAB hold office on a part time basis.<sup>45</sup>

**Table 2.8 Members of TSIAB as at August 1997**

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|                               |                             |
|-------------------------------|-----------------------------|
| Mr Terry Waia (Chair) (ATSIC) | Ms Sue Murdoch (NT)         |
| Mr Charles Coleman (Qld)      | Ms Thelma Quartey (NSW-ACT) |
| Rocky Gela (SA)               | (vacant) (Vic-Tas)          |
| Ms Abigail Harry (WA)         |                             |

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## **OTSIA**

2.53 As mentioned, OTSIA's primary role is to monitor and report on the conduct and development of programs and policies which affect Torres Strait Islanders and, in doing so, evaluate whether or not the programs and policies meet their needs

2.54 OTSIA provides secretariat assistance to TSIAB and administers ATSIC's Torres Strait Islander specific programs. In 1997-98 OTSIA had a budget of \$930 000, of which \$117 000 is for TSIAB's administrative expenses and \$540 000 is for program expenditure. OTSIA is required to consult TSIAB about the performance of OTSIA's functions.<sup>46</sup>

2.55 In 1996-97 OTSIA had a staff of four.

2.56 The purpose of this chapter has been to indicate the range of people and organisations which are affected by the development of autonomy, both in the Torres Strait region and on the mainland.

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45 ATSIC Act, s. 84(2).

46 ATSIC Act, s. 81(3).

2.57 The next chapter, which follows on from the chart, discusses the meaning of autonomy and discusses some of the benefits that are likely to accrue to the region if it is granted greater autonomy.

## Chapter 3 – Autonomy and its Benefits

### Introduction

3.1 The first term of reference of the inquiry asks '[w]hether the people of the Torres Strait would benefit from a greater degree of autonomy'. From an early stage in the inquiry, the Committee identified the need to clarify the meaning of 'autonomy' before looking at what benefits it might bring.

### What is Greater Autonomy?

#### Different Meanings of Greater Autonomy

3.2 Autonomy is a multifaceted concept and different users of the word tend to emphasise different interpretations of its meaning. The potential confusion and uncertainty about the definition of 'autonomy' echoes earlier debates about 'self determination' and 'self government' by this Committee and others.<sup>47</sup>

3.3 It is evident to the Committee that some people presenting written and verbal evidence to the inquiry have had different meanings in

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47 House of Representatives Standing Committee on Aboriginal Affairs (HORSCAA), *A Chance for the Future: Training in Skills for Aboriginal and Torres Strait Island Community Management and Development*, August 1989, Canberra, AGPS, p. 3; HORSCAA, *Our Future Our Selves: Aboriginal and Torres Strait Islander Community Control, Management and Resources*, August 1990, Canberra, AGPS, pp. 12-13; Royal Commission into Aboriginal Deaths in Custody (RCIADIC), *National Report, Vol. 2*, 1991, Canberra, AGPS, pp. 503-09; Aboriginal and Torres Strait Islander Social Justice Commission, *First Report 1993*, AGPS, Canberra, pp. 41-66.

mind when discussing autonomy.<sup>48</sup> When distilled, the meanings have tended to focus on political/structural, economic and cultural interpretations.

3.4 Most commonly, the word autonomy has been used to refer to some form of enhanced self government for the Torres Strait region but in no way implying succession from Australia. Reference has usually been made to improving the structures of representation to give those governed more say or control over the decisions that affect them and a more effective way of influencing Commonwealth, State and local governments. In particular, the evidence refers to the ability of Torres Strait Islanders to better influence public sector expenditure priorities in the region and to administer and deliver services more efficiently.<sup>49</sup>

3.5 The word autonomy has been used by some witnesses to the inquiry to refer to the desire of Torres Strait Islanders to have greater control over the region's natural resources and government expenditure involving the Torres Strait region.<sup>50</sup> Commentators referring to autonomy in this context are usually seeking the establishment of a stronger and independent economic base for the region and greater involvement by Torres Strait Islanders in existing activities (including fishing, tourism, conservation & public sector service delivery). With greater economic independence, people in the region will have greater freedom to make

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48 Saam Kerem TSI Corp., *Submissions*, p. S217.

49 See Mr J. Akee, *Submissions*, p. S91, Mr Misi, *Transcript*, p. 392; TSRA, *Submissions*, p. S154.

50 See CAEPR, *Submissions*, pp. S206-09; Chair, Hammond Island Council, *Transcript*, pp. 426-29.; Townsville-Thuringowa Torres Strait Islander Action Group, *Submissions*, p. S118.

decisions and allocate resources as they see fit, rather than having to completely rely on Commonwealth and State funds.

3.6 In another sense, the phrase autonomy has been used to refer to the desire of Torres Strait Islanders to '...maintain their culture, identity, values and traditions as a separate race of indigenous people'.<sup>51</sup> As expressed by Yatamo Gelo of Darnley Island:

Everything that the Islander people has been landed with nationally has always been with aboriginal dominance despite the Island culture being separate and distinct... Islander people would of course benefit greatly for the first time to be recognised and accepted as a separate Australian indigenous entity.<sup>52</sup>

This emphasis on cultural distinctiveness is used particularly by those seeking recognition of the differences between Torres Strait Islander and Aboriginal culture.<sup>53</sup>

3.7 These three dimensions of autonomy are used in this report. They can be linked, although they need not be. For example, some Torres Strait Islanders living on the mainland see their ability to maintain a separate identity (cultural autonomy) as closely linked to their ability to develop a representative structure outside ATSIC (political autonomy). On the other hand, people in the Torres Strait region could be given greater control over fisheries management (economic autonomy) without there being any related changes in the structures of regional

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51 Torres Strait Regional Authority (TSRA), *Submissions*, p. S151. See also Mr P. Jull, *Submissions*, p. S26.

52 *Submissions*, p. S131.

53 See Torres Strait Islander Advisory Board, *Submissions*, p. S369; Ms A. Akee, *Transcript*, 507.

governance (political autonomy). Similarly, a greater degree of regional self governance may have no effect on the regional economy.

### **Greater Autonomy for Whom?**

3.8 There can be no doubt that achieving greater autonomy in the sense expressed by the Committee will be of great benefit to all the people of the Torres Strait region. Torres Strait Islanders (in the region and on the mainland), the Kaurareg, other residents of the region and various Commonwealth and Queensland government agencies all have a stake in whatever form greater autonomy takes. It is important to involve all residents in the new mechanisms to achieve greater autonomy. Non Torres Strait Islander or Aboriginal people will have an equal interest in discussing any new form of political autonomy for the Torres Strait region. There is no reason why the interests of Torres Strait Islanders and the need to enhance and support *Ailan Kastom* should be a barrier to achieving greater autonomy for all the people.

3.9 The impetus for providing greater autonomy has come from Torres Strait Islanders themselves. The Committee recommends in Chapter four that a model of greater autonomy, for the Torres Strait region must include non Torres Strait Islander residents as well. This is fundamental to democracy, harmony and will be particularly important if the residents of the Torres Strait region wish to seek territory status in the future (with the cooperation of the Queensland and Commonwealth governments).

## **A Future Goal - Territory Status?**

3.10 It is inescapable that any increase in autonomy in the Torres Strait region will involve at least some changes to the current structures of government in the region. Possible changes range along a spectrum from the establishment of a new territory at one end, to minor adjustments to the existing political and administrative structures at the other.

3.11 Nobody giving evidence to the Committee sought the establishment of a separate nation state for the Torres Strait region.<sup>54</sup> Indeed, people all strongly supported the region continuing to be part of Australia and expressed pride in being Australian. Several people, however, see territory status of the type held by several of Australia's external territories, as the ultimate goal for the Torres Strait region.<sup>55</sup>

3.12 The Committee considers that territory status is a legitimate and achievable goal for the Torres Strait region when it is economically stronger in the future. The Committee did not receive extensive evidence on possible models of territory status for the Torres Strait. Such matters will, it is hoped, become topics for Queenslanders and Torres Strait Islanders themselves to consider in the future. The new form of regional self government coming into effect in 1999 for the indigenous Inuit in northern Canada offers a possible international

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54 In fact, witnesses explicitly rejected sovereign status for the region. See Mr D. Ober, Townsville-Thuringowa TSI Action Group, *Transcript*, p. 7; Mr D. Bon, *Transcript*, p. 340; TSRA, *Submissions*, p. S150.

55 Murray Island Community Council, *Submissions*, pp. S88-89; Mr J. Akee, *Submissions*, p. 92; Mr D. Bon, *Transcript*, p. 333; Mr P. Stephen, *Transcript*, pp. 430-31.

model.<sup>56</sup> Indeed the process of creation of the new territory of Nunavut has some similarities with the developments in the Torres Strait region. Appendix five provides details on the Inuit form of regional government.

3.13 Any path to territory status in the Torres Strait region will only be achieved when the region secures a greater degree of economic self sufficiency.<sup>57</sup> Whatever form any territory status takes, the Commonwealth Government must always have a continuing involvement in the region (defence, customs, quarantine etc.) and is likely to remain a principal funder of the region for the foreseeable future.<sup>58</sup> It is also likely that the Queensland Government would continue to provide many services to a Torres Strait Territory, perhaps on a contract basis.

3.14 While the Committee does not recommend an appropriate form of territory status, the report outlines a structure of governance in the following chapter that could be easily modified in the future for territory government. However, before discussing this structure, the report turns to review the potential benefits of granting the region a greater degree of autonomy.

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56 See Department of Indian Affairs and Northern Development, *Creating the New Territory of Nunavut, Information Sheet No. 55*, March 1996 (at Internet site <http://www.inac.gc.ca/>). See also Mr P. Jull, *Submissions*, pp. S33-35.

57 This point has been recognised by Torres Strait people. See Murray Island Community Council, *Submissions*, p. S86; Torres Strait Regional Authority (TSRA), *Corporate Plan, 1996-2000*, p. 11.

58 As acknowledged by indigenous Torres Strait Islanders. See TSRA, *Submissions*, p. S156.

## **The Benefits of a Greater Degree of Autonomy**

3.15 The Committee is convinced that the people of the Torres Strait will benefit from a greater degree of autonomy and that they will suffer greatly if they do not achieve greater self reliance. The Committee believes that a greater degree of autonomy will lead to a greater sense of self sufficiency by Torres Strait Islanders.

3.16 In the next chapter, the Committee recommends a structure to provide greater autonomy to those living in the Torres Strait region. It will be up to the people of the region to use that structure (whatever its final form) to achieve self sufficiency. The remainder of the chapter discusses more fully the reasons why greater autonomy should be available to the all the people of the Torres Strait region.

### **Returning a Right to Islanders**

3.17 It is a widely held view amongst Torres Strait Islanders that there are significant intrinsic benefits associated with greater autonomy. In particular, benefits are seen to stem from the right of Torres Strait Islanders to manage their own affairs.

3.18 For example, the Torres Strait Islander Advisory Board (TSIAB) argues that greater autonomy will recognise the fact that Torres Strait Islanders today are descendants of the original inhabitants of the region.<sup>59</sup> These people had total control over their lives, their culture and the local economy, before that autonomy was taken away after European contact and formal annexation to Queensland in 1879. By

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59 TSIAB, *Submissions*, p. S370.

giving Torres Strait Islanders a greater degree of autonomy, the Commonwealth and Queensland Governments will be returning a right that was taken from them. This argument applies equally to the Kaurareg who also feel that 'the welfare state' has 'removed [their] control over the lives of the people of the Torres Strait'.<sup>60</sup>

3.19 Viewed against the historical background of the Torres Strait area, the granting of greater autonomy is seen by Torres Strait islanders as 'an important part of the process of reconciliation'.<sup>61</sup>

### **Preserving Torres Strait Culture**

3.20 Torres Strait Islanders argue that *Ailan Kastom* is best 'safeguarded and developed' by Torres Strait Islanders themselves.<sup>62</sup> Involving Torres Strait Islanders in the decision making processes will ensure that economic initiatives, such as tourism and fishing, can be undertaken in sympathy with local customs and, in fact, reinvigorate traditional culture.

3.21 By having greater autonomy, Torres Strait Islanders will be able to integrate program design and delivery with their cultural values. The result should be the preservation of *Ailan Kastom* through its continuing relevance and application in daily life.

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60 Kaurareg Land Council, *Submissions*, p. S70.

61 TSIAB, *Submissions*, p. S370.

62 Townsville-Thuringowa Torres Strait Islander Action Group, *Submissions*, p. S113; TSRA, *Submissions*, pp. S152-53; TSRA, *Transcript*, p. 388.

## **Taking Responsibility for Decisions**

3.22 It is also a widely held belief that faults and problems existing in communities, in particular in connection with the level of services, could be righted if Torres Strait Islanders could take greater responsibility for their own affairs.

3.23 The Royal Commission into Aboriginal Deaths in Custody has argued that substantial change for Aboriginal people in Australia will not occur unless governments and non indigenous people accept the necessity for allowing Aboriginals to identify, effect and direct the changes which are required.<sup>63</sup> The Kaurareg Land Council gave a Torres Strait regional perspective to this view, arguing that 'the very act of being involved in planning your own destiny gives great hope to community members...'.<sup>64</sup> The Committee believes that these comments are equally applicable for Torres Strait Islanders living in the region and on the mainland.

3.24 The development and achievement of goals is more likely to be successful if the people who have the greatest stake in the outcomes are included in the decision making process.<sup>65</sup> It is also more likely that the strategies used to achieve outcomes will be designed specifically for the local needs rather than be culturally inappropriate solutions imposed by external agencies.<sup>66</sup>

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63 RCIADIC, *National Report*, Vol. 2, pp. 501-02; Vol. 4, p.2.

64 Kaurareg Land Council, *Submissions*, p. S77.

65 Mr H. Garnier, *Transcript*, p. 428; Chairperson, TSRA, *Transcript*, p. 388; TSRA *Submissions*, p. S152.

66 See Mr P. Jull, *Submissions*, p. S28.

3.25 The Committee is confident that, if Torres Strait Islanders are given a greater degree of responsibility for making the decisions that affect them, they will then seek their own solutions to problems and establish their own economic initiatives.

### **Improving Service Delivery**

3.26 Torres Strait Islanders are critical that policies affecting the Torres Strait region are developed in Brisbane, Cairns or Canberra and have little relevance to the region.<sup>67</sup> As one commented:

The Torres Strait people are the best qualified ones to speak, as we know and experience the day to day problems inside the Torres Strait. Greater autonomy for the Torres Strait is quite simply a more effective structure in which to address the needs of our people.<sup>68</sup>

3.27 Greater regional involvement in decision making is also likely to lead to better program coordination as local decision makers are more likely to identify duplication or a lack of services and respond more appropriately than agencies operating from a distance.<sup>69</sup> Furthermore, residents may find it easier to keep local decision makers accountable when decisions are made in the region rather than when they are made by agencies based in Canberra or Brisbane.

3.28 The arguments for local input into program development and implementation by Torres Strait Islanders blur the distinction between greater autonomy and greater 'self management' or 'community control'.

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67 See Mr P. Stephen, Torres Shire Council, *Transcript*, p. 43.

68 Chairperson, TSRA, *Transcript*, p. 388. See also Mr P. Stephen, *Transcript*, p. 43.

69 TSRA, *Submissions*, p. S155.

This distinction is discussed in greater detail in Chapter five. Nonetheless, greater local involvement in program design and implementation is likely to lead to better outcomes, whether on the level of an individual program or when looking at services to the region as a whole.

3.29 The report now turns to examine what the Committee sees as the most appropriate structures for providing the people of the Torres Strait region with a greater degree of autonomy and to identify some of the problems associated with the existing structures.

## **Chapter 4 – A Possible form of Greater Autonomy for the Torres Strait Region**

### **Introduction**

4.1 In this chapter, the Committee discusses its proposal for a structure of governance and administration to deliver greater political autonomy to all of the people of the Torres Strait. Structures for improving the autonomy of Torres Strait Islanders living on the mainland are discussed in Chapter six.

4.2 The Committee's proposed model for the Torres Strait region is based on a joint Commonwealth-State body to represent all of the people and coordinate and administer programs on behalf of *all* people living in the region. The Committee believes that its model will best unite the region and prepare it for even greater autonomy in the form of territory status, should the people of the Torres Strait region (and the Queensland and Commonwealth governments) so desire.

4.3 Of course, the Committee's proposal and recommendations need to be fully discussed and agreed with the Queensland Government and the people of the Torres Strait. Mechanisms for this process are discussed in the concluding chapter.

4.4 However, before detailing the Committee's model, the chapter explains the Committee's belief that there needs to be significant changes to the existing administrative structures in the region.

## **The Need for Change**

### **The need to Simplify Structures**

4.5 When reviewing the existing governing and administrative structures in the Torres Strait region, the Committee was struck by the number of agencies representing and delivering services to people in the region.

4.6 The Committee believes that it is desirable to urgently reduce the number of agencies, described in Chapter two, that represent and provide services to the 8 600 people or so of the region. It is a feature of the region at present, that a relatively small number of people are represented and have services delivered by a relatively large number of agencies: 17 island councils; a State based funding, advisory & coordination agency (the Island Coordinating Council); and an equivalent Commonwealth agency (the Torres Strait Regional Authority), the Torres Shire Council. The existence of these separate institutions diverts scarce funds away from service delivery and leads to a lack of clarity about which services are delivered by which agency.

4.7 The basis of the Regional Assembly model developed below is that democracy and efficiency rely on clear lines of responsibility and accountability. The Committee believes that the funding, advisory and coordinating functions for the Torres Strait area should be carried out by one joint Commonwealth-State agency rather than two separate organisations, more effectively and efficiently. A reduction in the number of agencies responsible for the delivery of services would enhance the transparency of service delivery in the region and will leave more funds available for actual services. Such an outcome would be of benefit to

both residents of the region, and Commonwealth, State and private sector agencies which undertake activities there.

### **The Possibility of Merging the ICC and the TSRA**

4.8 The Committee considered recommending a single Commonwealth-State agency for Torres Strait Islanders and Aboriginals to replace the TSRA and the ICC. In effect, merging the two agencies.

4.9 The principal benefit of merging the ICC and the TSRA would be that a single Commonwealth-State agency should be able to represent Torres Strait Islander and Aboriginal interests in the region more effectively and efficiently than two separate agencies. In turn, Torres Strait Islanders and Aboriginals living in the Torres Strait region should be able to gain a greater degree of control over indigenous program priorities and service delivery

4.10 In the Committee's view, the TSRA and the ICC, apart from the obvious federal and state qualifiers, perform different aspects of the same functions. As Table 2.5 illustrates, both the TSRA and the ICC administer Commonwealth and Queensland Government programs that are provided exclusively for Torres Strait Islander and Aboriginal people. Mr Getano Lui described the roles of the TSRA and the ICC in this way:

Both are basically the same, except for the legislation that they come under, Commonwealth and state – one [TSRA], as I see, with the authority as a financier and the Island Coordinating Council as more of a developer. As an example, I would say that what is happening now, say, with the water supply, for instance, is that the funding comes through the [TSRA] to the ICC and the ICC is then responsible, basically in consultation with the community councils, to make sure that the water supply program is in place. It has been monitored by the TSRA and, at the end of

the day, it is handed back over to the local councils to administer as their responsibility.<sup>70</sup>

4.11 Similarly, the TSRA provides grants to Torres Strait Islander and Aboriginal community groups through the ICC and contributes to ICC operational expenses.<sup>71</sup> Both the ICC and the TSRA provide advice to ministers of their respective governments; both coordinate the activities of other agencies; and both provide assistance and advice to Island Councils.

4.12 In terms of accountability, the situation is further complicated by the degree of cross funding. The TSRA provides funds to the Island Coordinating Council; the ICC and the TSRA both provide grants to island councils individually or collectively. Finally, the establishment of a single Commonwealth-State body would eliminate the cross handling of finances and functions, which, in turn, should leave more funds available for actual services.

### **Meetings and Members**

4.13 The Committee has been struck by the overlapping membership of the ICC and the TSRA. As indicated in Tables 2.1, 2.2 and 2.3, Island Council Chairs are also automatically represented on the ICC and, thus, are automatically also members of the TSRA. This not only places a heavy burden on council Chairs, but means that, in a very real sense, the ICC and TSRA are the same agency. It also means that there is are

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70 Mr G. Lui, *Transcript*, p. 400.

71 Refer to the TSRA, *Annual Report*, pp. 88–94.

two administrative structures to support, virtually, the same group of people.

4.14 The Committee appreciates that the TSRA holds quarterly four day meetings and that the ICC, where possible, holds its quarterly meetings in an adjacent week, or if the meetings are short, in the same week as the TSRA meetings. Nonetheless, the present arrangement means that council Chairs are likely to have to travel eight times a year for ICC and TSRA meetings. The Committee believes that a single merged organisation could hold, say, six, five day meetings. This would, accordingly, reduce travel and accommodation expenses and allow the funds saved to be spent on other projects.

**Table 4.1 ICC and TSRA Meeting Days (1995-96)**

| <b>ICC Meeting days</b>      | <b>TSRA Meeting days</b>        |
|------------------------------|---------------------------------|
| —                            | Mon 11 - Thur 14 September 1995 |
| Tues 5 - Fri 8 December 1995 | Tues 12 - Fri 15 December 1995  |
| Mon 11 March 1996            | Tues 12 - Fri 15 March 1996     |
| Mon 20 - Fri 24 May 1996     | Tues 4 - Fri 7 June 1996        |

4.15 Merging the ICC and the TSRA does represent a reduction in the number of agencies representing Torres Strait islander and Aboriginal people in the Torres Strait region. However, in the Committee's view, the proposal does not go far enough because it would not address the lack of representation for the other residents of the region.

## **Non Indigenous Representation and Territory Status**

4.16 The ICC and the TSRA currently provide a legitimate voice on government and community matters for Torres Strait Islanders and the Aboriginals of the Torres Strait area. Their credentials as a voice for the region at large are limited, however, because they do not formally represent the 20% of the region's population that is neither Torres Strait Islander nor Aboriginal. As such, non indigenous residents may resist forms of greater autonomy that do not expressly include them.

4.17 Maintaining or strengthening Torres Strait Islander specific structures will undoubtedly improve self management or community control by Torres Strait Islanders living in the region. The Committee does not believe, however, that the region can develop effective self government in the future unless the mode of government represents *all* residents of the region. This point has also been acknowledged by ATSIC and TSIAB.<sup>72</sup>

4.18 Accordingly, the Committee proposes a joint Commonwealth-Queensland structure for all residents of the Torres Strait region which, in this report, is called the 'Torres Strait Regional Assembly'.

## **A Regional Assembly**

### **A Joint Commonwealth-Queensland Body**

4.19 The principal feature of the Committee's proposal is that the TSRA, the ICC and the Torres Shire Council (TSC) be replaced with a

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72 For example: ATSIC, *Submissions*, p. S301; TSIAB, *Submissions*, p. S389.

single Commonwealth–State regional organisation. The Committee has nominally called this organisation the Torres Strait Regional Assembly ('the Regional Assembly'). In this model, the Regional Assembly would represent and provide services for and on behalf of all residents of the Torres Strait area. Eventually Island Councils may wish to merge with the Regional Assembly. However, in the meantime the Island Councils and the Assembly will work as partners.

4.20 The Committee believes that the Regional Assembly needs to be established under complementary Commonwealth and Queensland legislation and to be responsible to nominated Commonwealth and Queensland Government ministers.<sup>73</sup> This hinges totally on the cooperation and agreement of the Queensland Government. The Committee has every confidence in the support of the Queensland Government, given its positive contribution to the inquiry and its recognition that the Commonwealth and Queensland Governments need to 'sit down and consult more widely on roles and responsibilities in relation to [the] Torres Strait and funding'.<sup>74</sup>

4.21 Given its regional nature, the Regional Assembly would also need to be established as organisationally separate from Torres Strait Islander and Aboriginal specific organisations such as ATSIC. Accordingly, the Committee makes the following recommendation.

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73 In the Commonwealth Ministry, the Committee believes the Regional Assembly should report to the Minister responsible for local government.

74 Mr C. Goodreid (Queensland Government), *Transcript*, p. 404.

### **Recommendation 1**

The Committee recommends that the Commonwealth Government negotiate the establishment of a joint statutory agency (the 'Torres Strait Regional Assembly') with the Queensland Government to represent all residents of the Torres Strait area and to replace the Island Coordinating Council, the Torres Strait Regional Authority and the Torres Shire Council.

### **Regional Assembly Representation**

4.22 The Committee envisages that the Regional Assembly will consist of an elected representative from each island council electorate, three elected representatives from Thursday Island and two representatives elected to represent Horn and Prince of Wales Islands.<sup>75</sup> The extra representatives for the named islands are to reflect Thursday Island's comparatively large population (some 1 700 people<sup>76</sup>) and the fact that the Committee recommends below the abolition of the Torres Shire Council and, hence, the local government representation for residents of these islands.

4.23 All voters qualified under the Local Government Act 1993 (Qld) should be eligible to vote for Regional Assembly candidates.<sup>77</sup> Equally, all voters qualified under the Local Government Act 1993 (Qld) should be eligible for election to the Regional Assembly, including those also

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75 A modification of the existing TSRA wards: two for Thursday Island and the one ward for Horn & Prince of Wales Islands.

76 1991 Census figures.

77 Those entitled to vote under the Commonwealth Electoral Act and who live in the electoral district and have lived in it for the last month (Local Government Act 1993 (Qld), s. 224 & Electoral Act 1992 (Qld), s. 64(1)).

running for positions on island councils. Elections for the Regional Assembly would be held at the same time as island council elections.

4.24 This voting system represents two major changes from the current voting procedures for the ICC and the TSRA. Firstly, it allows all residents -- not just Torres Strait Islanders and Aboriginals -- to seek office at the regional level. Secondly, it allows any person, whether or not that person is a chair of an Island Council, to represent residents. In that way, residents could vote directly for members of their regional institutions, rather than indirectly, as occurs now for the ICC and the TSRA.

4.25 While the Regional Assembly does not preserve the Torres Strait Islander and Aboriginal specific representation of the ICC and the TSRA, the electoral system provides the mandate to allow the Regional Assembly to legitimately represent all residents of the region. It also provides a direct and clearer line of accountability between voters and their representatives at the regional level.

4.26 The Committee believes that Torres Strait Islanders and Aboriginals living in the region should be willing to accept this apparent reduction in their indigenous specific representation, attributed to the abolition of the ICC and the TSRA, because they are likely to gain and maintain ascendancy in the Regional Assembly. Torres Strait Islanders and Aboriginals make up a majority of the regional population and are likely to continue to do so, given their young age profile. It is also likely to continue to be difficult for large numbers of other people to move into the region given that most of the available land is under islander

control.<sup>78</sup> These factors are likely to ensure that Torres Strait Islanders and Aboriginals remain a majority in the region and, thus, a majority in the Regional Assembly. Furthermore, by maintaining island based electorates rather than moving to a regional ward system, island communities will be able to preserve their distinct identity within the Regional Assembly.<sup>79</sup>

4.27 There are likely to be on-going debates about which electoral system best balances the desire of the smaller island communities to maintain separate representation with the desire of the larger communities to gain adequate representation. These are properly debates for the people of the region once the Regional Assembly is established. The Committee's recommendation that the Regional Assembly review its own processes after three years of operation (see recommendation nine) will facilitate such debates on the most desirable electoral system.

4.28 At the outset, the Committee believes that its proposed voting system will provide a reasonable balance which will allow the Regional Assembly both to maintain a distinctly Torres Strait Islander character and to represent adequately all Torres Strait residents. The Committee's model has the added benefit of being familiar to residents. Accordingly, the Committee makes the following recommendation.

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78 Island land is variously held as Deed of Grant in Trust (DOGIT) under the Land Act 1962 (Qld), reserve land and native title.

79 The Regional Assembly, in time, may chose to redistribute or increase electorates to more clearly reflect island demographics. For example, Thursday and Badu Islands and Bamaga could be given greater representation in the Regional Assembly.

### **Recommendation 2**

The Committee recommends that the proposed Torres Strait Regional Assembly consist of: one representative elected from each Torres Strait Island Council electorate; three representatives elected from Thursday Island; and two representatives elected from the residents of Horn and Prince of Wales Islands. All qualified voters should be eligible to be elected to the Regional Assembly, including those also running for office on island councils. Elections for the Regional Assembly should be held at the same time as island council elections.

### **Regional Assembly Functions**

4.29 To adequately represent the region, the Regional Assembly, would need to undertake the functions currently carried out by the TSRA, the ICC and the TSC.

4.30 The functions and responsibilities of the TSRA and the ICC are for Torres Strait Islanders and Aboriginals. However, many of these functions and responsibilities could readily be adapted for the Regional Assembly and encompass all people in the region. For example, the policy advice, coordination, funding and council support functions of the TSRA and the ICC could be adopted by the Regional Assembly and modified as appropriate to apply on a regional basis.

4.31 The TSRA and the ICC administer significant Commonwealth and Queensland Government programs respectively that are provided exclusively for Torres Strait Islanders and Aboriginals. One such program administered by the TSRA is the Commonwealth's Community Development Employment Projects (CDEP) Scheme.<sup>80</sup> The Committee

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80 Details of the CDEP are provided in the TSRA, *Annual Report*, pp. 88–94.

believes that such programs could be successfully administered by the Regional Assembly in much the same way as they are by the TSRA and the ICC. By using trust accounts, the Regional Assembly could ensure that grants reserved for Torres Strait Island and Aboriginal activities were spent on those programs only. Accordingly, the Committee makes the following recommendation.

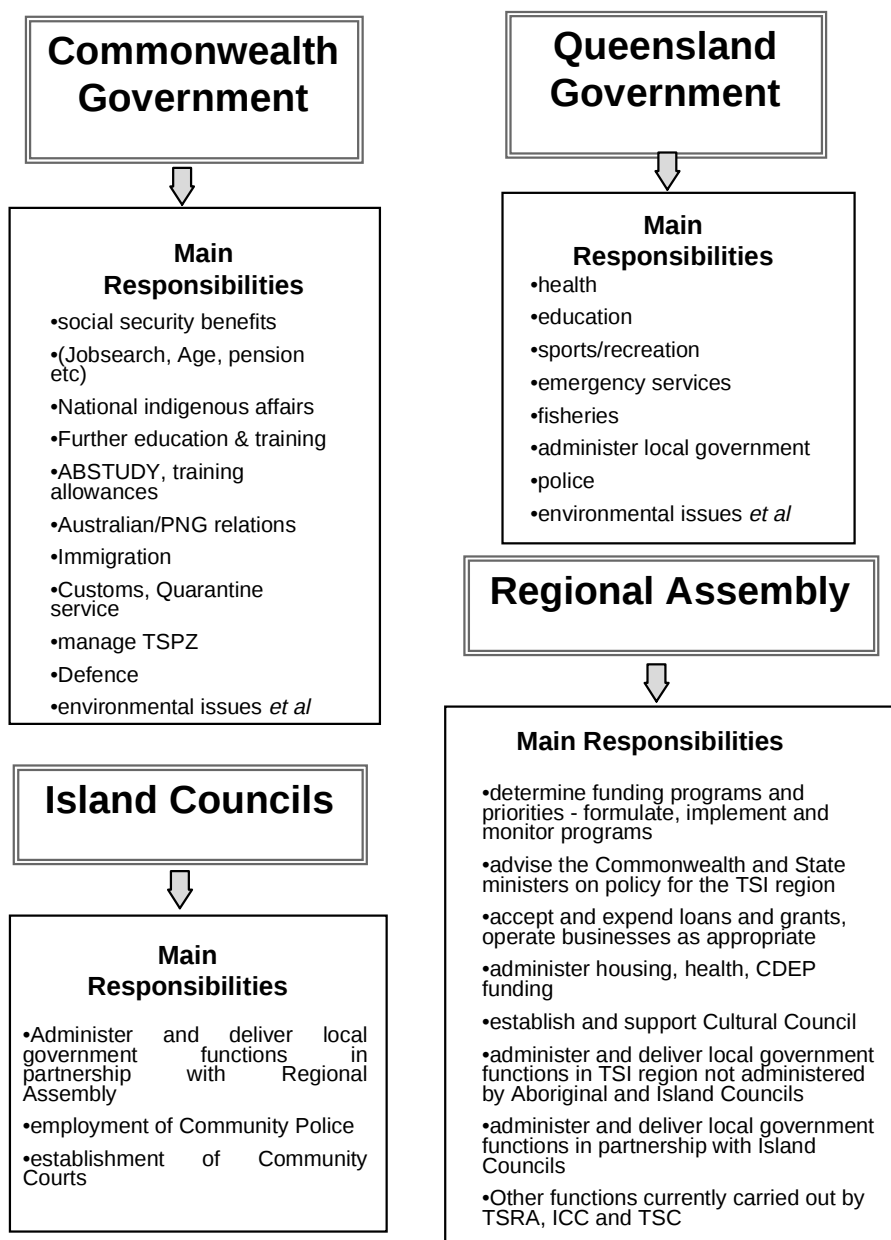
### **Recommendation 3**

The Committee recommends that the statutory functions of the proposed Torres Strait Regional Assembly be to

- formulate policy and implement programs for the benefit of all people living in the Torres Strait area;
- accept grants, gifts and bequests made to it;
- act as trustee of money and other property vested in it on trust and accept loans of money from both the Commonwealth and Queensland Governments, or other approved sources;
- expend monies in accordance with the terms and conditions on which the money is received;
- develop policy proposals to meet national, state and regional needs of people living in the Torres Strait area;
- advise the responsible Commonwealth and Queensland Ministers on matters relating to the Torres Strait area, including the administration of legislation and the coordination of the activities of all government bodies that affect people living in the Torres Strait area;
- undertake activities on behalf of one or more island councils for such purposes as are requested of it by the council or councils concerned;
- have power to delegate to and contract with Island Councils;
- establish and operate such businesses as the Regional Assembly thinks fit for the benefit of the people of the region; and
- have and discharge the functions of local government within the region, except in areas covered by the Community Services (Torres Strait) Act 1984 (Qld) and the Community Services (Aborigines) Act 1984 (Qld).

The final description and detail of these functions is to be negotiated by the Commonwealth and Queensland Governments and the people of the Torres Strait area.

**Table 4.2 Main Proposed Responsibilities of Agencies in the Torres Strait Region**



## **Regional Assembly Powers**

4.32 The Regional Assembly, as proposed, would need to develop working relations with a wider range of Commonwealth and Queensland Government bodies than the indigenous specific ICC and the TSRA now do. As a regional body, the Regional Assembly would be able to speak on behalf of the Torres Strait area as a whole, rather than just for a discrete population within that region. The Regional Assembly could expect to develop its role in negotiating the disbursement of funds from Commonwealth and Queensland Government agencies within the Torres Strait area. This would be an increasingly important function for the Regional Assembly as Commonwealth and Queensland Government agencies will have a continuing responsibility for a range of functions in the region, even as self government within the region consolidates.

## **Operations in Public**

4.33 The Committee believes that a central goal of the Regional Assembly should be to maximise community involvement. People will have a greater degree of autonomy if they can participate in and observe the decision making processes that affect them. Furthermore, their level of satisfaction with the outcomes from those processes will be enhanced because of this opportunity, regardless of their views on particular decisions. Accordingly, the Regional Assembly should conduct its deliberations in public.

## **Local Government Functions**

4.34 The Committee believes that the island councils should maintain their separate identity, and continue to carry out their existing functions. However, the Committee believes that the Torres Shire Council (TSC) should be abolished and its functions carried out by the Regional Assembly.

4.35 The Committee believes that the TSC alone should be abolished because of the geographic proximity of the TSC area of operations to the probable physical location of the Regional Assembly – Horn or Thursday Islands. It would simply be more efficient to allow the Regional Assembly to undertake local government functions in the shire region than to maintain two separate elected and administrative structures.

4.36 Furthermore, the TSC does not represent a traditionally based and homogeneous Torres Strait Islander community in the same way as do the island councils.<sup>81</sup>

4.37 Residents of the Shire would not lose political representation at the regional level if the TSC were abolished because the residents would be able to elect five of the 22 representatives proposed for the Regional Assembly. Accordingly, the Committee makes the following recommendation.

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81 And on Mer (Murray) Island, which is not DOGIT land.

**Recommendation 4**

The Committee recommends that the Commonwealth Government negotiate with the Queensland Government to abolish the Torres Shire Council on the basis that the Council's existing functions be transferred to the proposed Torres Strait Regional Assembly.

4.38 In the future, individual island councils could consider contracting out various functions to the Regional Assembly with the goal of achieving economies of scale. That, of course, would be a matter of negotiation between the island councils and the Regional Assembly.

4.39 One change that the Committee recommends for island councils under the Regional Assembly option, however, is that the island council mandates be expanded to allow any eligible voter to run for office on island councils. Currently, eligible voters who are not Torres Strait Islanders cannot run for office on island councils. The Committee's recommendation would allow all residents of the region to seek election to their local council – a necessary foundation, the Committee believes, for a more representative governing structure.

**Recommendation 5**

The Committee recommends that the Commonwealth Government negotiate with the Queensland Government to amend the Community Services (Torres Strait) Act 1984 (Qld) to enable non indigenous electors on each Torres Strait Island Council electors' roll to run for office on island councils.

## **Regional Assembly Funds**

4.40 On establishment, the Regional Assembly would need to be allocated the funds currently provided to the TSRA by the Commonwealth Government and the ICC and the TSC by the Queensland Government.

4.41 As a joint Commonwealth–State body, the Regional Assembly would need to negotiate with both the Commonwealth and the Queensland Governments. The relative contributions of the two governments would be a matter for them to determine in consultation with the Regional Assembly. The Committee considers that the Regional Assembly will need supplementary funding for the formative years of its establishment, and the Regional Assembly should not be limited to existing TSRA, ICC and TSC appropriations. The matter of supplementary funding for the Regional Assembly is discussed in Chapter five below.

4.42 The Regional Assembly should, in time, receive untied grants from Commonwealth and Queensland Government agencies and be able to disburse them according to regional funding priorities established by the Regional Assembly. This discretion would, in turn, provide people in the region with greater control over the decision making processes that affect them on a day to day basis – which is autonomy at the most practical level. Accordingly, the Committee makes the following recommendation.

### **Recommendation 6**

The Committee recommends that the Commonwealth Government and the Queensland Government provide block grant funding to the proposed Torres Strait Regional Assembly. The goal being to devolve maximum authority to the Regional Assembly to determine the priorities for the allocation of funds, consistent with appropriate Commonwealth or Queensland Government accountability requirements.

### **Regional Assembly Administration**

4.43 The Region Assembly should be run according to sound parliamentary principles. This will require the former TSRA, ICC and TSC staff who provide the administrative support for the Regional Assembly to gain new skills and specialist procedural knowledge. Senior Regional Assembly staff may well need to draw on the advice of the Clerks of the Queensland and Commonwealth parliaments and possibly the Local Government Association of Queensland and the Local Government Training Council of Queensland. At the Commonwealth level, the Committee believes that the Commonwealth Parliament should, if requested, provide advice and training opportunities for senior staff of the Regional Assembly.

### **A Cultural Council**

4.44 The Committee has indicated that it expects that the Regional Assembly would have an indigenous focus, based on the likelihood that Torres Strait Islanders would hold a majority of the seats in the Regional Assembly. Thus, the Regional Assembly would be the ideal institution to represent and advance the interests of the region as a whole, while ensuring that *Ailan Kastom* is recognised and maintained. Nonetheless,

the distinct culture of Torres Strait Islanders could be further promoted and protected.

4.45 The Committee suggests that the Regional Assembly consider establishing a forum for Torres Strait Islander elders drawn from both the Torres Strait region and the mainland. The purpose of the forum, nominally called the 'Cultural Council' by the Committee, would be to advise the Regional Assembly on issues of cultural and traditional significance to all Torres Strait Islanders (as an expert advisory panel). The Council could meet annually and be funded by the Regional Assembly. However, the costs associated with the attendance of mainland members at Council meetings should not be borne by the Regional Assembly. These costs would be met most appropriately by the Torres Strait Islander Advisory Board (TSIAB).

4.46 The ultimate composition, functions and financial support to be granted to the Cultural Council would be very much up to the Regional Assembly and people of the region. Nonetheless, the Committee makes the following recommendation.

**Recommendation 7**

The Committee recommends that the proposed Torres Strait Regional Assembly sponsor a Cultural Council consisting of Torres Strait Islanders from the Torres Strait and the mainland. The Cultural Council should meet annually and advise the Regional Assembly on how to promote and maintain the *Ailan Kastom* of Torres Strait Islanders. The costs associated with the involvement in the Cultural Council of Torres Strait Islanders living on the mainland should be borne by the Torres Strait Islander Advisory Board.

## **Links With Torres Strait Islanders Living on the Mainland**

4.47 Currently, the ATSIC Act provides for the TSRA to elect one of their number to sit on the ATSIC Board of Commissioners as the Commissioner for the Torres Strait Zone.<sup>82</sup> The Commissioner represents the interests of Torres Strait Islanders living in the Torres Strait on the Board.

4.48 The Regional Assembly proposed above is a structure of governance that is *not* specifically for Torres Strait islanders and Aboriginals. Accordingly, it would not be appropriate for the ATSIC Act to be amended to provide for the Regional Assembly to elect one of its members to sit on the ATSIC Board of Commissioners.

4.49 Similarly, given the regional nature of the Regional Assembly, the Committee feels that it is inappropriate for the Regional Assembly to formally represent or fund Torres Strait Islanders living outside the region. Nonetheless, the Committee believes that Torres Strait Islanders living on the mainland should have some form of direct observer status on the Regional Assembly (in addition to participating in the Cultural Council). Such a link could serve as a conduit by which mainlanders could be kept informed of issues affecting the Torres Strait region. The Committee believes that the most appropriate mainland person to sit on the Regional Assembly would be the Chair of TSIAB. Accordingly, the Committee makes the following recommendation.

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82 ATSIC Act, s. 131(1A).

### **Recommendation 8**

The Committee recommends that the proposed Torres Strait Regional Assembly grant observer status to the Chairman of the Torres Strait Islander Advisory Board.

4.50 The Committee notes that there are numerous organisations which represent the interests of Torres Strait Islanders on the mainland.<sup>83</sup> It seems likely and appropriate that the Cultural Council, proposed above, would liaise with Torres Strait Islanders on the mainland, and with organisations representing their interests.

### **Cooperation with Queensland State Government**

4.51 The Regional Assembly option discussed above requires considerable changes to the existing structures of regional governance. These changes move clearly outside the Commonwealth's jurisdiction. They rely on the Queensland Government's cooperation to: enact legislation to establish a joint Commonwealth–Queensland Government structure (the Regional Assembly); to enable the Regional Assembly to carry out the functions of local government; abolish a Queensland Government structure for Torres Strait Islanders (the ICC); abolish one shire council (the TSC); and to change the electoral system for the island councils.

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83 The Committee received evidence from several organisations including, Saam Kerem Torres Strait Islander Corporation, *Exhibit 21*.

4.52 Such cooperation will require close consultation and negotiation between the Commonwealth and Queensland Governments at the highest level. The Committee acknowledges that the Commonwealth and Queensland Governments will need to work through the details of this model before it can be introduced. However, the Committee considers that the resulting governance structure will deliver the residents of the Torres Strait region a democratic community based form of regional government that provides a high degree of autonomy.

#### **A Process for Review**

4.53 In Chapter seven, the Committee outlines a process for implementing its recommendations. However, the Committee also believes that there should be processes by which the Torres Strait Regional Assembly can review its own performance, once it has been established, and adapt to the evolving needs of the people of the Torres Strait region. Accordingly, the Committee makes this recommendation for the guidance of the Regional Assembly.

#### **Recommendation 9**

The Committee recommends that after three years of operation, the proposed Torres Strait Regional Assembly report to the responsible Commonwealth and Queensland government ministers on any modifications necessary to the structure and processes of the Regional Assembly to improve the effectiveness of the Regional Assembly's operation and its ability to reflect the wishes of the residents of the Torres Strait region.

## **Conclusion**

4.54 The Committee recognises that some Torres Strait Islanders see a greater degree of autonomy in terms of strengthening only the existing Torres Strait Islander and Aboriginal agencies in the region. Ultimately, however, this will only produce more autonomous Torres Strait Islander and Aboriginal agencies.

4.55 However, the Committee does not believe that the region will gain that degree of autonomy unless the model of government and administration in the Torres Strait region represents and acts on behalf of *all* residents of the region. The purpose of this chapter has been to describe a model of government for the region that has that broad representative nature and which the Committee believes will best equip the region for an eventual transition to territory status.

4.56 In Chapter six, the Committee discusses possible models of indigenous representation for Torres Strait Islanders living on the mainland. Before then, however, the report explores options for providing the Torres Strait region with a greater degree of economic autonomy and control over service delivery to the region.

## **Chapter 5 – Greater Economic Autonomy and Greater Community Control in the Torres Strait Region**

### **Greater Economic Autonomy**

#### **Introduction**

5.1 The previous chapter suggested a structure that would grant the region a greater degree of political autonomy. The structure, however, does not of itself, provide the region with greater economic autonomy. Rather, the structure provides a vehicle by which residents of the region can have a more effective say in the affairs of the Torres Strait and improve coordination and delivery of services, develop strategies and become more self reliant and less dependant on 'others'.

5.2 There are a number of other initiatives that could provide the region with a greater degree of economic autonomy on a day to day level. These initiatives do not need legislation or new structures to be implemented and are discussed below.

#### **A Fairer Share of Commonwealth Funding**

5.3 An extra \$15 million per year has been allocated in a Commonwealth (1997-98) budget decision to the Aboriginal and Torres Strait Islander portfolio for the next four financial years.<sup>84</sup> The funds are

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84 Aboriginal and Torres Strait Islander Commission, *Portfolio Budget Statements 1997-98, Programme 7, Budget Related Paper No. 1.3B*, p. 37. Agencies currently in the portfolio are: ATSIC; TSRA; Aboriginal Hostels Ltd.; the Aboriginals Benefit Trust Account; the Aboriginal and Torres Strait Islander Commercial Development Corporation; the Indigenous Land Corporation; and the Australian Institute of Aboriginal & Torres Strait Islander Studies.

in lieu of any additional funds for new policy proposals that the portfolio agencies might otherwise seek within that period.<sup>85</sup>

5.4 The Committee believes that an appropriate proportion of these additional funds should be transferred to the proposed Regional Assembly. The TSRA's operating expenses represent 2.7% of the portfolio's operating expenses for 1997-98.<sup>86</sup> It seems equitable for an equal proportion of this new funding (\$406 500) to be allocated to the new Assembly. Accordingly, the Committee makes the following recommendation.

**Recommendation 10**

The Committee recommends that the Aboriginal and Torres Strait Islander Commission allocate at least 2.7% of the additional \$15 million funding provided to the Aboriginal and Torres Strait Islander portfolio in the 1997-98 budget to the Torres Strait Regional Authority. Such an allocation should be continued for the period of the fixed term funding agreement.

When the Torres Strait Regional Assembly, as described by the Committee, is established, then the above funds should be allocated to the Assembly for Torres Strait Islander and Aboriginal specific purposes, particularly to help achieve more effective employment training and health care programs.

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85 The funds have been allocated to ATSIC's Commercial subprogramme, although, having a global budget, ATSIC may move the funds between programs.

86 TSRA's operating expenses for 1997-98 are \$13.7m. The portfolio's total operating expenses are \$505.5m. *Budget Related Paper No. 1.3B*, pp. 25-27.

## **Regional Dependence on Commonwealth Expenditure**

5.5 Many people in the Torres Strait region depend on Commonwealth funds of one form or another for their income. Some of the sources of this income are described in Table 5.1 below.

**Table 5.1 Sources of Commonwealth Income in the Torres Strait region 1995-96<sup>87</sup>**

| <b>Funding Source</b>               | <b>Participants from Region</b> | <b>\$'000</b> |
|-------------------------------------|---------------------------------|---------------|
| CDEP wages (TSRA)                   | 1 268                           | 12 061        |
| Family Payment (DSS <sup>88</sup> ) | 1 412                           | 4 588         |
| Abstudy (DEETYA <sup>89</sup> )     | 1 231                           | 3 583         |
| Age Pensions (DSS)                  | 359                             | 2 554         |
| Sole Parent Pnsn. (DSS)             | 281                             | 2 267         |
| Parenting All'nce. (DSS)            | 431                             | 1 378         |
| Disability Support` (DSS)           | 136                             | 1 364         |
| Job Search (DSS)                    | 170                             | 1 168         |
| Veterans' pensions <sup>90</sup>    | 111                             | 863           |
| Other DSS                           | n/a                             | 1 668         |
| Other DEETYA                        | n/a                             | 234           |

5.6 The Committee wishes to encourage the development of the private sector economy in the Torres Strait region. This will enhance the region's economic independence and capacity for self government.

5.7 During its inspections of a number of Torres Strait Islands, the Committee became concerned at the need, in many cases, to use external contractors to expand the islands' infrastructure. This inevitably

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87 TSRA, *Annual Report*, 1995-96, p. 50 and figures supplied to Committee by DSS and DEETYA. DSS expenditures estimated by applying the national rate of expenditure per customer for each payment at the total postcode level.

88 Department of Social Security.

89 Department of Employment, Education, Training & Youth Affairs.

90 Includes Service, Disability, War Widows', Orphans' and Income Support Supplement pensions paid by the Department of Veterans' Affairs.

increases the costs of building houses and maintaining equipment. The Committee notes that a number of Islands have embarked on limited apprenticeship training schemes and that the Torres Strait campus of Queensland TAFE offers appropriate courses. The Committee wishes to encourage these initiatives. Islanders with formal trade qualifications will raise the local skill levels and allow Torres Strait Islanders to be employed in jobs currently filled by people from outside the region. Accordingly, the Committee makes the following recommendation.

**Recommendation 11**

The Committee recommends that the Regional Assembly, when established, develop programs, in consultation with Island Councils and appropriate Commonwealth and Queensland agencies, to enhance the training and apprenticeship positions available for people living in the Torres Strait region.

5.8 One of the private sector industries that has the greatest potential to improve economic self reliance in the Torres Strait region is the fishing industry and the report turns to this now.

**The Fishing Industry**

5.9 It is the sea, rather than the islands that make up the largest natural feature of the Torres Strait region (along with reefs, cays, islets, intertidal regions and sea grass beds). The region's traditional economy depended largely on exploitation of the surrounding marine resources. Fishing is now the biggest non public sector contributor to the regional

economy, with an commercial catch in 1994-95 valued at an estimated \$24.9 million.<sup>91</sup>

5.10 Commercial fishing in the Torres Strait Protected Zone is strictly regulated by the PZJA. Under various agreements, Torres Strait Islander and Aboriginal residents of the Torres Strait are entitled to undertake traditional subsistence fishing. However, there is concern by these residents of the Torres Strait that they are not more involved in the commercial fishing and that much of the profit arising from the industry goes outside the region.<sup>92</sup>

**Table 5.2 Commercial Fishing in the Torres Strait 1994-1995<sup>93</sup>**

| Species          | Value<br>(\$ Million) | Islander<br>percentage of<br>catch* | Non-Islander<br>percentage of<br>catch* |
|------------------|-----------------------|-------------------------------------|-----------------------------------------|
| Prawn Trawling   | 18.5                  | 0                                   | 100                                     |
| Lobster          | 5.5                   | 70                                  | 30                                      |
| Mackerel         | 0.5                   | 3                                   | 97                                      |
| Live Pearl Shell | 0.4                   | 100                                 | 0                                       |

5.11 The region will gain an increased measure of economic independence if local residents can become more involved in the industry. This is known only too well by residents of the Torres Strait, as

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91 Queensland Commercial Fishermen's Organisation (QCFO), *Submissions*, p. S62; See also CSIRO - Torres Strait Fisheries Scientific Advisory Committee, *Submissions*, pp. S228-243.

92 See Discussion, Seminar at Thursday Island 7 May 1997, *Transcript*, pp. 426-42.

93 See Queensland Commercial Fishermen's Organisation, *Submissions* pp S62-63; Torres Strait Fisheries Scientific Advisory Committee, *Submissions*, p. S230; Centre for Aboriginal Economic Policy Research (CAEPR), *Indigenous Participation in Commercial Fisheries in Torres Strait: A preliminary Discussion Paper, Discussion Paper 73*, 1994, Canberra, ANU, p. 11.

the TSRA Portfolio Member for Environment, Marine & Fisheries explained:

It is important that Torres Strait Islander people fully participate in the management of the fisheries, because they will ensure the economic benefits come back into the region and provide an opportunity for the traditional ways to be maintained.<sup>94</sup>

5.12 The most lucrative fishing catch and the one that residents of the Torres Strait are least involved in is the prawn trawling industry. The Committee is aware of a proposal by the Torres Strait Prawn Fishery Entitlement Holders' Association and the Queensland Commercial Fishermen's Organisation, to establish a long term training program to encourage Torres Strait Islanders to become involved in this industry. One goal of the program is to train Torres Strait Islanders to enable them to take up the three Torres Strait prawn entitlements that are reserved for Torres Strait Islander and Aboriginal people. As part of the program, 30 prawn trawler operators have offered to provide free on the job training.<sup>95</sup>

5.13 The Committee believes that such a training program provides a model for other training programs, especially as it has the potential to help integrate local people into a broader private sector industry. The program has not started because of a funding short fall of \$230 000. The training consortium sought funds from the Commonwealth Department of Employment, Education, Training & Youth Affairs

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94 Mr H Garnier, *Transcript*, p. 427.

95 See Queensland Commercial Fishermen's Organisation, *Submissions*, p. S66; *Transcript*, pp. 136-67; Queensland Fishing Industry Training Council & Transed Pty Ltd., *Torres Strait Island Fisheries Training Project*, February 1997.

(DEETYA). However, DEETYA rejected the application on the basis that the islanders to be trained were employed under CDEP and therefore, as employed people, could not be funded by DEETYA.<sup>96</sup> The Committee believes that this program provides an opportunity to provide economic independence for the region and to reduce the reliance on public sector programs. Accordingly, the Committee makes the following recommendation.

### **Recommendation 12**

The Committee recommends that the Torres Strait Regional Authority allocate a proportion of the additional funding detailed in Recommendation 10 above to allow the Torres Strait Island Fisheries Training Project to commence.

The Torres Strait Regional Authority (and later the Torres Strait Regional Assembly) should investigate the possibility of establishing joint ventures to ensure that the three prawn fishing licences allocated to Torres Strait Islander and Aboriginal inhabitants of the Torres Strait can be used to the benefit of these people.

## **Negotiation With Regional Organisations**

5.14 As noted above there is a range of Commonwealth and State agencies that provide services and make decisions which affect the region. Torres Strait residents will gain a significant measure of practical

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96 Correspondence, Queensland Fishing Industry Training Council to Inquiry Secretary, HORSCATSIA, 1 April 1997 and Chairman, Hammond Island, telephone conversation, 16 June 1997.

autonomy if they are allowed a greater role in developing the policies and delivering the services that affect their region.<sup>97</sup>

5.15 Torres Strait islanders are on a number of consultative committees, advisory panels and liaison groups. The Committee recognises the efforts that some agencies have made to involve islanders. However, there is a distinction between seeking the views of Torres Strait Islanders and giving them real decision making powers and the right to negotiate.<sup>98</sup> This distinction is apparent to Torres Strait islanders themselves, as one pointed out:

At the moment Torres Strait Islander people sit on a big range of advisory committees where they are in an advisory role not a decision making role.<sup>99</sup>

5.16 The Committee recognises, however, that some advisory roles are quite significant. For example, there are three local representatives required on the Australian–PNG Joint Advisory Council for the Torres Strait Treaty.

5.17 One way to give Torres Strait people greater influence over decisions that affect them is for Commonwealth and Queensland agencies to establish formal consultative arrangements that give

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97 A point recognised by indigenous people. See TSRA, *Submissions*, p. 157; Mr G Lui, *Transcript*, p. 413; Mr J. Akee, *Submissions*, p. S91

98 The distinction between negotiation and consultation is discussed in House of Representatives Standing Committee on Aboriginal Affairs, *Our Future Our Selves: Aboriginal and Torres Strait Island Community Control, Management & Resources*, 1990, Canberra, pp. 47-60. See also Aboriginal and Torres Strait Islander Social Justice Commissioner (ATSISJC), *Second Report, 1994*, pp. 143-49.

99 Mr H. Garnier, *Transcript*, p. 429. See also Mr G. Lui, *Transcript*, p. 68.

islanders an integral role in high level policy development.<sup>100</sup> There are some examples of good practice in this regard. For example, the Agreement on Aboriginal and Torres Strait Islander Health between the Commonwealth and Queensland Governments, signed in July 1996, formalises joint planning processes, which involve Torres Strait Islander and Aboriginal organisations (including TSRA) at all levels (see below).<sup>101</sup> Similarly, the ICC is formally represented on the Protected Zone Joint Authority (PZJA) management committee as well as on one of the PZJA advisory committees.<sup>102</sup> In addition, The Committee also notes that TSRA actively promotes itself and the ICC to agencies 'as the key organisation[s] responsible for managing affairs in the Torres Strait region'.<sup>103</sup>

5.18 In May 1997, the Commonwealth departments of Foreign Affairs & Trade and Immigration and Multicultural Affairs and the Australian Quarantine Inspection Service implemented an Island Council Awareness program where these agencies visit all the island communities over a period of approximately two weeks. It is planned

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100 Probably through TSRA and/or the ICC or the Torres Strait Regional Assembly as proposed by the Committee.

101 Section 3.5(b), *Agreement on Aboriginal and Torres Strait Islander Health between the Queensland Minister for Health, the Commonwealth Minister of State for Health and Family Services and the Chairperson of the Aboriginal and Torres Strait Islander Commission*, July 1996.

102 The ICC is represented on the Torres Strait Fisheries *Management* Committee and also on the Torres Strait Fishing Industry and Islanders' *Consultative* Committee [emphasis added]. See Torres Strait Protected Zone Joint Authority, *Annual Report 1994-95*, Appendix B.

103 TSRA, *Corporate Plan 1996-2000*, p. 5.

that these visits occur twice a year. The Committee applauds this initiative.

5.19 However, the Committee wishes to reinforce to Commonwealth and State agencies the overriding need for residents of the Torres Strait to be consulted about decisions that particularly affect their region. For this reason, the Committee makes the following recommendation.

**Recommendation 13**

The Committee recommends that the Torres Strait Regional Assembly develop generic guidelines for negotiation with people of the Torres Strait region, that can be used by Commonwealth and State agencies which are developing policies that particularly affect the region. Until the Regional Assembly is established, the above task should be conducted by the Torres Strait Regional Authority, in conjunction with the Island Coordinating Council.

## **Greater Community Control in the Torres Strait Region**

### **What is Community Control?**

5.20 It is important to be aware of the subtle difference between autonomy and 'community control' (or 'self management').

5.21 In the context of this report, community control refers to the management and administration of programs by Torres Strait Islanders. In practice, this often manifests itself as a formal role in program design for Torres Strait Islander groups, the establishment of consultative mechanisms between agencies and community groups and as great a role as possible for Torres Strait Islander groups in service delivery and evaluation.

5.22 Community control is an integral part of achieving real autonomy. Community influence over administrative processes is vital, just as it is in regional governing structures. Community control is not a substitute for a greater degree of autonomy although it complements it. As one Torres Strait Islander warned, it is not enough, simply:

collapsing all the different state, Commonwealth and local authorities in a model of autonomy, that gives self-management rather than a greater degree of self determination.<sup>104</sup>

5.23 The Committee believes that the structures it has suggested will allow for regional autonomy in the fullest sense as well as giving greater community control.

5.24 Providing greater community control in program design and implementation is a worthwhile objective in its own right, of course, and it strengthens the foundation on which greater autonomy is being developed. With this in mind, the Committee suggests below a number of initiatives that would improve community control in the Torres Strait Island region and complement the reforms described in chapter four relating to greater autonomy.

### **Employment of Torres Strait people by Commonwealth and State agencies**

5.25 The Committee has been generally impressed with the extent to which Commonwealth and state agencies have employed Torres Strait islanders in various positions in the Torres Strait region.

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104 Mr R Mills, *Transcript*, pp. 398-99.

5.26 For example, Torres Strait Islanders are employed as island police, water supply and sewerage officers, teaching staff, clerical officers, health workers and fisheries officers. In addition, 26 people have been trained as Justices of the Peace (and are hence eligible to sit on island courts).<sup>105</sup> TSRA, the ICC, the TSC and the island councils also employ local staff.

5.27 At the Commonwealth level, the Department of Immigration and Multicultural Affairs employs 30 Torres Strait islanders as movement monitoring officers and the Australian Quarantine Inspection Service employs 21 islanders. The Australian Customs Service (ACS) also undertakes 'Customs Watch', a program throughout the islands to encourage residents to report suspicious activity to the ACS.

5.28 The needs of these agencies vary considerably and it is not practical to recommend quotas or affirmative action programs to encourage Commonwealth and Queensland agencies to employ as many Torres Strait Islanders as possible in the region. Nonetheless, the Committee sees merit in these agencies employing Torres Strait residents wherever possible in preference to sending in people from outside the region. To assist in this regard, the Committee makes the following recommendation.

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105 Queensland Government, *Submissions*, pp. S354-62.

#### **Recommendation 14**

The Committee recommends that Commonwealth agencies with staff positions in the Torres Strait region should ensure that an important selection criterion for all such positions is that applicants have a demonstrated knowledge and understanding of Torres Strait Islander and Aboriginal cultures and a proven ability to communicate with Torres Strait Islander and Aboriginal people' (or words to that effect).

5.29 The Committee hopes that there could be a similar selection criterion for filling positions in the region by Queensland Government agencies.

#### **Career Development in the Public Sector**

5.30 The Committee is concerned that few of the public sector positions that are filled by Torres Strait Islanders and Aborigines in the region offer any career development opportunities. It is important to develop programs to encourage and train Torres Strait Islanders and Aborigines to take up middle and senior management positions, both in the region and on the mainland.<sup>106</sup>

5.31 To this end, the Committee notes that the Queensland Department of Employment, Vocational Education, Training & Industrial Relations (DEVETIR) has an employment and career development strategy for the Torres Strait region. The Committee believes that there need to be similar initiatives on the Commonwealth level, developed in consultation with the proposed Regional Assembly (and until then the

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106 One difficulty, as in regional and isolated areas throughout Australia, is in retaining skilled locals in the region.

TSRA).<sup>107</sup> The Committee, accordingly, makes the following recommendation.

**Recommendation 15**

The Committee recommends that those Commonwealth agencies that employ Torres Strait Island and Aboriginal residents in the Torres Strait region, develop cadetships and training programs for those employees, with the goal of extending their representation at all levels and in all occupational groups within the agencies.

**A Regional Presence**

5.32 A region will gain a greater degree of autonomy when decisions for that region are taken within the region. The very fact that agencies have offices in the region, at least improves the likelihood of local input into agency decision making. This will require residents to be appointed into management and decision making positions in agencies establishing offices in the Torres Strait.

5.33 Some Commonwealth and State agencies are expanding their presence in the Torres Strait. As an example, DEVETIR went from having no staff located in the region in 1989 to having 21 located there by 1995. The Committee also notes that the Commonwealth Department of Foreign Affairs & Trade has a liaison officer located on Thursday Island and that the Australian Federal Police is seeking to increase its presence.

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107 For example, the Telstra Aboriginal and Torres Strait Islander Employment & Career Development Strategy.

5.34 A difficulty facing agencies establishing offices is the acute shortage of residential accommodation and office space on Thursday Island.<sup>108</sup> This makes it expensive to increase staff numbers or even to bring Torres Strait Islanders from outer islands to Thursday Island for extended training programs. TSRA and the ICC (or the Regional Assembly) will need to develop strategies to encourage public (and private) sector agencies to establish a permanent presence in the region.

### **Torres Strait Islander Health: A Case Study**

5.35 There is already a recognition by Commonwealth and Queensland Government agencies of the need for greater community control by Torres Strait Islanders in many areas of service delivery to the Torres Strait region. This is most evident in the delivery of health services to Torres Strait Islanders.<sup>109</sup>

5.36 The overall health status of Torres Strait Islanders is significantly worse than that of non indigenous Queenslanders.<sup>110</sup> Torres

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108 This also makes it difficult for local residents to purchase housing. See comments of several attendees at a public meeting on Thursday Island, *Transcript*, pp. 390-91.

109 For example, Queensland Health, *Aboriginal & Torres Strait Islander Health Policy, Implementation Plan*, October 1996, pp. 13-16; Queensland Minister for Health, Commonwealth Minister of State for Health and Family Services & Chairperson of the Aboriginal and Torres Strait Islander Commission, *Agreement on Aboriginal and Torres Strait Islander Health*, July 1996, para 2.1(c), dot point one; Aboriginal and Torres Strait Islander Social Justice Commissioner, *Second Report*, 1994, pp. 143-155.

110 It is only recently that health data sets have identified Torres Strait Islanders separately from Aboriginal people. Health data sets for Torres Strait Islanders should be used with caution as Torres Strait Islanders do not present a statistically large group and data is often interpreted as a trend given considerable fluctuations in some annual incidence rates.

Strait Islanders have a standardised death rate nearly three times higher than non indigenous Queenslanders.<sup>111</sup> The prenatal death rate for Torres Strait Islanders is approximately twice that of non indigenous Queenslanders<sup>112</sup> and Torres Strait Islanders are more than 20 times more likely to die from diabetes than other Queenslanders.<sup>113</sup> The annual observed incidence of hepatitis A is 17 times higher than the overall Queensland rate<sup>114</sup>; and the rate of obesity amongst Torres Strait Islanders living in the Torres Strait is twice that of other Queenslanders.<sup>115</sup> Finally, the ratio of one doctor per 1303 people living in the Torres Strait region is significantly higher than the average ratio across northern Australia of one doctor per 100 people.<sup>116</sup>

5.37 During its inspections of Torres Strait Islands, the Committee noted the reliance of many Island residents on processed foods bought in the Island stores. Like other Australians, many were not involved in growing their own vegetables or fishing. The Committee has also noted statistics indicating the high incidence of diet related diseases (including

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111 Australian Bureau of Statistics (ABS) & Australian Institute of Health and Welfare (AIHW), *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples*, 1997, p. 112.

112 ABS & AIHW, *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples*, pp. 64, 113 (figures for Torres Strait Averaged over 1993 to 1995).

113 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Second Report, 1994*, AGPS, p. 156.

114 In 1984-1993: ABS & AIHW, *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples*, p. 18.

115 ABS & AIHW, *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples*, p. 111.

116 Torres Strait Health Strategy 1993, p. 9.

hypertension, diabetes and heart disease).<sup>117</sup> Queensland Health, in partnership with local residents, is educating Torres Strait Islanders about the health (and financial) benefits of increasing their consumption of locally grown fresh food.<sup>118</sup> The Committee encourages any proposals to substitute imported foods with locally grown produce and fresh fish, with correspondingly improved health outcomes.

5.38 Whatever else, improving the health status of Torres Strait Islanders requires participation by Torres Strait Islander people and communities in the planning, management and delivery of health programs. Furthermore, Torres Strait Islanders are particularly keen to be involved in health service delivery. In a recent survey, 89% of Torres Strait Islanders living in the Torres Strait region considered that it was important for them to be involved in health service delivery. This figure is in contrast to the 78% of Aborigines living on the mainland who considered it important that Aborigines be involved in health service delivery.<sup>119</sup>

5.39 The Queensland Department of Health ('Queensland Health') has recently acknowledged the importance of community control in achieving improvements in health status. Queensland Health defines community control as:

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117 Torres Strait Health Strategy 1993; Queensland Health, *Kai Kai Blo Um: A Report on the Food Supply to the People of the Torres Strait and Northern Peninsula Area*, 1994.

118 Queensland Health, *Kai Kai Blo Um*, p iii.

119 ABS & Centre for Aboriginal Economic Policy Research (ABS & CAEPR), *1994 National Aboriginal and Torres Strait Islander Survey: Torres Strait Islanders Queensland*, Australian Bureau of Statistics, 1997, p. 14.

About... Torres Strait Islander people having as much right and opportunity to control their own health destiny as the wider community and therefore should contribute to decisions regarding how to deliver services in their communities...

About indigenous communities having input into the design, location, size and function of health facilities and services.<sup>120</sup>

5.40 Queensland Health now recognises that it needs to be accountable to the Aboriginal and Torres Strait Islanders and operate according to principles of community control.<sup>121</sup> These principles are also espoused in National Aboriginal Health Strategy and the recently signed Agreement on Aboriginal and Torres Strait Islander Health between the Commonwealth and Queensland governments and ATSIC.

5.41 The Committee is impressed with the growing level of local involvement in the health strategies for the region. These strategies and the commitment to community control provide a model for other public sector agencies that deliver services to the Torres Strait region. Given that most services provided directly to the region, are delivered by Queensland Government agencies, the Committee makes the following recommendation.

**Recommendation 16**

The Minister for Aboriginal and Torres Strait Islander Affairs should seek the agreement of appropriate Queensland Ministers, that Queensland agencies which deliver services to the Torres Strait Region, develop charters committing the agencies concerned to involving the residents of the Torres Strait in the planning, administration and delivery of those services to the region.

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120 Queensland Health, *Aboriginal & Torres Strait Islander Health Policy*, p. 14.

121 Queensland Health, *Aboriginal & Torres Strait Islander Health Policy*, p. 8.

5.42 So far, the report has focussed on a greater degree of autonomy for the Torres Strait region. In the next chapter, the Committee makes recommendations to increase the autonomy of Torres Strait islanders living on the mainland.

## **Chapter 6 – Torres Strait Islanders living on the mainland**

### **Introduction**

6.1 There are some 23 100 Torres Strait Islanders who live outside the Torres Strait region on mainland Australia (see Table 6.1). These Torres Strait Islanders, along with Aboriginals, are represented by the Aboriginal and Torres Strait Islander Commission (ATSIC). Many of the concerns expressed to the Committee by Torres Strait Islanders living on the mainland revolve around a perception that their interests and their *Ailan Kastom* heritage is marginalised within an Aboriginal dominated ATSIC.

6.2 This chapter discusses these concerns within the context of the Committee's third term of reference. The chapter discusses the implications that greater autonomy would have for Torres Strait Islanders living outside the Torres Strait region and whether the interests of these people should be represented by ATSIC or the TSRA.

### **Concerns About the Adequacy of Existing Arrangements**

6.3 Many of the Torres Strait Islander people living on the mainland told the Committee that they are not adequately represented within ATSIC; that they do not have fair access to funding; and that they lack

real input into policy development.<sup>122</sup> The frequency with which these concerns were raised suggests that it is a problem or a perception that ATSIC needs to address urgently. The report now turns to discuss some of these concerns.

### **Torres Strait Islander Culture Ignored**

6.4 Torres Strait Islanders expressed frustration that the differences between Torres Strait Islander and Aboriginal cultures tended to be overlooked by Aboriginals living on the mainland. One submission objected to the way that Torres Strait Islanders have been 'lumped up with Aboriginal people' and referred to an 'uneasiness' between Aboriginal and Torres Strait Islander people within ATSIC.<sup>123</sup> As another said:

all of the time Torres Strait Islanders have had to speak through an Aboriginal voice... We do not speak for ourselves.<sup>124</sup>

6.5 Some felt that the 'uniqueness of Torres Strait Islander people and Torres Strait Islander culture' is not taken into account by government departments.<sup>125</sup>

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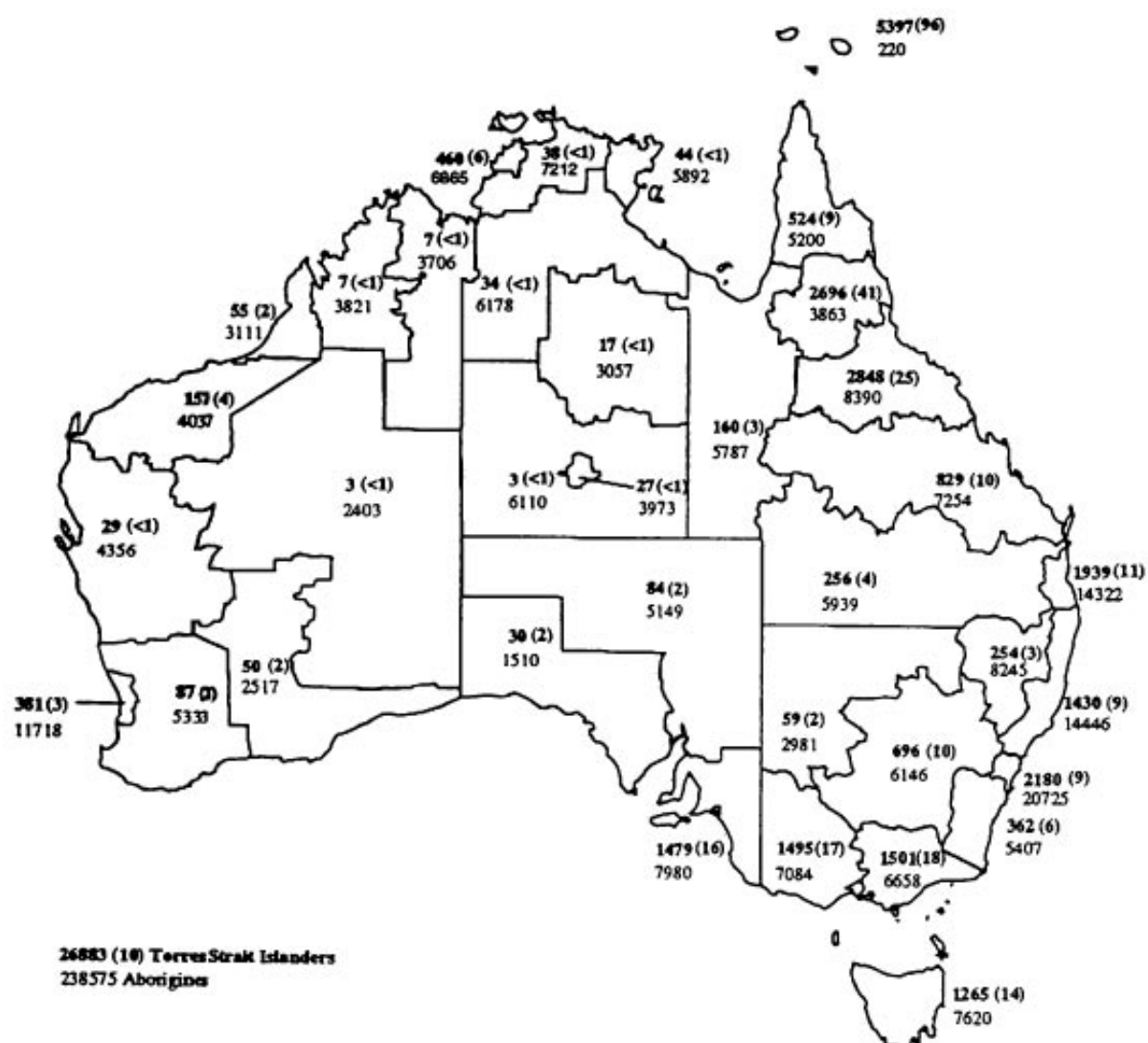
122 See Murray Island Council, *Submissions*, p. S89; Mr J. Akee, *Submissions*, p. S91; TSRA *Submissions*, p. S160; Saam Kerem Torres Strait Islander ('TSI') Corporation, *Submissions*, p. S217, *Transcript*, p. 293; Townsville TSI Community, *Submissions*, p. S336; Mr D. Ober, Townsville–Thuringowa TSI Action Group, *Transcript*, p. 5; Ms A. Akee, Townsville Aboriginal and TSI Corp. for Women, *Transcript*, p. 18; Mr F. Tapim, Magani–Malu–Kes, *Transcript*, p. 22; Ms C. Lowah, Kain Marep, *Transcript*, p. 263; Ms S. Aniba, Lagau Kazil TSI Corp., *Transcript*, p. 306; Mr D. Bon, *Transcript*, p. 338.

123 Townsville TSI Community, *Submissions*, p. S336.

124 Ms T. Mam, *Transcript*, p. 97.

125 Ms T. Mam, *Transcript*, p. 145. See also Ms S. Aniba, Lagau Kazil TSI Corp., *Transcript*, p. 307.

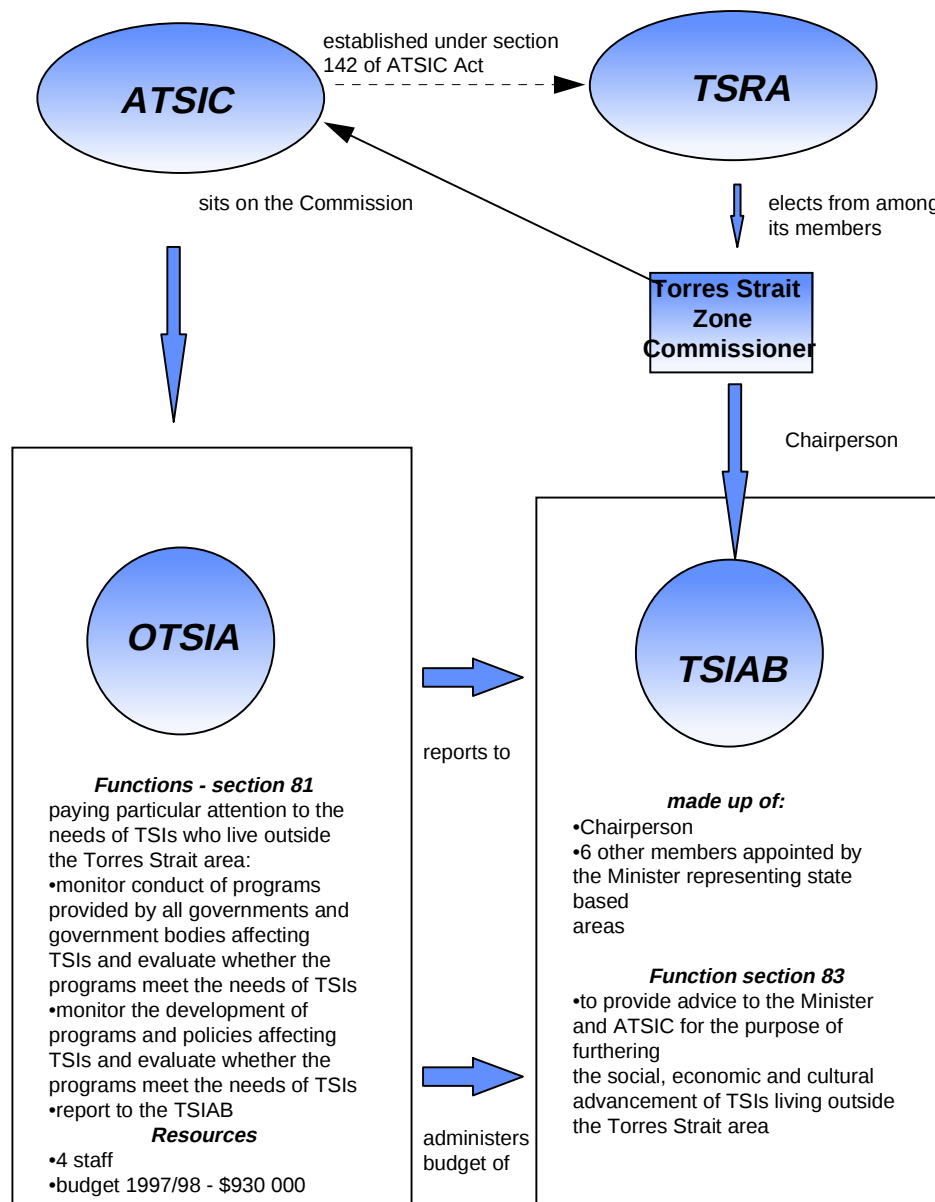
**Table 6.1 The Number of Torres Strait Islanders and Aboriginals living in ATSIC regions - 1991<sup>126</sup>**



Note that the figure in brackets is the Torres Strait Islander population as a percentage of the total indigenous population.

126 Table provided by the Centre for Aboriginal Economic Policy Research, *Submission*, p. S314.

**Table 6.2 Representative Arrangements for Torres Strait Islanders living on the Mainland**



6.6 It was suggested that policies have been developed for Aboriginals and Torres Strait Islanders as a homogenous group and based on their shared disadvantage deriving from the impact of European settlement. In so doing the needs of Torres Strait Islanders living on the mainland have not been given 'separate consideration in line with their circumstances'.<sup>127</sup>

### **Lack of Representation on ATSIC**

6.7 One reason why Torres Strait Islanders feel that their separate identity is not acknowledged by ATSIC is because they believe they are not sufficiently represented on ATSIC structures.<sup>128</sup>

6.8 Torres Strait Islanders make up only 10 per cent of the Aboriginal and Torres Strait Islander population nationally. As the map at Table 6.1 indicates, in all but two ATSIC Regional Council areas, Torres Strait Islanders constitute less than 20% of the Torres Strait Islander and Aboriginal population and in most cases less than 3%.

6.9 The wide dispersion of small Torres Strait Islander populations throughout most of Australia means that they do not have sufficient numbers to form influential voting blocks in most Regional Council regions and, thus, elect their own Councillors.<sup>129</sup> The representative structure of ATSIC is based on Regional Councils. Without the Torres

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127 TSIAB, *Submissions*, p. S371.

128 Townsville TSI Community, *Submissions*, p. S336, Mr D. Ober, *Transcript*, p. 5; Mr J. Grande, Saam Kerem TSI Corp. *Transcript*, p. 293; Ms S. Aniba, Lagau Kazil TSI Corp., *Transcript*, p. 310.

129 See Dr W. Sanders, CAEPR, *Transcript*, p. 194; Mr R. McDougall, ATSIC, *Transcript*, pp. 321–22.

Strait Islander representation at this level, their ability to have input to ATSIC as a whole is limited.

6.10 The Committee notes that, in the Cairns and District ATSIC region, where Torres Strait Islanders make up a large minority of the Torres Strait Islander and Aboriginal population (41%) there is a greater satisfaction with ATSIC. In that region, Torres Strait Islanders are represented on the Regional Council and have a greater chance of influencing local funding priorities.<sup>130</sup>

6.11 The general perceptions of disadvantage are understandable given the comparatively small number of Torres Strait Islanders in many of the ATSIC Regional Council areas. However, Torres Strait Islanders who wish for representation on Regional Councils may have to become more politically active and canvas for Aboriginal as well as Torres Strait Islander votes. As one Torres Strait Islander acknowledged:

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.<sup>131</sup>

6.12 As a general rule, the Committee supports this sentiment.

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130 See Mr R. Newie, Mr N. Nicholls, Kozan Cooperative Society & Pasa Gab Te TSI Corp., *Transcript of Informal Meeting*, pp. 484 and 492–93. See also the number of TSI Corporations receiving grants: Cairns and District Regional Council *Annual Report 1995-96*, pp. 40–43. See also Townsville Regional Council, *Annual Report, 1995–96*, pp. 24–27.

131 Mr N. Bon, ACT TSI Corp., *Transcript*, p. 524.

## **Inequitable access to funding**

6.13 The lack of Torres Strait Islander representation contributes to the perception amongst members of the Torres Strait Islander community that they do not get 'access and equity' to ATSIC funding and programs.<sup>132</sup>

6.14 Apart from the small budgets set aside for OTSIA programs (\$540 000 in 1997-98), most funding which is available to Torres Strait Islanders is through general program funds, many of which are disbursed by the Regional Councils. In these instances Torres Strait Islander organisations must compete with Aboriginal organisations for priority and grants. In areas where the Torres Strait Islander population is a small proportion of the total Torres Strait Islander and Aboriginal population, Torres Strait Islander specific projects may simply not benefit enough people to achieve sufficient priority to receive a grant. This leaves the perception, however, that 'when ATSIC funding comes in, Torres Strait Islander people only get a crust'.<sup>133</sup> In a similar vein, one Torres Strait Islander said:

The ATSIC guidelines and policy are geared to the majority. Torres Strait Islanders have no say. If you apply for anything they look at the guidelines and they say you don't come within that guideline. Why? It is because the policy and the guidelines have been developed for the majority and we have no input in it, nothing.<sup>134</sup>

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132 See Ms A. Akee, Townsville Aboriginal & TSI Corp. for Women, *Transcript*, p. 19; Dr W. Sanders, CAEPR, *Transcript*, p. 202; Mr J. Grande, Saam Kerem TSI Corp., *Transcript*, pp. 291-92; Mr S. Aniba, Lagau Kazil, TSI Corp., *Transcript*, p. 306; Mr D. Bon, *Transcript*, p. 338; Mr Akee, *Transcript*, p. 422.

133 Mr M. Mabo, *Transcript*, p. 371.

134 Mr F. Tapim, *Transcript*, p. 419.

6.15 These statements were supported by anecdotal evidence.<sup>135</sup> One example involved applications for funding by Torres Strait Islander housing cooperatives being dropped 'to the bottom of the list' in favour of Aboriginal cooperatives.<sup>136</sup>

6.16 Another example revealed apparent confusion within ATSIC, whereby a regional office did not know where to send an application for funding. The application was sent to ATSIC Central Office, to OTSIA and then the TSRA.<sup>137</sup> Some evidence also implied that this sort of incident was based less on administrative confusion than on a perception amongst office holders in ATSIC that Torres Strait Islanders get 'two and three bites of the funding cherry' because of the existence of TSRA as well as the general ATSIC representative structure.<sup>138</sup> The Committee was told:

When the Torres Strait Regional Authority was introduced, we would go to ATSIC and they would say to us, 'Wait a minute. You've got your own body now; go see them'.<sup>139</sup>

There was a suggestion that this perception was held not just by people at a regional level, but also by ATSIC Commissioners.<sup>140</sup>

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135 Ms A. Akee, Townsville Aboriginal and TSI Corp. for Women, *Transcript*, pp. 33; and Ms T. Mam, *Transcript*, p. 145.

136 Mr H. Batzke, ACT TSI Corp., *Transcript*, p. 525.

137 Ms C. Lowah, Alice Springs TSI Community Group, *Transcript*, p. 263.

138 Ms T. Mam, *Transcript*, p. 422; Mr N. Bon, ACT TSI Corp., *Transcript*, p. 516.

139 Mr J. Grande, Saam Kerem TSI Corp., *Transcript*, p. 293. See also Mr F. Tapim, Magani–Malu–Kes, *Transcript*, p. 22; and Mr A. Noah, TSI Media Association, *Transcript*, p. 49.

140 Ms T. Mam, *Transcript*, p. 422.

6.17 The Committee understands that this perception has no basis in fact, because TSRA's responsibilities do not extend beyond the Torres Strait region. It is unfortunate that securing more autonomy for the Torres Strait region has had the unintended consequence of frustrating the access to services of Torres Strait Islanders on the mainland. It also highlights the need to provide mainland Torres Strait Islanders with appropriate mechanisms to gain a higher profile within ATSIC.

### **Problems with the Structure of TSIAB**

6.18 TSIAB was also criticised in the evidence, although for its structure rather than its performance. A significant complaint is that TSIAB members are appointed by the Minister rather than elected by Torres Strait Islanders themselves.<sup>141</sup> A second complaint is that TSIAB's membership does not reflect the distribution of Torres Strait Islanders on the mainland and that Queensland, in particular, should have more representatives.<sup>142</sup>

6.19 People were also critical that the Chair of TSIAB is not elected by mainland Torres Strait Islanders, but is chosen, as Torres Strait Zone Commissioner, indirectly through TSRA, by those living in the Torres Strait region.<sup>143</sup>

6.20 The Torres Zone Commissioner is in a difficult position. As Commissioner he represents the interests of Torres Strait Islanders

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141 See Mr B. Lowah, *Transcript*, p. 115; Mr G. Mye, *Transcript*, p. 415.

142 Mr G. Mye, *Transcript* p. 415.

143 Ms T. Mam, *Transcript*, p. 152; Mr G. Mye, *Transcript*, p. 415.

living in the Torres Strait. As the Chair of TSIAB he represents Torres Strait Islanders living on the mainland. The interests of the two groups may not be identical and the Committee was told that one Commissioner for the Torres Strait Zone had said that it was not his job to represent mainland Torres Strait Islanders.<sup>144</sup>

6.21 While the arrangement may allow the office holder to act as a bridge between TSIAB and the Torres Strait region, the incumbent faces the difficulty of being on at least ATSIC's Board of Commissioners, TSIAB and the TSRA and possibly also on the ICC and the Chairman of an Island Council. The Committee believes that any incumbent would face difficulties trying to reconcile the competing responsibilities and priorities of each office and comments further on this matter below.

6.22 Finally, some witnesses also felt that TSIAB was a 'toothless tiger' because of its limited resources and mere advisory role.<sup>145</sup>

### **ATSIC Response to Criticisms**

6.23 ATSIC is well aware of these criticisms by Torres Strait Islanders, but Mr Myers claims ATSIC has not 'seen any factual basis' for the allegations of discrimination.<sup>146</sup> In fact, the Section 26 review of the ATSIC Act conducted in 1993 questioned the need for Torres Strait Islanders living on the mainland to have special representative structures at all within ATSIC, and argued that:

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144 Ms A. Akee, Townsville Aboriginal and TSI Corp. for Women, *Transcript*, p. 18.

145 Ms A Akee, Townsville Aboriginal and TSI Corp. for Women, *Transcript*, p. 18.

146 ATSIC, *Transcript*, p. 208.

the structure and composition of the representative arm of ATSIC give Torres Strait Islanders the same opportunities for representation on the mainland as the Aboriginal community and that the special provisions are inequitable and unnecessary. There was particular concern about the Torres Strait Islander Advisory Board, both in terms of its performance and the need for it.<sup>147</sup>

6.24 Nonetheless, ATSIC has taken steps to deal with the criticisms of its processes and structures by Torres Strait Islanders. The ATSIC Board has formally advised Regional Councils of their responsibilities to represent their Torres Strait Islander constituents.

6.25 Perhaps the most significant step ATSIC has taken is to initiate an evaluation of the level of access to ATSIC programs and services by Torres Strait Islanders living on the mainland. This evaluation is being conducted by the ATSIC Office of Evaluation and Audit (OEA) and is currently underway. The objectives of the evaluation are to:

- assess the level of access that Torres Strait Islanders living on the mainland have to ATSIC's programs and services;
- if programs and services are not being accessed equitably, identify the reasons for the lack of access; and
- identify what action is required by ATSIC and/or other agencies to improve access to programs and services and recommend an implementation strategy.

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147 Torres Strait Islander Steering Committee (Mainland) on the ATSIC Section 26 Review, *Discussion Paper, Section 26 Review of the Operation of the Aboriginal and Torres Strait Islander Commission Act 1989: Relating to Torres Strait Islanders on the Mainland*, 1993, Attachment B, p. 27.

6.26 In April 1996, ATSIC decided that it, in consultation with the TSRA, would agree on terms of reference for a feasibility study for a separate commission for Torres Strait Islanders. Further progress on this decision has been deferred until this Committee's report is tabled in Parliament.<sup>148</sup>

6.27 ATSIC sees TSIAB and OTSIA as effective structures for advising ATSIC and the Minister on Torres Strait Islander issues, 'without detracting from the Commission and regional councils as the primary Commonwealth structures which represent Torres Strait Islanders and Aboriginals in Australia'.<sup>149</sup>

### **Comments by the Committee**

6.28 The Committee appreciates the tension between protecting the interests of a minority group while recognising that Torres Strait Islanders living on the mainland are in fact a minority of the indigenous population and, in some ATSIC regions, a very small minority.

6.29 The Committee also acknowledges ATSIC's claim that it does represent Aboriginal *and* Torres Strait Islander people and the allegations of discrimination against Torres Strait Islanders are, to date, unsubstantiated.<sup>150</sup> For this reason, the results of the OEA evaluation will be very important and keenly anticipated by Torres Strait Islanders.

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148 See ATSIC, *Submissions*, p. S349.

149 ATSIC, *Annual Report, 1995–96*, p. 191.

150 ATSIC, *Submissions*, p. S349.

6.30 As a general principle, however, the Committee believes that Torres Strait Islanders as the minority indigenous culture do require special considerations by ATSIC. Furthermore, ATSIC needs to be seen to be providing such special consideration. The debate arises, however, over how this special consideration can be achieved.

## **Difficulties With a Separate Torres Strait Islander Commission**

### **Torres Strait Islander Support for a Separate Commission**

6.31 The most popular solution suggested by Torres Strait Islanders – regardless of their location – to the perceived problems with ATSIC's structures, is the establishment of a separate authority to represent Torres Strait Islander people living both in the Torres Strait region and on the mainland<sup>151</sup>.

6.32 A separate Torres Strait Islander commission to represent both communities could achieve two goals. It could provide a formal bridge between Torres Strait Islanders living in the Torres Strait region and the

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151 Mr D. Ober, Townsville-Thuringowa TSI Action Group, *Transcript*, p. 4, *Submission*, p. S113; Mrs J. Pryor, Townsville Regional Council, *Transcript*, p. 15; Mrs A. Akee, Townsville Aboriginal and TSI Corp. for Women, *Transcript*, p. 24; Mr P. Stephen, Torres Shire Council, *Transcript*, p. 45; Mr E. Mam, *Transcript*, pp. 101–102; Ms S. Lowah, Alice Springs TSI Community Group, *Transcript*, p. 264; Mr S. Aniba, Lagau Kazil TSI Corp., *Transcript*, p. 308; Mr M. Mabo, *Transcript*, p. 371; Au Karem Le TSI Corp of Logan & West Moreton, *Submissions*, p. S47; Council of Elders, Warraber Island, *Submissions*, p. S51, Erub Community Council, *Submissions*, p. S53; Coconut Island Council, *Submissions*, p. S68; Murray Island Community Council, *Submissions*, p. S89; Mr J. Akee, *Submissions*, p. S93; Council of Elders, Yam Island, *Submissions*, p. S104; Mr M. Sale, *Submissions*, p. S134; Saam Kerem TSI Corp., *Submissions*, p. S217; Townsville TSI Community, *Submissions*, pp. S337-39.

mainland. At the same time it could also provide Torres Strait Islanders living on the mainland with a representative and funding agency outside ATSIC.

6.33 Having a separate commission is a long held ideal of Torres Strait Islanders. Most recently, for example, at the Fifth National Torres Strait Islanders Seminar in 1995, a resolution was passed calling for a separate Torres Strait Islander commission to be established with a 'budget based on the needs of Torres Strait Islanders'.<sup>152</sup> This community decision was followed in early 1996 by submissions to ATSIC along the same lines.

#### **Duplication and effective service delivery**

6.34 While a separate Torres Strait Islander commission to represent both communities is an attractive way of uniting all Torres Strait Islanders and their culture, it presents difficulties that the Committee believes make it impractical.

6.35 The problem of establishing a separate Torres Strait Islander commission is that it would need an administrative structure to cater for Torres Strait Islander communities in the Torres Strait region and across the Australian mainland.

6.36 A separate commission would have to establish procedures to determine which Torres Strait Islander organisations should receive a share of grants and then ensure that the grants were spent as expected. It is also likely that Torres Strait Islanders would like to make these

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152 IINA, Fifth National Torres Strait Islanders Seminar/Workshop, *Executive Summary Report*, 11-15 December 1995, p. 30.

decisions rather than leave the decision up to administrators. At the very least, this would require establishment of several regional offices or representational structures in Queensland, New South Wales and Victoria.

6.37 This structure on the mainland would duplicate the existing ATSIC structure. Most importantly, it would all also use funds that could otherwise be spent on services. This point has been recognised by some Torres Strait Islanders:

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.<sup>153</sup>

6.38 This comment was echoed by another Torres Strait Islander from the mainland who asked:

If we decide to go down the path of separation, how is government going to supply funds to assist two bureaucracies?<sup>154</sup>

6.39 The Committee is also concerned about how cost-effectively a separate Torres Strait Islander commission could represent and service small Torres Strait Islander communities in Western Australia, the Northern Territory and South Australia.

6.40 It is possible that Torres Strait Islanders living on the mainland in areas where they represent a small proportion of the Torres Strait Islander and Aboriginal population may be more able to secure

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153 Mr N. Bon, ACT TSI Corp., *Transcript*, p. 519.

154 Ms N Nicol, *Transcript of Informal Discussion, Cairns*, p. 493.

satisfactory access to resources by remaining part of ATSIC and participating in organisations that service Aboriginals and Torres Strait Islanders collectively. Remote Torres Strait Islander communities may also be better off in terms of receiving funds from a locally based ATSIC Council than if they had to try to access funding from a commission located (presumably) in the Torres Strait.

### **Joint Torres Strait Islander and Aboriginal heritage**

6.41 Some 10 100 Torres Strait Islanders living on the mainland have shared Torres Strait and Aboriginal ancestry.<sup>155</sup> People of mixed ancestry living on the mainland queried how they might be accommodated if the two groups were to be represented by different organisations. People were concerned that they may be forced to choose which group they primarily belonged to in order to have access to programs and funding. As one said:

I do not want to be a lost generation and I do not want to be forced into a position where I have to choose between my mother's and my father's identity.<sup>156</sup>

6.42 The Centre for Aboriginal Economic Policy Research suggested that this could be overcome by allowing 'dual identifiers to participate in both cultures and both organisational contexts, if and when they wish.<sup>157</sup> However, considering the perceptions that currently exist about Torres

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155 ABS, *Census 1996: Census of Population and Housing*, ABS Catalogue No. 2015.0, p. 34.

156 Ms N Nicol, *Transcript*, p. 90. See also Mrs M O'Shane, Pase Gab Te, *Transcript*, p. 82; Ms T. Mam, *Transcript*, p. 149; Mrs Y. Batzke, ACT TSI Corp., *Transcript*, p. 520.

157 CAEPR, *Submissions*, p. S322.

Strait Islanders already having access to two sources of funding (ATSIC and TSRA) this issue would have to be dealt with in a sensitive manner. While this is certainly not an insurmountable problem, it is likely to be a source of ongoing tension for Torres Strait Islanders and Aboriginals.

### **Tension Between Homeland and Mainland Interests**

6.43 Another potential difficulty facing a united commission would be balancing the different and possibly competing interests of Torres Strait Islanders living in the Torres Strait region and those living on the mainland. TSIAB has stated that the needs of the two groups are different. People in the Torres Strait region focus on services while, for those on the mainland, the focus is on culture.<sup>158</sup> Also, people living on the mainland have access in many cases to mainstream services not necessarily available to people living on the islands.

6.44 To resolve this problem witnesses have proposed various methods of weighting representation for the two groups on a commission.<sup>159</sup> Some Torres Strait Islanders living in the Torres Strait region fear that it would be impossible to balance the interests of the two groups:

We want to maintain the link, but at this stage we must keep the two aspects separate for the time being. In the first stage we must develop the Torres Strait region as a whole; in the second stage we will see how best we can address the issues. Putting the two

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158 TSIAB, *Submissions*, p. S368.

159 Mr B Lowah, Interim Torres Strait Islander Secretariat, *Transcript*, p 112; Ms T. Mam, *Transcript*, p. 150; Mr C Hodgson, Alice Springs TSI Community Group, *Transcript*, p. 272; Mr Wano, *Transcript of Informal Meeting, Townsville*, pp. 500-01; CAEPR, *Submission*, pp. S219-21; Townsville Working Party for Greater Autonomy for Torres Strait Islanders, *Submission*, p. S340.

together in the one basket would be too difficult and too complex. The end result would be that we would not achieve the aims and aspirations of our people.<sup>160</sup>

6.45 The Committee concedes that if a single Torres Strait Islander commission was established, it would ultimately be up to Torres Strait Islanders themselves to determine how funds between the Torres Strait region and the mainland would be distributed. Nonetheless, the Committee is concerned that the different interests of those living in the Torres Strait region and on the mainland would, by necessity, need a divided organisation to properly represent both groups. The result, in practice, would be somewhat equivalent to two separate organisations.

#### **Committee's Comments**

6.46 The Committee recognises the widespread support amongst Torres Strait Islanders for their own separate representative structure on the mainland.

6.47 However, the Committee is conscious of the practical difficulties associated with establishing a separate commission for Torres Strait Islanders living on the mainland. In the Committee's view, a separate commission for the mainland would simply be serving too few people over too great an area to be cost effective.

6.48 The Committee wants to see Torres Strait Islanders and their organisations on the mainland receive an equitable share of the funds available for Torres Strait Islanders and Aboriginals. What the Committee does not want to see is scarce resources frittered away on

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160 Mr G Lui, TSRA, *Transcript*, p. 61. See also Mrs F. Kennedy, *Transcript*, p. 64; Mr R Newie, *Transcript of Informal Discussions, Cairns*, p. 490.

administrative costs or complex representative structures that duplicate those of ATSIC.

6.49 The Committee believes that a more cost effective way of ensuring that Torres Strait Islanders living on the mainland receive greater funds 'on the ground' is to improve their representation within ATSIC. That means strengthening and reforming existing structures within ATSIC. Therefore, as a specific response to the third term of reference for the inquiry, the Committee, makes the following recommendation.

**Recommendation 17**

The Committee recommends that the interests of Torres Strait Islanders living on the mainland should continue to be represented by the Aboriginal and Torres Strait Islander Commission.

6.50 Furthermore, the Committee also makes the following recommendation to encourage Torres Strait Island community groups to seek and receive funding and assistance from mainstream agencies.

**Recommendation 18**

The Committee recommends that the Aboriginal and Torres Strait Islander Commission develop a program encouraging mainstream Commonwealth, State, local government and non government agencies to develop partnerships and joint ventures with Torres Strait community groups on the mainland.

## Improving Representation in ATSIC

### Torres Strait Islander Initiatives

6.51 Following the release of the 1993 report on the Section 26 review of ATSIC referred to above, a Steering Committee was established by the Third National Torres Strait Islander Seminar/Workshop to prepare a discussion paper about the issues raised in the report. Following community consultation, the Steering Committee produced a paper which proposed changes in the structure of the mainland Torres Strait Islander representative bodies.

6.52 Included in these changes was the replacement of TSIAB with a Board of the Office of Torres Strait Islander Affairs (BOTSIA). BOTSIA would have eight full time members who were elected from state based regions. This suggested increase in the number of members was to reflect the relatively higher Torres Strait Islander population in Queensland and Western Australia. BOTSIA would elect one of its members as a Commissioner who would sit on the ATSIC Board. To deal with problems of access and equity, BOTSIA would have an enhanced program base. It also recommended that Torres Strait Islander issues officers be placed in ATSIC offices in areas of significantly high Torres Strait Islander population. These officers would be able to secure funds from BOTSIA to supplement general ATSIC programs if they are not sufficiently meeting the needs of Torres Strait Islander people in their areas.<sup>161</sup>

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161 ATSIC, *Discussion Paper, Section 26 Review of the Operation of the Aboriginal and Torres Strait Islander Commission Act 1989: Relating to Torres Strait Islanders on the Mainland*, pp. 15–18.

6.53 TSIAB itself, has produced a similar model and presented it to the Committee in evidence.<sup>162</sup> The recommendations made below by the Committee borrow heavily from these two sources.

### **Greater Recognition by ATSIC Regional Councils**

6.54 The Committee believes that a number of initiatives can be undertaken to promote an awareness of Torres Strait Islander issues by Regional Councils. These initiatives are particularly relevant for Regional Councils that do not have Torres Strait Islander councillors.

6.55 Firstly, the Committee believes that there should be a nominated Torres Strait Islander contact person within each ATSIC regional office. Such a person would be aware of Torres Strait Islander concerns within the region and act as a single point of contact for Torres Strait Islander groups seeking advice, particularly on grant applications. In some regional offices this might be a full time position, while in other regions it might only be part time. Accordingly, the Committee makes the following recommendation.

#### **Recommendation 19**

The Committee recommends that each regional office of the Aboriginal and Torres Strait Islander Commission should have a nominated Torres Strait Islander contact officer.

6.56 The Committee also believes that Regional Councils should be required to state in Annual Reports the extent to which they have

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162 *Submissions*, pp. S363–89.

identified and addressed the concerns of Torres Strait Islanders within their region.

**Recommendation 20**

The Committee recommends that each Regional Council be required to state in its Annual Report the measures taken by the Council to identify and respond to the concerns of Torres Strait Islanders within their region.

**Strengthening TSIAB**

6.57 The Committee has concluded that TSIAB is a useful mechanism for coordinating the views of mainland Torres Strait Islanders and should continue in this role. The Committee considers, however, that the representative character of TSIAB would be enhanced if its members were elected rather than appointed by the Minister.

6.58 The elections could take place at the time of the ATSIC Regional Council elections and be open to people who identify as Torres Strait Islanders. Torres Strait Islanders should also continue to be able to fully participate in Regional Council elections.

6.59 Membership should continue to consist of one member to represent: New South Wales and the Australian Capital Territory; Victoria and Tasmania; Western Australia; South Australia; and the Northern Territory. However, the Committee believes that two representatives should be elected from Queensland to reflect the fact that the overwhelming number of Torres Strait Islanders on the mainland live in Queensland.

6.60 Accordingly the Committee makes the following recommendation.

### **Recommendation 21**

The Committee recommends that the Torres Strait Islander Advisory Board (TSIAB) be retained. Membership should consist of two representatives from Queensland; one person to represent both New South Wales and the Australian Capital Territory; one to represent both Victoria and Tasmania; and one representative from each of Western Australia; South Australia; and the Northern Territory. The members of TSIAB should be elected by Torres Strait Islanders living on the mainland, the elections taking place at the same time as ATSIC Regional Council elections.

6.61 Membership of TSIAB should continue to be part time, although the Chair should be appointed on a full time basis. Moreover, the Chair should be elected by TSIAB from amongst its members. The Committee agrees that it is more appropriate for the Chair of TSIAB to be elected from the group TSIAB is representing – mainland Torres Strait Islanders. However, the Committee considers it is important to foster appropriate linkages and has therefore recommended that the Chair of TSIAB be given observer status on the proposed Torres Strait Regional Assembly.<sup>163</sup>

6.62 The Chair of TSIAB should also be appointed to the ATSIC Board of Commissioners. The Committee concedes that this will allow Torres Strait Islanders living on the mainland to have double representation on the ATSIC Board of Commissioners – through the TSIAB Chair and also through their regional ATSIC zone commissioner. However, the Committee considers that it will be a way of protecting the identity of Torres Strait Islanders, enhance their status and ensure that

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163 Refer to Chapter four above.

Torres Strait Islanders from the mainland are always directly represented on the Board of Commissioners.

6.63 This proposal will also, in effect, mean that the Torres Strait Islander representative on the ATSIC Board will be coming from the mainland instead of from the Torres Strait region.<sup>164</sup>

**Recommendation 22**

The Committee recommends that the Chair of the Torres Strait Island Advisory Board (TSIAB) be elected by the members of TSIAB from amongst their number. The Chair should be appointed to the Aboriginal and Torres Strait Islander Commission Board of Commissioners and should replace the Commissioner for the Torres Strait Zone.

6.64 If these recommendations are adopted, TSIAB may consider a name change from a Board to a Council (or equivalent) to reflect its more representative nature.

**New Functions for TSIAB**

6.65 The Committee believes that TSIAB's role should be redefined to take formal responsibility for the functions and appropriations currently given to OTSIA. OTSIA in turn, should become a secretariat supporting TSIAB, although continuing to remain organisationally within ATSIC.

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164 In Chapter four, the Committee recommends greater autonomy for the Torres Strait region. As a consequence, the Committee thought it inappropriate to have a person from the region also represented on ATSIC as the Torres Zone Commissioner.

6.66 As part of its functions, TSIAB should report regularly to the ATSIC Board of Commissioners about the extent to which ATSIC is meeting the needs of Torres Strait Islanders on the mainland.

**Recommendation 23**

The Committee recommends that the *Aboriginal and Torres Strait Islander Commission Act 1989* be amended so that the functions currently specified for the Office of Torres Strait Islander Affairs (OTSIA) be transferred to the Torres Strait Islander Advisory Board (TSIAB). The new function of OTSIA should be to provide secretariat support to TSIAB and assist TSIAB undertake its functions.

## **Non Government Community Groups**

6.67 The Committee has noted the considerable emphasis placed on community groups by Torres Strait Islanders living on the mainland. Indeed, the Committee has spoken to many representatives of these groups when taking evidence and has been impressed with their dedication. The Committee fully encourages the development of such organisations and believes that they perform the very important roles of linking Torres Strait Islanders, acting on their behalf and maintaining *Ailan Kastom* on the mainland. In particular, non government groups have organised successful national workshop/seminars for Torres Strait Islanders.

6.68 OTSIA is currently funding the establishment of a non government National Secretariat of Torres Strait Islander organisations based in Brisbane.<sup>165</sup> The proposed functions of the National Secretariat

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165 See TSIAB, *Submissions*, p. S379.

are to give a national voice to Torres Strait islanders living on the mainland and to act as their advocate with Commonwealth and state government agencies.

6.69 However, there is concern about the extent to which the National Secretariat will represent all Torres Strait Island organisations and whether the Secretariat will be carrying out a task that could be better undertaken by TSIAB.<sup>166</sup>

6.70 The Committee has made recommendations in this chapter to provide TSIAB with an elected membership and to strengthen its influence within ATSIC. The Committee, has argued that TSIAB should be the principal national voice for Torres Strait Islanders living on the mainland. It is, therefore, inappropriate for TSIAB/OTSIA to fund a parallel peak representative organisation. It would avoid duplication if a strengthened TSIAB undertook the tasks currently being envisaged for the National Secretariat. This would ensure that Torres Strait Islanders living on the mainland are represented on a national level by one voice that already has close links with the principal funding agency – ATSIC.

6.71 In such a role, TSIAB will be a conduit for advice from community organisations to the ATSIC Board of Commissioners and the Minister. TSIAB will also be able to facilitate cultural links between community groups on the mainland and in the Torres Strait region. TSIAB will also be to put more effort into supporting Torres Strait community organisations improve their access to mainstream services.

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166 See Ms H Akee, Coalition of Townsville TSI Community Organisations, *Transcript of Informal Evidence*, pp. 499-500; Townsville Working Party for Greater Autonomy for Torres Strait Islanders, *Submissions*, p. S342; Mr S Aniba, Lagau Kazil TSI Corp., *Transcript*, p. 312.

6.72 The Committee believes that it is very important that the recommendations it has made in this chapter can be considered by Torres Strait Islanders before any action is taken. In the final chapter, chapter seven, the Committee makes recommendations about a consultation process.

## Chapter 7 – The Way Ahead

### Consultation with Torres Strait Islanders

7.1 Greater autonomy is a process as well as an outcome. Torres Strait Islanders, in the Torres Strait region or on the mainland, must be consulted about the forms which a greater degree of autonomy might take. The conduct of the Committee's inquiry has been part of that consultation.

7.2 The need for further consultation means that, within the Torres Strait region, neither the Commonwealth nor Queensland Governments should legislate to establish new structures of government (including those recommended in this report) without allowing sufficient time for all those affected to comment on the proposals. The process of consultation should be facilitated by establishment by the Commonwealth of a working party consisting of Torres Strait Islanders, other residents of the region and Commonwealth, State and local government officials. Accordingly, the Committee makes the following recommendation.

#### **Recommendation 24**

The Committee recommends that the Commonwealth Government facilitate a process of consultation with relevant State Ministers, Torres Strait Islanders and all other residents of the Torres Strait region to ensure their support before any legislation is introduced into the Commonwealth Parliament to amend the structures of government or administration in the Torres Strait region.

7.3 The Committee recognises that the Queensland Government will wish to consult with the people of the Torres Strait on these

proposals to ensure that state legislation complements Commonwealth legislation and has the support of all involved.

7.4 There is also a need for Torres Strait Islanders living on the mainland to be consulted about the changes the Committee has recommended for TSIAB, OTSIA and ATSIC. Accordingly, the Committee makes the following recommendation.

**Recommendation 25**

The Committee recommends that the Aboriginal and Torres Strait Islander Affairs Commission (ATSIC) facilitate a process of consultation with Torres Strait Islanders living on the mainland before any changes are made to the ATSIC structures and arrangements for Torres Strait Islanders living on the mainland.

**Creating a Precedent**

7.5 The Minister for Aboriginal and Torres Strait Islander Affairs has suggested that the Committee consider whether the granting of greater autonomy for Torres Strait Islanders would be seen as a precedent for a similar approach to indigenous autonomy on the mainland.<sup>167</sup>

7.6 It is true, Aboriginal groups may look to the Torres Strait region as inspiration for seeking their own form of greater autonomy. In fact, there is evidence that this has already happened with ATSIC's Murdi Paaki Regional Council.<sup>168</sup>

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167 *Submission*, p. S126.

168 See *Sydney Morning Herald*, 5 June 1997.

7.7 Obviously, the forms of greater autonomy that suit one area may be unsuitable for another. The unique culture, post contact history and geography of the Torres Strait area makes the forms of autonomy suggested in this report possible and workable for that region. In other regions of the country, these forms of autonomy may be inappropriate. 'Autonomy' is a catch-all phrase that encompasses a range of possibilities for giving people greater control over their lives. The particular form and degree of political, economic and cultural autonomy that will balance indigenous and non indigenous interests in a region will depend very much on the circumstances of that region.<sup>169</sup>

7.8 As such, the Committee does not believe that reforms for Torres Strait Islanders should be compromised for fear of creating a precedent for other groups.

7.9 In fact, the Committee believes that more effort should be made to help Aboriginals and Torres Strait Islanders become more self reliant and manage their own affairs. The Committee strongly believes that encouraging greater autonomy for Aboriginal and Torres Strait Island people will encourage this outcome and increase their economic independence.

7.10 The Committee recognises the strong desire of Torres Strait Islanders to achieve greater autonomy. This will take further time and effort. However, the challenge must be met.

7.11 The object of providing a greater degree of autonomy, in whatever form it may take, is to give people greater control over and

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169 See RCIADIC, *National Report*, Vol. 4, paras 27.5.24-27.5.26.

responsibility for the events that affect them so that they can enrich their lives and those of future generations. That, the Committee believes, is no bad thing – for all Australians.

The Hon Lou Lieberman MP, Chairman  
August 1997

## **APPENDIX 1 – LIST OF SUBMISSIONS**

- 1 Associate Professor John Lea  
University of Sydney
- 2 Mr Peter Jull
- 3 Au Karem Le - Torres Strait Islanders Corporation of Logan and West  
Moreton
- 4 Council of Elders, Warraber Island
- 5 Erub Community Council
- 6 Queensland Commercial Fisherman's Organisation
- 7 Coconut Island Council
- 8 Kaurareg Land Council
- 9 Murray Island Community Council
- 10 James Akee
- 11 Council of Elders, Yam Island
- 12 Townsville-Thuringowa Torres Strait Islander Action Group
- 13 Senator John Herron  
Minister for Aboriginal and Torres Strait Islander Affairs
- 14 Australian Quarantine and Inspection Service
- 15 Yatamo Gela, Darnley Island
- 16 Meb Salee, Murray Island
- 17 Torres Strait Regional Authority
- 18 Department of Foreign Affairs and Trade
- 19 Central Queensland Land Council Aboriginal Corporation
- 20 Professor Jon Altman, Centre for Aboriginal Economic Policy  
Research, Australian National University
- 21 Australian Heritage Commission
- 22 SAAM KEREM T.S.I. Corporation

- 23 Department of Defence
- 24 Department of Industry, Science and Tourism
- 35 Port Kennedy Association
- 36 Townsville Torres Strait Islander Community
- 37 Pasa Gab Te Torres Strait Islander Corporation
- 38 Aboriginal and Torres Strait Islander Commission (ATSIC)
- 39 Queensland State Government
- 40 ATSIC
- 41 ACT Torres Strait Islander Corporation
- 42 Department of Foreign Affairs and Trade
- 43 Department of Employment, Education, Training and Youth Affairs
- 44 ATSIC

## **APPENDIX 2 - PUBLIC HEARINGS/INFORMAL DISCUSSIONS HELD AND WITNESSES HEARD**

### **21 October 1996 – Townsville**

#### **Townsville-Thuringowa Torres Strait Islander Action Group**

Ms Gata Alfred, Secretary

Mr Dana Ober, Convenor

Mr Patrick Whop, Mabuiag Island Representative

#### **Aboriginal & Torres Strait Islander Commission – Townsville Regional Office**

Ms Gale Duell, Executive Assistant, Regional Council Support Unit

Mrs Jenny Pryor, Regional Council Chairperson

Mr Ken Reys, Regional Manager

#### **Townsville Aboriginal and Torres Strait Corporation for Women**

Mrs Angelina Akee, Executive Officer

#### **Magani-Malu-Kes**

Mr Francis Tapim, Executive Officer

### **21 October 1996 – Thursday Island**

#### **Torres Strait Regional Authority**

Mr Getano Lui, Chairperson

#### **Torres Shire Council**

Mrs Patricia Holt, Deputy Mayor

Ms Marsha Loban, Councillor

Mr Pedro Stephen, Mayor

### **Kaurareg Land Council**

Mr Richard Aken, Chairman

### **Mura Kosker Sorority**

Ms Kailang Dorante, President

### **Port Kennedy Association**

Mrs Romina Fujii, President

### **Torres Strait Islanders Media Association**

Mr Aven Stanley, Manager – Operations

### **Community Members**

Mr Adrian Bon - Thursday Island

Mr Lui David - Thursday Island

Mrs Flo Kennedy - Thursday Island

Mr Michaelangelo Newie - Thursday Island

### **22 October 1996 – Informal Discussions**

Moa Island

Saibai Island

### **23 October 1996 – Informal Discussions**

Murray Island

Darnley Island

Yorke Island

### **24 October 1996 – Informal Discussions**

Bamaga Community

Injinoo Community

Seisia Community

New Mapoon & Umagico Community

## **25 October 1996 – Cairns**

### **Pasa Gab Te**

Mrs Delinah Rose - Chairperson

Mrs Maryanne Crow - Director

Mr Abiu Lui - Member

Mr Thomas Nakata - Member

Mrs Mary O'Shane - Director

Miss Stella Yropi - Member

### **Community Members**

Mrs Nanette Ahmat

Ms Nerelle Nicol

## **12 March 1997 – Brisbane**

### **Queensland State Government**

Mr Sol Bellear - Director, Aboriginal & Torres Strait Island Policy Branch, Health

Snr Sergeant Lilian Bensted - Cultural Advisory Unit, Queensland Police Service

Mr Christopher Goodreid - Director, Department of Premier & Cabinet

Mr David Perkins - Manager, Marine Parks, Department of Environment

Dr John Scott - State Manager, Public Health Services, Queensland Health

Ms Geri Taylor - Director, Health Systems Strategy Branch, Queensland Health

Mr Paul Toolis - Manager, Department of Families, Youth & Community Care

Inspector Terence Tyler - Officer in Charge, Cultural Advisory Unit,  
Queensland Police

Mr James Wauchope - Program Director, Department of Families, Youth &  
Community Care

Mr Gregory Wellard - Acting Executive Director, Department of Environment

## **Queensland Commercial Fishermen's Organisation**

Mr Ted Loveday - President

## **Interim Torres Strait Islander Working Party (Mainland)**

Mr Bill Lowah - Member

Mr Ezra Mam - Member

## **Au Karem Le Torres Strait Islander Organisation**

Rev Ted Ruben - President

## **Community Member**

Ms Tomasina Mam

## **18 March 1997 – Canberra**

## **Aboriginal & Torres Strait Islander Commission**

Mrs Louise Hall - Acting Assistant General Manager, Economic Division

Mr Benny Mills - Manager, Office of Torres Strait Islander Affairs

Mr Ian Myers - Acting General Manager, Economic Division

## **Centre for Aboriginal Economic Policy Research, ANU**

Mr William Arthur - Research Fellow

Dr William Sanders - Research Fellow

## **Canberra – 25 March 1997**

## **Australian Quarantine & Inspection Service**

Mr Dennis Ayliffe - Director, Border Programs

Mr Peter Buckland - Assistant National Operations Manager

Dr Paul Pheloung - Assistant Program Manager, Northern Australian Quarantine Strategy

## **Department of Immigration and Multicultural Affairs**

Mr Edward Killesteyn - First Assistant Secretary, Overseas Clients Services Division

Ms Christine Sykes - State Director, Queensland

## **Department of Industry, Science & Tourism**

Mr Scott Lambert - Assistant Director, Office of National Tourism

Mr Graeme Priestly - Director, Office of National Tourism

## **Department of Foreign Affairs, Defence & Trade**

Ms Trudy Witbreuk - Papua New Guinea Desk Officer

## **21 April 1997 – Alice Springs**

### **Torres Strait Islander Community**

Mr Charles Hodgson

Ms Chuna Lowah

Ms Deanna Lowah

Ms Sherry Lowah - Spokesperson

## **21 April 1997 – Darwin**

### **Saam Kerem Torres Strait Islander Corporation (Broome)**

Mr Joe Grande

Mr Bill Stephens

## **22 April 1997 – Darwin**

### **Lagau Kazil Torres Strait Islander Corporation (South Hedland)**

Mr Samuel Aniba - Administrator

Ms Grace Saylor - Chairperson

### **Aboriginal & Torres Strait Islander Commission**

Mr Ross McDougall - Acting Deputy State Director (NT)

## **Community Member**

Mr Douglas Bon

## **6 May 1997 – Rockhampton**

### **Wongai Corporation**

Mr John Barsah

Ms Nina Kennell

Mrs Lurl Henderson

### **Saima Torres Strait Islander Corporation**

Mrs Annie Gela

Mr Jack Gela - President

### **Torres Strait Islander Advisory Board**

Mr Charles Coleman - State Member

## **6 May 1997 – Mackay (Informal Discussions)**

## **Community Member**

Mr Mario Mabo

## **7 May 1997 – Thursday Island (Public Seminar)**

### **Participants**

Mr John Abednego  
Mr Akee  
Mr Bill Arthur  
Mr Bishop  
Mr A Bon  
Mr D Bon  
Mrs Dorante  
Mr Elu  
Mrs Fischer  
Ms Rumina Fuji

Mr Henry Garnier  
Mr Chris Goodreid  
Mrs Flo Kennedy  
Mr Getano Lui  
Ms Malone  
Ms Thomasina Mam  
Mr Mills  
Mr Misi  
Mr George Mye  
Mr Newie

Mr Noah  
Mr Nona  
Mr Passi  
Dr Will Sanders  
Mr Bill Shibasaki  
Mr Stephen  
Mr Francis Tapim  
Mr Terry Waiai  
Mr W Waiai  
Dr Roney Wasaga

## **8 May 1997 – Thursday Island (Public Meeting)**

Community members in attendance

## **8 May 1997 – Cairns (Informal Discussions)**

Community members in attendance

## **8 May 1997 – Townsville (Informal Discussions)**

Community members in attendance

## **28 May 1997 – Canberra**

### **ACT Torres Strait Islander Corporation**

Mr Hans Batzke - Member

Mrs Yohan Batzke - Member

Ms Leilani Bin-Juda - Chairperson

Mr Noel Bon - Board Member

### **Torres Strait Islander Advisory Board**

Mr James Menham - Adviser

Mr Terry Waia - Chairperson

### **Aboriginal & Torres Strait Islander Commission**

Mr Benny Mills - Manager, Office of Torres Strait Islander Affairs

Mr Ronald Morony - General Manager



### APPENDIX 3 – DETAILS OF ISLAND COUNCILS

| Council   | Pop. | Chairperson      | No. of Councillors* | State   | Annual Budget 95-96 (\$) |  | Other     | TOTAL     |
|-----------|------|------------------|---------------------|---------|--------------------------|--|-----------|-----------|
|           |      |                  |                     |         | Commonwealth             |  |           |           |
| Badu      | 450  | Jack Ahmat       | 3                   | 898,736 | 3,073,150                |  | 1,624,558 | 5,596,444 |
| Bamaga    | 640  | Reg Williams     | 5                   | 992,549 | 2,354,036                |  | 4,282,971 | 7,629,556 |
| Boigu     | 440  | Edward Dau       | 4                   | 439,734 | 2,234,183                |  | 497,098   | 3,171,015 |
| Coconut   | 180  | Gibson Pearson   | 3                   | 266,758 | 1,383,658                |  | 1,076,403 | 2,726,819 |
| Darnley   | 260  | Elia Doolah      | 4                   | 286,791 | 655,579                  |  | 493,843   | 1,436,213 |
| Dauan     | 220  | Margaret Mau     | 3                   | 298,725 | 610,519                  |  | 94,179    | 1,003,423 |
| Hammond   | 237  | Henry Garnier    | 3                   | 487,743 | 424,223                  |  | 217,698   | 1,129,664 |
| Kubin^    | 150  | Fr Saletelu Joe  | 3                   | 241,938 | 309,236                  |  | 61,317    | 612,491   |
| Mabuiag   | 172  | Terence Whap     | 3                   | 205,319 | N/A                      |  | 41,825    | N/A       |
| Murray    | 400  | Ron Day          | 3                   | 461,300 | 717,025                  |  | 1,178,325 | 2,356,650 |
| Saibai    | 390  | Terry Waia       | 3                   | 311,395 | 1,223,750                |  | 386,766   | 1,921,911 |
| Seisia    | 150  | Joseph Elu       | 3                   | 354,216 | 1,494,202                |  | 644,796   | 2,493,214 |
| Stephen   | 50   | Henley Stephen   | 3                   | 90,376  | 67,853                   |  | 40,863    | 199,092   |
| St Pauls^ | 230  | Miseron Levi     | 3                   | 524,217 | 1,660,796                |  | 551,518   | 2,736,531 |
| Sue       | 220  | Ted Billy        | 3                   | 314,309 | 1,284,070                |  | 265,615   | 1,863,994 |
| Yam       | 360  | Getano Lui (Jnr) | 3                   | 312,034 | 1,357,661                |  | 106,417   | 1,863,994 |
| Yorke     | 300  | Joseph Mosby     | 3                   | 386,406 | 1,478,993                |  | 55,3740   | 2,419,139 |

\* Includes Chairperson & Deputy Chairperson

^ Located on Moa Island

## **APPENDIX 4 – THE CANADIAN INUIT: A PRECEDENT FOR THE TORRES STRAIT?**

Nunavut (meaning 'our land'), will be formed from part of the Northwest Territories (NWT) where the majority of the residents are Inuit.<sup>1</sup> There have been serious proposals for dividing the NWT since the 1960s. The decision was taken then that before dividing the territory, a system of representative government would first be developed – an elected government which would represent the various cultures in the region. Over time the federal government has: created electoral constituencies; appointed a resident Commissioner of the NWT; and transferred federally run programs including education, social services, local government, housing and infrastructure to the territorial government. The Territorial Council has had elected members since 1975.

In 1976 the Inuit Tapirisat of Canada, a national Inuit organisation, proposed that a new territory in Northern Canada be created. It viewed the new territory as necessary to the settlement of Inuit land claims in the NWT. Following various plebiscites and extensive discussions, negotiations were completed on the land claim in 1991, and a political accord was formally signed in 1992 by the federal and territory governments and the Tungavik Federation of Nunavut. Government and Inuit representatives signed the land claim agreement in 1993.

A separate Act, the Nunavut Act of 1993 established the legal

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1 Department of Indian and Northern Affairs Canada, *Information Sheet No. 55*, March 1996.

framework for the new government. The Nunavut territory and government will have jurisdictional powers and institutions similar to those of the other territorial governments in Canada. There is planned to be an elected Legislative Assembly, a cabinet, a territorial court and a Nunavut public service.

Progress towards 1999 includes the vote held in 1995 to ascertain the residents' preferred site for the capital city. Several new training programs were set up by the territory and federal governments in 1995 to help the Inuit to develop the skills necessary to work in the Nunavut public service. The Nunavut Implementation Commission has been established to provide advice to the federal and territory governments in the transition period towards 1999. The Commission provides advice on the creation of Nunavut, including capital infrastructure needs, the design of the new government, a process for the first election of the new territorial assembly, and training.

# APPENDIX 5 – AVAILABILITY OF SERVICES TO COMMUNITIES OF THE TORRES STRAIT REGION

| <i>Community/<br/>Population</i>               | <i>Health Services</i>                                                                            | <i>Social Services</i>                                            | <i>Safety Services</i>                                            | <i>Housing</i>                                  | <i>Water Supply</i>                    |
|------------------------------------------------|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------|----------------------------------------|
| <b>BADU ISLAND</b>                             | Health Care Centre<br>(1 nurse, HCW)                                                              | CDEP<br>Child Care Centre                                         | Community<br>Police<br>SES<br>Volunteer fire                      | Community<br>Housing<br>Maintenance/<br>Repairs | Bore/Tank                              |
| <b>BAMAGA<br/>(640)</b>                        | Hospital (21 bed)<br>Health Care Centre<br>Community Options<br>RFDS                              | CDEP<br>DSS<br>Child Care<br>Women's Shelter                      | Police Station<br>Ambulance<br>Fire Service<br>(Volunteer)<br>SES | Community<br>Maintenance/<br>Repairs            | Reticulated                            |
| <b>BOIGU ISLAND<br/>(440)</b>                  | Health Care Centre<br>(1 nurse, 1HW)                                                              | CDEP<br>Limited Barge<br>Airstrip<br>(3 airtservices<br>per week) | Police<br>SES                                                     | Community<br>Maintenance/<br>Repairs            | Reticulated                            |
| <b>DAUAN ISLAND<br/>(220)</b>                  | Health Care Centre<br>(2 Health Workers)<br>Visiting Nurse/Dr                                     | CDEP<br>DSS Agent<br>(visiting)                                   | Police (5)<br>SES                                                 | Community<br>Maintenance<br>/Repairs            | Bore<br>Tank                           |
| <b>ERUB<br/>(DARNLEY)<br/>ISLAND<br/>(260)</b> | Health Care Centre<br>(1 nurse & HW)<br>RFDS                                                      | CDEP<br>DSS                                                       | Police (x2)<br>Fire Service<br>(Volunteer)<br>SES                 | Community<br>Maintenance/<br>Repairs            | Bore<br>Reticulated<br>Tank            |
| <b>HAMMOND<br/>ISLAND (237)</b>                | Close to TI<br>Hospital<br>(10 minutes by<br>dinghy)<br>Helicopter service<br>from TI (emergency) | CDEP<br>DSS (access<br>on TI)                                     | SES<br>Fire Service<br>(volunteer)                                | Community<br>Housing<br>Maintenance/<br>Repair  | Reticulated<br>(2 hrs per day)<br>Tank |
| <b>HORN ISLAND<br/>(228)</b>                   | Health Care Centre<br>RFDS                                                                        | CDEP<br>DSS                                                       | SES                                                               | Community<br>Maintenance<br>/Repairs            | Reticulated<br>Tank                    |

| <b>Waste</b>                                     | <b>Education</b>                                                                      | <b>Consumer Services</b>                                                                                  | <b>Financial Services</b>              | <b>Recreational/Community Facilities</b>                                  | <b>Visitor Services</b>                                                                               | <b>Communications</b>                 |
|--------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|---------------------------------------|
| Pan Toilets<br>Garbage<br>Collection             | Pre-school<br>Kindergarten<br>Primary School                                          | Supermarket<br>Takeaway<br>Petrol<br>Clothing<br>Mechanic<br>(Council)<br>Airstrip<br>Barge               | Bank<br>Agency                         | Sports Oval                                                               | Airline<br>Guest House<br>(Council)                                                                   | BRACS<br>Post Office<br>(Agency)      |
| Septic & Pan<br>Toilets<br>Garbage<br>Collection | Pre-School<br>Primary School<br>(to Year 6)                                           | Supermarket<br>Bakery<br>Takeaway<br>Petrol/Diesel<br>Clothing<br>Mechanic<br>Canteen<br>Barge<br>Airline | Banking<br>Business<br>Advice          | Community<br>Hall<br>Basketball<br>Courts<br>Youth Dev<br>Worker          |                                                                                                       | BRACS<br>Post Office<br>Radio         |
| Pan<br>Garbage<br>Collection                     | Pre-School<br>Primary<br>(to Year 7)                                                  | Supermarket<br>General Store<br>Petrol/Diesel<br>Barge<br>Airstrip                                        | Bank<br>Agency                         | Community<br>Hall<br>Sports area                                          |                                                                                                       | BRACS<br>Post Office<br>Radio         |
| Septic/Pan                                       | Pre School<br>(1 teacher)<br>Primary (to yr7)<br>(1 teacher,<br>1 aid)<br>(36 pupils) | Supermarket<br>Clothing<br>Mechanic<br>(Council)                                                          | Bank<br>Agency                         | Sports Area<br>Community<br>Hall                                          |                                                                                                       | BRACS<br>Post Office<br>(Agency)      |
| Septic & Pan<br>Toilets<br>Garbage<br>Collection | Pre-School<br>Primary School<br>(to Year 7)<br>(1 teacher, aid)                       | Supermarket<br>Petrol/Diesel<br>Clothing<br>Mechanic<br>Airline<br>Barge                                  | Bank<br>Agency<br>(limited<br>service) | Sports Area                                                               |                                                                                                       | BRACS<br>Post Office<br>Radio         |
| Septic & Pan<br>Garbage<br>Collection            | Pre-School<br>Grades 1&2<br>(1 teacher)<br>(Access TI<br>for Primary/<br>High/TAFE)   | Supermarket<br>(TI for other<br>services)                                                                 | EFTPOS<br>only<br>(access TI)          | Basketball/<br>Volley Ball<br>Courts<br>Sports Field<br>Community<br>Hall | Guest House/<br>SC Units<br>(to open<br>Aug 97)                                                       | Local Radio<br>Post Office<br>(on TI) |
| Pan<br>Garbage<br>Collection                     | Pre School<br>Primary (to yr7)<br>Ranger Training<br>OPEN Learning                    | Supermarket<br>Clothing<br>Mechanic<br>(Council)<br>Petrol<br>Barge/Ferry                                 | Bank<br>Agency                         | Sports Area<br>Community<br>Hall                                          | Motel<br>Restaurant<br>Commercial<br>Air Service<br>Travel<br>Bookings<br>Taxi<br>Water Taxi<br>Ferry | BRACS<br>Post Office<br>Radio         |

| <i>Community/<br/>Population</i>                         | <i>Health Services</i>                                                             | <i>Social Services</i>        | <i>Safety Services</i>                            | <i>Housing</i>                                 | <i>Water Supply</i>         |
|----------------------------------------------------------|------------------------------------------------------------------------------------|-------------------------------|---------------------------------------------------|------------------------------------------------|-----------------------------|
| <b>KUBIN<br/>COMMUNITY<br/>(MOA ISLAND)<br/>(150)</b>    | Health Care Centre<br>(1 nurse, 1 HW)<br>RFDS                                      | CDEP<br>DSS                   | Police (x2)<br>Fire Service<br>(Volunteer)<br>SES | Community<br>Maintenance/<br>Repairs           | Bore<br>Reticulated<br>Tank |
| <b>MABUIAG<br/>ISLAND<br/>(172)</b>                      | Health Care Centre<br>(1 nurse, 1 HW)<br>RFDS                                      | CDEP<br>DSS                   | SES<br>Fire Service<br>(volunteer)                | Community<br>Housing<br>Maintenance/<br>Repair | Reticulated<br>Tank         |
| <b>MASIG<br/>(YORKE) ISLAND<br/>(350)</b>                | Health Care Centre<br>RFDS                                                         | CDEP<br>DSS                   | SES                                               | Community<br>Maintenance<br>/Repairs           | Reticulated<br>Tank         |
| <b>MER (MURRAY)<br/>ISLAND)<br/>(400)</b>                | Health Care Centre<br>(1 nurse, 1 HW)<br>RFDS                                      | CDEP<br>DSS                   | Police (x2)<br>Fire Service<br>(Volunteer)<br>SES | Community<br>Maintenance/<br>Repairs           | Bore<br>Reticulated<br>Tank |
| <b>PORUMA<br/>(COCONUT)<br/>ISLAND<br/>(180)</b>         | Health Care Centre<br>(1 nurse, 1 HW)<br>Helicopter service<br>from TI (emergency) | CDEP<br>DSS                   | SES<br>Fire Service<br>(volunteer)                | Community<br>Housing<br>Maintenance/<br>Repair | Reticulated<br>Tank         |
| <b>PRINCE OF<br/>WALES<br/>(112) (in 1987)</b>           | Access TI services                                                                 | Access TI<br>Private airstrip | SES                                               | Community<br>Housing                           | Bore & Tank                 |
| <b>SAIBAI) ISLAND)<br/>(390)</b>                         | Health Care Centre<br>(1 nurse, 1 HW)<br>RFDS                                      | CDEP<br>DSS Agent             | Police<br>Fire Service<br>(Volunteer)<br>SES      | Community<br>Maintenance/<br>Repairs           | Reticulated<br>Tank         |
| <b>SEISIA<br/>COMMUNITY</b>                              | Health Care Centre<br>(1 nurse, 1 HW)<br>Helicopter service<br>from TI (emergency) | CDEP<br>DSS                   | SES<br>Fire Service<br>(volunteer)                | Community<br>Housing<br>Maintenance/<br>Repair | Reticulated<br>Tank         |
| <b>ST PAULS<br/>COMMUNITY<br/>(MOA ISLAND)<br/>(230)</b> | Health Care Centre<br>RFDS<br>Helipad<br>Barge                                     | CDEP<br>DSS                   | SES                                               | Community<br>Maintenance<br>/Repairs           | Reticulated<br>Tank         |

| <b>Waste</b>                               | <b>Education</b>                                                   | <b>Consumer Services</b>                                                          | <b>Financial Services</b>     | <b>Recreational/ Community Facilities</b>                              | <b>Visitor Services</b>                                                | <b>Communications</b>                      |
|--------------------------------------------|--------------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------|--------------------------------------------|
| Septic & Pan Toilets<br>Garbage Collection | Pre-School<br>Primary School (to Year 7)<br>(1 teacher, aid)       |                                                                                   |                               |                                                                        |                                                                        |                                            |
| Septic & Pan Garbage Collection            | Pre-School (1 teacher)<br>Primary School (to Yr 7)<br>(1 teacher)) |                                                                                   |                               |                                                                        |                                                                        |                                            |
| Pan Garbage Collection                     | Pre School<br>Primary (to yr7)<br>Ranger Training<br>OPEN Learning | Supermarket<br>Petrol/Diesel<br>Clothing<br>Mechanic<br>Airline<br>Barge          | Bank Agency                   | Sports Area                                                            |                                                                        | BRACS<br>Post Office<br>Radio              |
| Septic & Pan Toilets<br>Garbage Collection | Pre-School<br>Primary School (to Year 7)<br>(1 teacher, aid)       | Supermarket                                                                       | Bank Agency                   | Sports Field<br>Community Hall                                         |                                                                        | Local Radio<br>BRACS<br>Post Office Agency |
| Septic & Pan Garbage Collection            | Pre-School (1 teacher)<br>Primary School (to Yr 7)<br>(1 teacher)) | Supermarket<br>Clothing<br>Mechanic (Council)<br>Petrol<br>Airstrip<br>Barge      | Bank Agency                   | Sports Area<br>Community Hall                                          | Motel<br>Restaurant<br>Commercial<br>Air Service<br>Travel<br>Bookings | BRACS<br>Post Office<br>Radio              |
| Pan                                        | Access TI                                                          | Supermarket<br>Petrol/Diesel<br>Clothing<br>Mechanic<br>Airline<br>Barge          | Bank Agency (limited service) | Sports Area                                                            |                                                                        | BRACS<br>Post Office<br>Radio              |
| Septic & Pan Toilets<br>Garbage Collection | Pre-School<br>Primary School (to Year 7)<br>(1 teacher, aid)       | Supermarket                                                                       | EFTPOS only (access TI)       | Basketball/<br>Volley Ball<br>Courts<br>Sports Field<br>Community Hall | Guest House/<br>SC Units (to open Aug 97)                              | Local Radio<br>Post Office (on TI)         |
| Septic & Pan Garbage Collection            | Pre-School (1 teacher)<br>Primary School (to Yr 7)<br>(1 teacher)) | Access TI                                                                         | Access TI                     |                                                                        | Small resort ceased operation in 89                                    | Private phones                             |
| Pan Garbage Collection                     | Pre School<br>Primary (to yr7)                                     | Supermarket<br>Petrol/Diesel<br>Clothing<br>Mechanic<br>Airstrip/service<br>Barge | Bank Agency                   | Sports Area<br>Basketball<br>Courts<br>Community Hall                  |                                                                        | BRACS<br>Post Office<br>Radio              |

| <b>Community/<br/>Population</b>                         | <b>Health Services</b>                                             | <b>Social Services</b>          | <b>Safety Services</b>                                             | <b>Housing</b>                       | <b>Water Supply</b> |
|----------------------------------------------------------|--------------------------------------------------------------------|---------------------------------|--------------------------------------------------------------------|--------------------------------------|---------------------|
| <b>STEPHEN ISLAND<br/>(50)</b>                           | RFDS                                                               | No CDEP<br>DSS (visiting agent) | SES                                                                | Limited<br>Community                 | Reticulated         |
| <b>THURSDAY<br/>ISLAND (TI)<br/>(3600)</b>               | Hospital (60 bed)<br>Health Care<br>HACC<br>RFDS<br>Helipad/copter | CDEP<br>DSS                     | Police Station<br>Water Police<br>Ambulance<br>Fire Service<br>SES | Community<br>Maintenance/<br>Repairs | Reticulated<br>Tank |
| <b>WARRABER<br/>COMMUNITY<br/>(SUE ISLAND)<br/>(220)</b> | Health Care Centre<br>(1 nurse, 1 HW)<br>RFDS                      | CDEP<br>DSS                     | Police<br>(community)<br>SES                                       | Community<br>Maintenance/<br>Repairs | Reticulated<br>Tank |
| <b>YAM ISLAND<br/>(360)</b>                              | Health Care Centre<br>RFDS                                         | DSS<br>CDEP                     | Police<br>SES                                                      | Community<br>Maintenance/<br>Repairs | Reticulated<br>Tank |

Sources: Community Councils (by telephone Feb 97)  
*The Strategic Significance of Torres Strait*, Ross Babbage, Canberra Papers on Strategy and Defence, No. 61,  
Annex A, Research School of Pacific Studies, Australian National University, Canberra, 1990

| <b>Waste</b>                                 | <b>Education</b>                                                | <b>Consumer Services</b>                             | <b>Financial Services</b> | <b>Recreational/Community Facilities</b>                                  | <b>Visitor Services</b>                     | <b>Communications</b>               |
|----------------------------------------------|-----------------------------------------------------------------|------------------------------------------------------|---------------------------|---------------------------------------------------------------------------|---------------------------------------------|-------------------------------------|
| Pan                                          | Primary School<br>(1 teacher)                                   | Supermarket<br>Takeaway<br>Petrol/Diesel<br>Airstrip | Bank<br>Agency            | Basketball/<br>Volley Ball<br>Courts<br>Sports Field<br>Community<br>Hall | Guest House/<br>Camping<br>Ground/<br>Kiosk | Local Radio<br>Post Office<br>BRACS |
| Sewerage<br>Toilets<br>Garbage<br>Collection | Pre-School<br>Primary & High<br>School<br>TAFE<br>Open Learning | Supermarket<br>Petrol<br>Airstrip                    | Bank<br>Agency            | Sports Area<br>Community<br>Hall<br>Picnic Areas<br>Sports<br>Stadium     |                                             | BRACS<br>Post Office<br>Radio       |
| Pan<br>Garbage<br>Collection                 | Pre-School<br>Primary School                                    |                                                      |                           |                                                                           |                                             |                                     |
| Pan                                          | Pre-School<br>Primary School<br>(1 teacher, 1 aid)              |                                                      |                           |                                                                           |                                             |                                     |

