



HOUSE OF REPRESENTATIVES

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

Reference: Greater autonomy for Torres Strait Islanders

THURSDAY ISLAND

Thursday, 8 May 1997

OFFICIAL HANSARD REPORT

CANBERRA

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

Members:

Mr Lieberman (Chair)

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

Matter referred for inquiry into and report on:

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

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

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

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

Greater autonomy for Torres Strait Islanders

THURSDAY ISLAND

Thursday, 8 May 1997

Present

Mr Lieberman (Chair)

Mr Holding

Mr Marek

Mr Tony Smith

The committee met at 9.12 a.m.

Mr Lieberman took the chair.

CHAIR—Good morning, ladies and gentlemen. I would like to welcome you all once again on behalf of the committee and would now ask Dr Roney Wasaga if he would say a prayer on our behalf to open the meeting.

The meeting was opened with a prayer—

CHAIR—Thank you, Dr Roney. This is a very informal session. It has been advertised widely. Thank you very much for your assistance. Getano told me that the radio has been giving it a good plug. I know that the word has got around. I think I mentioned yesterday that, when we arrived at the airport two days ago, two young ladies were on their way to Darwin from the island to play basketball, and they told me that the public meeting was on. So the word is around. I guess the fact that there are not many people here today who were not here yesterday is an indication that they are fairly comfortable with the process, I presume—although you should not presume everything in this life.

I open the informal public meeting. Anyone who would like to say anything at all, or ask any questions of anyone—members of the committee or me or of yourselves—please feel free to do so. Please relax. Once again, on behalf of the committee I express our sincere appreciation for your help and support yesterday. I think it was a very good session—a two-way session. It was a learning experience for us. We have lots of ideas from what you put forward yesterday.

I sensed that there was a lot of unity of purpose between all of us. So let us hope that that can be translated into some very good recommendations and action in the not-too-distant future. It is over to everybody. Relax, there is no formality. Let us hear from you and let us have a chat among ourselves. I think it will be a bit hard for some of you to hear with the wind going across, so keep the voice up.

Mr Mye—I am from Darnley Island. The inhabitants of the Torres Strait islands—the little islands that stud the waters between Papua New Guinea to the north and Cape York to the south—have been on the islands for eons. There was no such thing as Torres Strait before 1606 when the French navigator sailed through these waters. He did not name the Torres Strait, but the Torres Strait was named after him.

All these islands, the inhabited islands, were sovereign entities in their own right. Murray Island looked after itself; warriors defended its shores. It was the same with all the other islands. Before coming into contact with Europeans and learning from the outside world about such things as the defence of a nation, we defended ourselves. We traded inter-island before knowing about countries trading with each other. When circumstances warranted, we ventured to Papua New Guinea and the Australia mainland.

But each island was a sovereign entity. It looked after its people and punished them for their wrongdoings, and everything. Murray Island had nothing to do with Darnley Island; Darnley Island had nothing to do with Yorke Island and Stephens Islands. Each

one was an entity in its own right. That was the form of freedom we had in those days.

Right up to this time, if you were to visit and go around the Torres Straits, you would notice that the cultures on all the islands have remained slightly different, just as they have from individual islands to the groups of islands, as you named them the other day: Maiem, Kulkalag, Kaurareg, Maluilgal and Gudhamaluigal. I have just given you the outline of what has been in the past.

We are talking now about autonomy for the Torres Strait. We have been stripped of what we had and we are starting again back from square one, from what we said in all our talks yesterday and now this morning. We fought for this country. Out of a population of 3,000, we contributed 830 enlisted men, and I have yet to be made aware of a group of people in Australia having contributed equally in ratio to that. I will leave that with you to work it out in percentage terms.

We are Torres Strait Island Australians, and we are here to stay. We want you and your government to give us a bloody fair go. Thank you very much.

CHAIR—I must say, I heartily concur with George. Does anyone wish to comment on his statement?

Mrs Fischer—What has been said by Uncle as an elder and a statesman stands. That is where our foundation as Torres Strait Islanders is based.

But to go on from there, on 20 to 23 November 1995, on behalf of the community, we had a Torres Strait national conference at the Torres Shire Council sports stadium. We had representation from every state and territory in the mainland plus communities in the Torres Strait regarding where we have come from, where we are today and looking at where we want to go in the future. With regard to all the recommendations yesterday, one was for a task force.

CHAIR—That recommendation came from the floor. It was picked up and several speakers, including George, suggested a get together. Then someone else said that there ought to be a task force to implement the general direction, I think. But we can check the transcript later, if you would like.

Mrs Fischer—Thank you. In the light of this community document we have tabled, one of the other recommendations was to go back and consult with our people. But to circumvent that and instead of reinventing the wheel, we have already done that and these are our recommendations. I want to table this with you. I will make about six copies before you leave, and give one copy to each member, even though we still have to put an agenda to it and may have to put a foreword to it and a table of contents and attach some prepared papers. But the gist of the workshop, in the light of autonomy and where we want to go, like I said before, is all in here from the community, mainland and the Torres

Strait.

For the sake of informing families who were not at that workshop, some of our elders, including Uncle George, said at that time that the purpose of the meeting was to look at the structures and how the Torres Strait would be run in the future. We must look back to the past at where we came from, where we are today and what we have learnt from days before. Only then can we plot a course of where we can steer the Torres Strait for the best interests and benefit of Torres Strait people, especially for future generations.

Mr Phillip Mills, another elder, said that we start from a traditional foundation because, if there is to be any credibility for this conference or its views, it must be developed from traditional foundations. That was the gist of that workshop: its credibility must be developed from traditional foundations. The structures and foundations in the past have been developed on behalf of, and to represent more, the government of the day rather than the Torres Strait Islander people.

We always talk about island custom and respect for one another, but they must be formalised in protocols and policies and in the way we conduct our business. Recognition of island custom must be formalised and reflected in structures that are put in place.

Another elder said that the Torres Strait must reflect ownership, recognition and respect. Young people need to be aware of culture and custom and we must respect our elders and construct a good approach, developed from island custom. The simple way is the best. Torres Strait culture is spiritual. Enough representative people attended the conference to make changes to revert to a system where Torres Strait culture will be put back in place. We must use the technology to set up culturally appropriate systems to move forward. The elder structure must not be the power base but the foundation, the advisers for the people.

Another elder said that everyone has said that the answer is here amongst us, not with the Prime Minister. What is our plan? We listen to our elders and family. The backbone of the Torres Strait is the woman. Everyone must contribute. Decision and direction must come from the culture that is our strength. Nobody can shift it. Outsiders and government know nothing about the Torres Strait because they are not Torres Strait Islanders. We are island people, and that is the beauty of having our elder structure.

Some of these statements have been based on and come from the recommendations. There is a model of self-government in here, and there are key issues: entity sovereignty; recognition of elders; unity and solidarity; linkage between mainland and here—these are all in the document; structure options of self-government for the Torres Strait. There are options and there are issues.

The four-day workshop broke into groups regarding separate commission; traditional government; self-government; national structure; role and function of the island

coordinating council; representation for the mainland; the linkage between island, mainland and homeland Torres Strait Islanders; divisions of roles and responsibilities; and political issues towards 2001. Mainly the structure is coming from a traditional base up here rather than from government; because of the island culture, customs and ways, this is what it is based on.

In the light of what Uncle George said, that is true: each island is an entity on its own; we cannot speak for each other. It is the same with every island. It is the same with fishing rights. Every island knows their boundaries of reef, which ones can come and work there and which ones have to ask permission to work within that seabed, and all that. That is all part of before there was management.

Our fathers and forefathers worked from Torres Strait right around and up to Mackay, Swain Reef and all the reefs up to New Caledonia, outside the Great Barrier Reef. Our forefathers, my father, they worked all these. They never had a chart. They had commonsense but none of the instruments the boats have today. They worked these reefs for us to survive as Uncle was saying. This harbour from the Hospital Point to the naval wharf was covered with luggers working.

That is what we need to come back to, but it has to come from a tradition based structure rather than from on top down. I just want to put this forward as a recommendation to follow the other recommendation that the mayor has put forward. This is another part of it to circumvent going back to the community, as it has already been done. It just needs funding to get homeland people together in the light of discussing it further and mainland people to discuss their responsibilities in connection with what is tabled here. Thank you.

CHAIR—Thank you. I would just make a couple of comments. That document will be received by the committee as an exhibit and we will study it very closely and, obviously, take into account what it contains. This is not a criticism, but I wish it had been available yesterday so that everybody here, the committee and the members of your community, could also have discussed it. Nevertheless, we will take it back and study it closely.

I was talking to Getano informally in the queue yesterday and at dinner, and we were just chatting about what might happen after the committee makes its recommendations to the parliament and the government. As I mentioned to you, it will be the government and the parliament to make a final decision. One of the thoughts that I have which I intend to discuss with the members of the committee is that our recommendations should contain a very strong message of advice to the parliament and the government that, whatever decision is made to introduce a new structure for your people here, it should be a strong commitment of the government that it should not legislate for that new structure unless you people have been given the opportunity to comment on it and to approve it.

Whether that might take the form of a referendum of the people of the Torres Strait, I do not know; that is early days. But, certainly, it will be my wish that my committee discuss that idea because none of us want to see a situation where we report to parliament, the government makes a decision, parliament acts on that, and we have not verified that that is what you people want. It has to be something that you want, as I think you were saying in your submission. So, hopefully, the committee will pick that up and come back with another recommendation that will suit you.

Mrs Fischer—This is what the community wants. When you study it—the representation and what people have said—it is there. This is what the people want. So stop circumventing it with difficult English, with ifs and buts. It makes it so complicated then.

CHAIR—Thank you for your advice. The committee will consider what you have said, for sure. Are there any other comments or questions?

Mr Misi—Good morning, everyone. You have mentioned that the government will legislate for our move towards autonomy—in what form, we do not know yet. As you know, we would like to become either a state or a territory. You will take the report back to parliament and it will be submitted to the cabinet. What I would like to ask is: how long will it take for this process to happen? The government will not give us anything on a golden plate, or anything like that. I feel that, because of the constitution, we need not only to lobby the government in the future to facilitate changes but also, as a people, we need to talk to the people of Queensland, as you mentioned, about a referendum to convince them that we are capable of looking after ourselves and that we would like to move towards self-government.

In regards to this process, I know that the government does not give anything. It has to be enforced from the people—not only from us but it also has to have the support of the mainstream population on the mainland. What is the length of time that the government would consider these changes that we are demanding? How long will it take?

CHAIR—I cannot give you that estimate, because this committee is a committee of the parliament. As I explained yesterday, once we put our recommendations and our report to the parliament and the government, it is then exclusively a matter for the government of the day to decide what it will do with those recommendations. So I cannot estimate how long after we table our report that will be. Our committee will be in a position to complete its report and make it available to the parliament and to yourselves by about July this year, hopefully. That is what we are all hoping to achieve. It depends on evidence we are getting and submissions. For example, we have just received a major submission now. I do not know what its implications will be. The committee has to look at that. It may be that we will have to do further research, based on what is in that. However, subject to those things, we hope our committee's report will be completed and available to government, to parliament and yourselves by about July this year, so it will be

after that.

I mention one thing: if the question of a new territory is to be considered by the committee, by the government and by the parliament, it is my understanding of the Australian constitution that a new territory cannot be created without the state from which the excising will take place concurring in it, and there is legal process in that. So they are the sorts of things that may be involved in the future, if a territory is the solution in the final outcome. But, whatever happens, I am quite positive that the new model will have to have the support of both the Queensland parliament and the Commonwealth—the Australian parliament—so we know that is ahead of us as well. They are the sorts of things that the government will have to deal with.

The committee is doing its best to consult with the Queensland government as we are progressing, so that, hopefully, a lot of what we will finally recommend will also have the implied support of the Queensland government, subject to the Queensland parliament concurring. I am consulting with the Queensland government on these sorts of issues, and when we get back I will have another talk with the Queensland government about what has happened up here and, hopefully, get some comments back from them. We understand that today or tomorrow we will be receiving a second major submission from the Queensland government. We have already got one. As soon as we receive that, this committee will meet in Canberra and we will quickly release that submission, so you will get a copy too—to see what is in it. Is that all right? I hope that partly clarifies what you said.

Mr Misi—I said that because a lot of our people do not realise that this meeting is just the start and the previous meetings were all leading up to what we said here yesterday. This is how government works. Regardless of what we say, we still have to lobby the government and prove to the government that we can create an economy and look after ourselves. We need to design a political system that can work for us. These are the things we, as a people, will have to do to lead to that event when we do become a territory. And we would like the federal government and the Queensland government to put it into place.

Maybe you could communicate with the established bodies and the organisations that would be interested in moving towards self-determination, to assist us in anyway you can for us to look at the political structure for a start in Australia. We talk about parliament, we talk about the House of Representatives, but the people really do not understand. As a whole, the general people do not understand how parliament works, how it is structured and what is happening. These are the things we must learn, to make it work.

We talk about it but we must know how it works, understand the concept of the Westminster system and also look at a design that is going to work for us. We cannot copy a system in Queensland and use it in the Torres Strait, because it will not work.

Look at Papua New Guinea; the Westminster system was transplanted to Papua New Guinea and today they have a hell of a problem over there.

We want a Westminster system but one that also recognises our values, our Melanesian values, our Torres Strait values. These are the things we need to look at very carefully. This is a big moment, but it is only the start. We must work towards these things. We would like to work with some support from the government to achieve our aim. It isn't that without your support we will not achieve it; we will still achieve it anyway.

People like myself demand changes. We would like changes for our people. We have the highest death rates here. Our young people are dying. Unemployment is an issue. We are losing our culture. The old people are getting upset because we are losing touch with our people. The impact of Western society on our society is creating disturbances which are not working for us. This is why we are saying we want to have a political system in place that will recognise our values. It will also be a Westminster system, a democratic system.

I say that because before we can achieve what we want, we need to work towards it. I do not want people to think that it will be given to us. It will not be given to us. If people like ourselves here were concerned about our future, we will have to fight for it. I am not saying fight physically but we will have to lobby the government. We will have to look at ways and means of creating an economic system in the Torres Straits that is developing and working.

I am talking about the sea especially because when you look at the sea, this is what we have got most of around here. It is not land, it is the sea. The sea has many things in it. It not only has the minerals, fish, reefs, but people talking about conservation issues and things like that. That is one of the top priorities of the government. Yes, we understand that, but we are talking about sustainable development. We are talking about looking after our reefs. For many years, for many centuries, we have always looked after our reefs. These are our livelihoods. We depend on the reefs for food. Without the reefs we are gone. Without the sea we are gone.

We have got problems like the Ok Tedi mine and Pogera mine pouring waste into the Torres Strait. Papua New Guinea is polluting our waters and we are the people who will suffer from that down the track.

Mr Mye—Towards the end of my presentation I got a bit upset. I think it is the right time to put to your committee a demand for an apology for what happened—I say 'demand' because of the feeling in me—to the Torres Strait and our people during the war years. If I am writing a history, as I know one of our Islanders is writing about Torres Strait, I would like to see towards the end of the book that the government has apologised to the people of the Torres Strait.

I do not think it is well known on the mainland what happened here during the war years. Those 830 men I spoke of, as enlisted soldiers with dog tickets around their necks, marched barefoot on Thursday Island because they were made to feel that they were natives and were not equal to other soldiers. They were paid less than other servicemen. That has been righted because of a strong representation from myself and others in the leadership ranks of Torres Strait.

But I still would like to ask for an apology. I use the word 'demand' because of the feeling I have in me of the humiliation that we went through. We shook our heads and tried to think nothing of it because there was a war on and this country has got to be defended. But we were treated like dogs in the wet canteens—like in a butcher's shop, where dogs are not allowed in—because a law of the state that indigenous people are not allowed in pubs was exercised in the camp. Ex-servicemen were made to run under packs if they had been given a tin of beer by a European soldier friend and they got caught.

Our womenfolk were left as a precious bait to the enemy. If you look at the topography of the Torres Strait, those islands are closer to the Kokoda Trail, closer to the Japs, than the 830 men were here. They were brought here to defend the mainland and left their womenfolk out there, their families. I can go through a lot more things that have happened here in the Torres Strait because we were indigenous. They evacuated all others except the indigenous on to the mainland. We were left here. We said: 'We are not going to go away, we will go down with this place when you pull the cork out. We will sink.' I use nautical terms because we are all seafarers. 'We will go down with the ship.'

Enough said. As I said in my earlier remarks, we fought for this country, and we are going to stay here. We are not going to move away. We are going to stay here. That is enough to tell your government. We do not want anything. I said before that we had the sovereign entity but now we will contain ourselves in the sovereignty of Australia. When I stood at Geneva and looked back to Australia, rubbing shoulders with all the other indigenous people of the world, it changed my outlook on things altogether. Australia is the best country and I am proud to be a Torres Strait Islander Australian.

CHAIR—I make a brief comment, George, for your very sincere and strong contribution. I am absolutely sure that my committee's report will do its best to reflect the strong pride of your people in your achievements, in what you have done to help build Australia, and the role that you want to play in Australia's future. We will do our very best to make certain that we express that view very strongly to you all and to the Australian parliament.

Mr Mye—Going on from what I said yesterday, I emphasise that indigenous specific. There are a few things I would like to clear up. In going for autonomy, we might talk ourselves out of our indigenous status into one of ethnicity and be regarded as an ethnic. Members of that meeting yesterday spoke strongly. Here a lot of our people were talking about territorial status. Would that affect our position as an indigenous people of

Australia?

CHAIR—I would not think so. Clyde, would you like to make a comment on that?

Mr HOLDING—I do not think there is any doubt that you are indigenous people of Australia and that should not be confused with the policy that has been adopted by all governments in respect of a multicultural community. Torres Strait Islanders and our indigenous Aboriginal people are the original Australians in the sense that, when we became a nation, you could count your ancestry back a long time further than any of us sitting round this table.

We have listened very carefully to what you have had to say. I am delighted that you have put together a document upon which the committee can operate because there are two real problems here. The first is to create a self-governing structure which enables you, through your own processes, to determine the major political issues that confront the development of these islands and your people. That, like any political process, will involve some aspects of devolution.

I have to be candid and say I think it is unlikely that you could move to territory status at this stage. I think the government of Queensland would have some difficulties about that, and there are also economic questions. The government of Queensland makes a substantial contribution to the operation of these islands. That is a different question to the question of your right to politically control the development of these islands and to develop an economic infrastructure that raises the standards of the people that live here.

As Australian Torres Strait Islanders, your children have as much right to the best education which we can give them as their entitlement as Torres Strait Australians. You are entitled to get economic assistance to develop your own economy so that, hopefully, you can become truly independent in terms of determining your own economic future. To give you a political structure which gives you a level of political autonomy, without considering the economic base which grants real freedom, is lopsided.

You are entitled to an apology in respect of what happened to your ex-servicemen. My old friend George forgot to mention that they had to wait seven years to get paid. But get paid they did, and that was a very moving event in the history of these islands.

I think you can rest assured—I can speak for all my colleagues here—that we do not all have the same political philosophy, but all of us chose to be part of this committee in order to concentrate our minds, for and on behalf of the parliament, on how we can respond and help you solve two very important questions. The first is the whole question of your political right to a form of self-government which guarantees your political and cultural integrity. The second is to provide an infrastructure which means that the kids of Torres Strait Islanders, who are essentially very proud people, in future do not have to rely on social welfare and handouts. They are two very big questions.

I know that, while we have different political philosophies and can get into an argument quickly, there will be no argument between us about trying to get a solution which meets the very legitimate demands and the very proper aspirations that you have put to us as a people with a deep and long culture and tradition which we believe not only you are entitled to be proud of but also we, as Australians from the mainland, have to appreciate are a significant and important part of Australia's history and tradition.

At the same time, we have to sit down and provide you with a political structure that you feel content and happy with and not give you glib solutions. There is also the pressing question of how we help you make decisions about the control of your own economy. That is not just a question for the Commonwealth parliament; it is a question we have to take up with our Queensland colleagues. We will do our very best for you, George. I greatly appreciate the fact that you and your people have taken time to give us some kind of a model which is based upon your culture, your tradition and your determination to determine your own political future and the future of these islands based on a sound economic development.

Mr Lui—I want to acknowledge what Clyde has said. For those who do not know Clyde as well as Mr Mye and I do, we go back to when we had the enthronement of a bishop. That very day, there was the four of us. He was the minister at the time. Bob Katter and Mr Mye and I were there and we met to really decide whether the ICC would in fact be the recipients of funds from the Commonwealth. During that meeting, it was decided, through Clyde giving his full backing—at that stage, we did not have a regional council or TSRA or whatever—that it seemed appropriate at the time. I just want to acknowledge that, if anyone has support for the Torres Strait, certainly Clyde has that for us.

I also say to the committee, for those of us who have been following the media reports this morning, that it is true. I think we cannot take for granted that things are going to happen just like that. When I heard on the radio this morning that the government, in fact, went against the views of indigenous people to accept the 10-point plan that was put forward in cabinet—they have accepted that—it made me wonder where we stand when we start to talk about autonomy.

What I want to say here is: let us not take for granted that things are going to happen the way we want it to happen, and it can happen only if we work together in solidarity. In fact, they even talked about one of the Aboriginal leaders breaking down in tears. After all the effort that was put into negotiating from the indigenous point of view on the 10-point plan, it was still overridden, and cabinet has endorsed the 10-point plan over Wik.

I hope the committee takes on board that we do not have any preconceived ideas that it is going to be that easy for us. It is going to take a lot of lobbying and a lot of convincing because there are a lot of people who do not understand Aboriginal affairs, let

alone trying to come to terms with Torres Strait affairs. Whilst I believe our issues up here are straightforward, I still do not think that we should become complacent and think it is just going to happen and be handed to us. There is a long way to go. We all need to get together to convince government that that is the way to go.

The other thing I want to clarify is that yesterday when I talked about the legislative framework I did not mean total separate legislation such as for an external territory or anything like that. I was really talking about separate from ATSIC. I want it understood that it was not really meant to be separate legislation for looking for an external territory. At the same time, we should have a sunset clause built into that. At the end of the day, that act would be repealed and replaced by whatever territorial status or whatever government structure we would have in Torres Strait.

To capture what Mr Mye said in regard to whether it would make any difference to our status, one of the things I would like to see in whatever shape the autonomy takes is for us to remain in free association with Australia and Queensland. We would ensure that defence capabilities and foreign affairs, customs and immigration would still be in the hands of the national government in the interests of national security. So I would not see that as becoming part of the whole autonomy we are talking about.

CHAIR—I would like to confirm my understanding that the statement made yesterday was for a legislative process to create a political system and mechanism that would free you from ATSIC but retain, however, your belonging with Queensland and the whole of Australia. That was what I understood the message to be. I do not want to get party political, but I think it is appropriate that I say again to you all, as I said several times yesterday, that this is an all-party committee. Our recommendations will go to the parliament, but no member of this committee can ever guarantee to anyone that the recommendations will be adopted by the government of the day and the parliament. We reiterate that. We are not going to leave this island with anyone thinking that this is an open and shut situation.

However, in the context of what I have just said I remind you all that the present government, through its minister, Senator John Herron, asked this committee to make this inquiry to pursue and discuss and examine and report in the widest inquiry that I think ever has been made into the Torres Strait Island people and their future. So the cabinet, the same cabinet that Getano just mentioned, and the Prime Minister—the same Prime Minister who was involved in whatever happened yesterday—asked the Minister for Aboriginal and Torres Strait Islander Affairs to have our committee carry out this investigation.

So you can take that to be a fair indication that the government of today has a genuine interest and desire to try to increase the autonomy of Torres Strait Island people and that there is a recognition by the government of today that the present political structure, which has been conceived by a lot of hard work by a lot of good people in good

faith, does not give you the efficient, democratic system that is desirable to take you into the next century.

I must say informally that I am absolutely convinced, as chairman of this committee, from all of the submissions and discussions we have had, that the present structure is not the ideal structure and that changes can be made which, frankly, I am quite excited about, which can give you a lot of increased autonomy and which I think we can convince the parliament and the government ought to be implemented.

But let us not assume anything. I have always been brought up to believe that you never assume anything, until you have won it—and then you celebrate.

Mr Deuis—Mr Chairman and delegates, I give you a big welcome. We thank you for giving of your time. The Torres Strait people have never had or practised freedom of speech. Freedom of speech is here today. Freedom of choice we have a little of, but we do not have it fully. Because English becomes our second language, the choice for freedom of understanding is there but not fully. Freedom means a lot of things. It goes back to history.

I will give my background briefly, before continuing. I come from two cultures of people—and believe me, it has not been easy to live coming from two cultures of people. My mother was from Boigu, born at Badu, and my father was a stubborn Timorese who wanted us to practise his culture. But because most of his culture is not here, all 13 of my family took to my mother's culture.

There was no freedom of choice, no freedom of speech, no freedom to do anything, until the sixties when the referendum came in with changes for indigenous people—we were allowed to vote and we were allowed to enter hotels, like Uncle George was saying. We were allowed to do many things, but the fulfilment of being allowed to do those things is not there. We have the freedom to do things. We have freedom of choice. We have freedom of speech, which we are only just inheriting from you people today. When I say 'from you people', I am talking about the white man's language.

We have had a few shots at this autonomy—and I say 'a few shots'. I have been to a couple of these in the past with Uncle George. We sat down in the old Commonwealth Centre with John Scott many, many years ago. That was a pretty big one, and we were looking for more than autonomy. There has been another one or two. But this time we understand that, subject to that language of freedom of choice and freedom of speech, hopefully we will get what we were to get this time around. No more second best; no more second-hand dealings. What we say here you will hear from all our people. This is the choice we have: freedom of speech, freedom of choice, freedom of understanding and freedom of acceptance that we can live better and become better people of the country and better people for our people in the Torres Straits.

Mrs Fischer—I just want to express that there was no government funding for this document. Every organisation—mainland organisation—paid their own way. They raised money to get their representation to this workshop. All of us here, outer island, paid their own way to come. Everything was run by volunteers, we did it our own way, and this is the outcome. I just want to table that, because it is a community-driven submission.

While I am getting this opportunity to stand up and speak, there is one other thing. My father was a sergeant in the Torres Strait Light Infantry Battalion. He has always been proud of this. One of the things he said to us—like Uncle George said—our parents, my eldest sister, all our sisters and brothers, older ones of my generation were out there facing the enemy. My father with the company he was in charge of said to Gotchov, who was in charge of the army here, ‘All the Torres Strait men say that, once the enemy comes through and kills all our families on the outer islands, all 800 of us are going to turn around and shoot every one of you, because if our family dies we are going to go with our families.’

My father always stressed to us, like Uncle George said, that the battalion was unhappy—firstly, regarding their low payment. But the general in charge said to my father, ‘You see this gun?’—and he took it out—‘I can point to your head right now and shoot you because of what you said.’ And he said, ‘I am telling you the truth, that’s the truth. If my family, all our families die out there, we’ll turn around and support the enemy and shoot you here.’ So I just want to say that we stand here, and we will stand as descendants. We are not going to move, because of what our forefathers laid down for us.

There is one other thing. I just want to encourage everyone here. The committee, you are only representatives. The God we serve here in the Torres Strait—the God our forefathers have shown us—has led us this way. He has instilled into our people that we be patient. Why are we to be patient? His words are ‘Be still and know that I am God, I am in control.’ This God that the Torres Strait people serve has a plan for us as an indigenous people. He has a plan for every individual in this world; every indigenous people in the world; every family, every community and every nation in the world. But in the light of this forum, we come as a Torres Strait people. This God we serve—this very breath that we breathe—has led us this far for us to make a decision. He wants it to come from the heart. He is a God that looks at the hearts of people, the hearts of everyone. We thank Him to whom we come with that openness of heart.

This God wants to use you as an instrument with what we have tabled here over these last few days and with what we have tabled before. He is going to do the work. What we present here He knows we have done from our heart. With the Wik decision, they never put Him first. He is going to prove to those Aboriginal people, those miners and the government that they have to put Him first. He is in control. We, Torres Strait, put Him first. He is going to fight the battle for us, and you and we are just an instrument because of the situation we are in. But He is going to get the glory for what we are going to have, because He has come out of culture and tradition from each island up. That is all

I wanted to say, thank you.

Mr Mye—In closing, I ask that you convey to our minister, the Hon. Senator Herron, your government and the parliament of Australia our sincerest thank-you and the sincerest greetings of the leaders and people of the Torres Strait and myself. Let us pin our hope on the prayers and goodwill of all concerned in this exercise about our future. That is all I want to say. Thank you very much.

CHAIR—On behalf of all my colleagues and the secretariat, I again thank you all for your attendance today, and for your very sincere and moving comments today, in winding up the seminar of yesterday and in sending us back south to now go ahead with the work that perhaps, hopefully, will be guided in the way you have spoken of. Thank you all. We wish you well and we wish you good health and happiness. We hope that you will let us return to you in the not too distant future.

Dr Wasaga, would you close today with a prayer for all of us? Thank you.

The meeting was closed with a prayer—

Committee adjourned at 10.14 a.m.



HOUSE OF REPRESENTATIVES

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

Reference: Greater autonomy for Torres Strait Islanders

TOWNSVILLE

Thursday, 8 May 1997

OFFICIAL HANSARD REPORT

CANBERRA

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

Members:

Mr Lieberman (Chair)

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

Matter referred for inquiry into and report on:

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

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

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



HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER
AFFAIRS

Reference: Greater autonomy for Torres Strait Islanders

TOWNSVILLE

Thursday, 8 May 1997

OFFICIAL HANSARD REPORT

CANBERRA

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

Members:

Mr Lieberman (Chair)

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

Matter referred for inquiry into and report on:

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

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

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

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

Greater autonomy for Torres Strait Islanders

TOWNSVILLE

Thursday, 8 May 1997

Present

Mr Lieberman (Chair)

Mr Holding

The committee met at 4.05 p.m.

Mr Lieberman took the chair.

CHAIR—Thank you very much for being here today. I declare open this public meeting on the very important question of greater autonomy for Torres Strait Islanders. I welcome and thank you for inviting us back to Townsville. We have all received a copy of your letter and we are very pleased to accept your invitation and to have the opportunity to talk to you once again.

As you know, the committee is inquiring into whether Torres Strait Islanders would benefit from a greater degree of autonomy and how this would best be achieved, both for those living on the islands and for those on the mainland, like yourselves. We have talked to a very wide range of people and organisations, both on the islands and on the mainland. Two days ago we were in Mackay and Rockhampton. We have been in Cairns earlier today and in the Torres Strait Islands this morning. Yesterday on Thursday Island we had a very large seminar. This morning on Thursday Island we had a public meeting. The records of discussion, of course, will be available to you all and we hope you will get a copy and read them.

The meeting was opened with a prayer—

Mr Ober—The coalition of Torres Strait Islander organisations was formed because when you visited here last year, not many people turned up. So we formed the coalition of Torres Strait Islander organisations to inform our people, to bring better views to you from the coalition, to invite you to visit Townsville so we could have a lot more people here to give their views.

We have a position paper that we will table before you. We have also some people that will talk in response to the seminar paper that you had discussion on in regard to mainland Torres Strait Islanders up on Thursday Island yesterday. We will just go through that and put our response to the issues you have raised in that session you had up there in regard to mainland Torres Strait Islanders.

Mr Wano—One of the things I want to express is that issues concerning Torres Strait Islanders living on the mainland were taken up to the Torres Strait and not discussed here actually on the mainland. I do not know whether there was a reason for that, but there is a big concern about discussing the mainland Torres Strait Islanders—which is us here—up in Torres Strait. That is one of the things I wanted to raise.

CHAIR—We have discussed it with people both on the mainland and on the Torres Strait Islands.

Mr Wano—It is just that the third part of the terms of reference said ‘concerning Torres Strait Islanders living on the mainland’. I am just going by that. One of the first issues mentioned here is what the concept of greater autonomy for Torres Strait Islanders means in practice for TSI people living on the mainland. History proves that TSI people were not getting enough of the services that the commission was giving in terms of social,

cultural and economic development.

Greater autonomy would mean self-management of our own programs. We would create our own policy relevant to the social, cultural and economic programs and the programs would be specific. There are a few programs that are being run by the government that do not really identify with Torres Strait Islander culture and tradition. We have a common one in, say, our economic program, but when you come to the social and the cultural there are more than a few that are missing. One of them is the Coming of the Light celebration. The Coming of the Light is an essential part of Torres Strait culture and no sufficient programs are set for the Coming of the Light. It is something for which only a little allocation is given.

CHAIR—George, can you clarify that? Isn't that a cultural thing for you people to organise yourselves, or are you suggesting that it cannot be done unless the government plays a part?

Mr Wano—It is done at the moment, but with a great deal of effort and with work 'in kind' where people get up and do the celebration out of their own expenses. Only a little bit of input is put in through programs. For the Coming of the Light, people get together and it is through the work 'in kind', at their own expense, that they are doing it. Some people can go to it, some people can run it, some people cannot—it is that sort of thing. It is something that should be celebrated right throughout the Torres Strait communities on the mainland, but you have a limited amount of people who are attending because of one reason or another. Most of those reasons are to do with lack of transport and that sort of thing, and the amount that is allocated is not really sufficient.

Mr HOLDING—What is the amount that is allocated?

Mr Wano—If ATSIC is running it, it depends on how much the regional council allocates for it. The amount is not much over \$5,000—something like that. If Townsville has \$5,000, it has to cater for the people in Townsville. Then you have got Mackay and Cairns and other places. I cannot talk for other regions, but for this one here that sort of thing is happening. The access and equity issue is in that area.

CHAIR—How much have your people asked ATSIC for in the past to help with the celebration?

Mr Wano—It all depends on who is asking.

CHAIR—Who asked last year, and how much?

Mr Wano—One of the members here might answer that.

Mr Gela—Our organisation anchored the celebrations last year. We applied for

something like \$28,000 and we received \$7,000.

CHAIR—Thank you.

Mr Wano—I raised that as an example of access and equity for Torres Strait Islander culture and tradition. In terms of greater autonomy, we set our own priorities, we control, develop and implement our program, and we make the policies. We know how we can do this. That is what greater autonomy would mean, broadly put.

Mr Gela—Mr Chairman, I would like to familiarise you with the framework that we are working through. Are you aware that we are using the same criteria that you raised up in the Torres Strait?

CHAIR—Yes.

Mr Gela—I am addressing the second point, which is the extent to which the TSI people living on the mainland should have a say in matters which affect TSI people living in the Torres Strait. We have listed some points for each of the 10 points, and we will be talking to all 10 of them. We will table that list as part of the document that we give you, as well as a position paper with three recommendations in it.

Coming back to the specific term of reference, the mainlanders should have a say on issues which affect Torres Strait Islanders. The sorts of issues which we are talking about are the bigger social issues that affect islanders living on the mainland as well as the homelander who live on the islands. We should all have a say in what goes. We look at issues such as landownership: there are people here on the mainland who are landowners and, therefore, when there is discussion about that, we certainly need to have input as well.

The development and maintenance of language is another big issue affecting not only homeland Torres Strait Islanders but also mainland Torres Strait Islanders. Traditional adoptions and sea rights were other things discussed recently. These things go across mainland and homeland, and so these are the sorts of things where we say, 'Yes, we should have an input because they are the big social and cultural issues.'

CHAIR—Thank you, David.

Mr Ober—Mr Chairman, I will give a response on the third point, which is whether people living on the mainland want the creation of a new commission representing all Torres Strait people, or whether they want a better say in TSRA or ATSIC. The consensus from the Townsville community is that we want a new commission or a new statutory body with elected, not appointed, representatives. We have put a proposal in our position paper as to the kind of body we might have. A first step would be to modify the TSRA to include the Torres Strait Islanders in the representative body. Once

that is in place, we will then talk together about exactly what shape and form the greater autonomy should take. That is all in our proposal.

CHAIR—We will obviously study that, but we will not have time to read it in an hour. For the purposes of our discussion, does this proposal involve a new organisation that will serve the interests of Torres Strait Island people and Torres Strait Island mainlanders: one organisation?

Mr Ober—One organisation, yes.

Mr HOLDING—You are saying that you want your own organisation rather than ATSIC: is that right?

Mr Ober—That is right; we want our own organisation. Just to tell you a little about how it would be structured, we would like to have two regional councils: one for the homeland Torres Strait Islanders and one for the mainland Torres Strait Islanders. Those two regional councils would elect representatives to form a body which could be known as the Torres Strait Authority. This would be the peak body with the two regional councils under it. All the administrative arrangements with regard to OTSIA and TSIAB could be absorbed into the new body. That is all in our proposal.

CHAIR—That is clear to me. Thank you. Is it the wish of the committee that the document be made public?

Resolved (on motion by Mr Holding):

That the document be authorised for publication.

CHAIR—That whole document will become part of the official record and will be available for all Australians to read. It is an historic document.

Mrs Hore—Thank you very much. I am part of the working party. We are concentrating on telling you how we feel and on answering your questions on Thursday Island. We feel that we also should answer you, as well as the people up there. In one of your questions, you were asking whether TSI people living on the mainland should be represented on the TSRA, or whether the Torres Strait Islander Advisory Board could be elected and receive influence and funding within ATSIC. The working party discussed this at great length and said, 'No, we do not want ATSIC or TSIAB but separate arrangements.' As we said, we would like a new commission with representatives to be elected and not appointed.

CHAIR—I must say that you present your case very well and very succinctly. We are very grateful, because it does help us to understand.

Miss H. Akee—I am speaking on point No. 5 of session 3 issues regarding

mainland Torres Strait Islanders. The question is about the role that the national secretariat of Torres Strait Islander organisations can play in advancing the interests of Torres Strait Islander people living on the mainland. This organisation is relatively new and, as far as representing Torres Strait Islanders on the mainland goes, the organisation needs to prove itself. At this stage, it is not secured as a national body representing mainland Torres Strait Islanders and it cannot stand as a body to push for Torres Strait Islander autonomy. Membership is limited and unclear, and the committee is only interim. Personally, I would rather go for the 100 per cent than take the five or one per cent.

CHAIR—So, the political judgment that you have made is that it would be better for your cause to go for the big picture.

Miss H. Akee—Yes.

CHAIR—I understand. Thank you for that.

Mr Maza—In your discussion paper, at point No. 6, you are asking whether mainlanders of mixed TSI and Aboriginal ancestry are concerned whether the creation of a new commission to represent all TSI people would emphasise the difference between Aboriginal and TSI people more than ATSIC does presently. With the ATSIC system, the Islanders are completely outvoted in the council system. If we are to accept this, as Torres Strait Islanders we feel that everybody should get a fair deal. People of both ancestries should be able to decide whether they want to be with ATSIC or with the new commission.

CHAIR—So, you see that the new organisation would be able to work in harmony with ATSIC and that the indigenous people would make their own choice as to which organisation they would go to and work with?

Mr Maza—Yes, exactly.

CHAIR—Coincidentally, that is about what we were told in Cairns a couple of hours ago. It is a similar sort of approach.

Mr Maza—There is a lot of intermarriage and there are children. We feel that, if they approached the commission, we would not reject them.

CHAIR—I suppose this is obvious, but I might as well say it for the record: so long as people did not go to both for the one thing. Would that be right?

Mr Maza—Yes.

Mr Wano—With respect to point 7: how islanders and mainlanders could be represented on the commission representing all TSI people if it were established equally in

proportion to population or by region, the feeling is that we should have equal representation. In the paper that was tabled you will see a diagram that sets out our proposed structure with equal representation as being 20 members from the mainland, 20 members from the homeland, representing regional council type bodies. And, to form the actual Torres Strait Authority, there should be four from the 20 mainland and homeland.

When we say 20 from the mainland, in the recommendations at the back of that paper—recommendation 2—it talks about that. It says:

Recommendation No. 2: That the recommended structure for the new Torres Strait Authority will consist of 20 members, mainland TSI regional council and 20 members of a homeland regional council who will address issues for their own regions. Each council will elect four representatives to form the peak representative body to be known as the Torres Strait Authority. The organisation will be supported by administration staff. The homeland regional authority will elect their own representative and the mainland regional council will elect their representative from the region. We have proposed Northern Territory 2, Queensland 6, New South Wales 3, South Australia 2, Western Australia 3, Australian Capital Territory 2 and Victoria and Tasmania 2, to make up the 20 for the mainland with the overall feeling that it should be equal.

CHAIR—Let me ask you a question, George, to clarify something. Would the four representatives from the homeland who become members of the Torres Strait Authority have complete authority to act on behalf of everybody once they become members, or would they have to come back to the regional council on every issue?

Mr Wano—They would have complete authority. They are the Torres Strait Authority.

CHAIR—So their responsibility would be to act for all of the Torres Strait Authority and not just to separate the—

Mr Gela—There are also four from the mainland and four from the homeland that would form the Torres Strait Authority and they would speak for everyone, both mainland and islanders.

Mr HOLDING—What happens when, for example, you have got Torres Strait islanders in Victoria, New South Wales and in Alice Springs? There is a problem here, and let me say this for a start. The one thing that came to us very clearly when we were talking on the mainland was that they wanted you included. We heard the very same things that we hear from you about the maintenance of culture, of language and tradition, and I do not think anyone at any stage ever suggested that there should not be a very direct connection. The problem that you have got is that there are about 25,000-odd islanders, or people of islander descent, and that would include people of mixed descent, but of islander descent as well, spread throughout Australia. Then you have got about 7,000-odd people living on the island and, in a sense, they are concerned—as they said to us—to maintain their culture and their education, and they want a very direct form of self-

government.

There are two problems. The first problem is one of funding. I would think there would be some difficulty. You can have a structure where you are involved in the decision making process, and they want that. They have suggested that, at least once a year, there ought to be a conference which represents everybody of Torres Strait origin, in which all the issues that are important to all Torres Strait Islanders are the subject of full discussion and conclusions are reached which become policy.

In terms of the actual government of the island, first of all they want self-government; secondly they want in a traditional way to involve their elders in that. With the sort of structure that you are talking about, I think you can meet your objectives through a conference, whether it is run for two or three days, but in terms of the day-to-day running, with education problems, health problems, getting control of the economy, the development of the fishing industry—things that are local—it is going to be very difficult to operate on the basis of a structure which is not present there on a continuous basis. You would be spending a lot of your funds on air fares in going to your mainland communities. You have really got to think your way through that because there is no doubt in my mind, and one of the messages that came through very clearly, is that they want to involve the mainland. They talk about a continuing bridge so that you are involved.

Our problem is, what sort of structure do you create? The first problem we have got, for example, is that there are islanders outside the state of Queensland and they have to be included too. Part of the problem is that Torres Strait Island is seen by the Queensland government as part of Queensland, and there is a very clear Commonwealth involvement. We have got to have discussions with the Queensland government. The message has come through that you would really prefer to have your own separate organisation. It might well be that you could use the administrative structure of ATSIC, but we would have to have two lines of funding.

If what you are talking about is a structure where, on the day-to-day decisions of administering the island you want to have equal say, then do the outlays that are involved in where you do that mean that, if the council up there is meeting once a week or once a month, these people have to fly up there, or do they come down to Townsville? What happens?

Mrs Hore—Maybe we can answer. We thought about it along the line that no Torres Strait Islander will be missing out with services. So we came up with the question that you were asking about delivering services. Our priority would be a separate office or, if it is not possible, TSI can access by means of an agency arrangement through other government departments or other agencies. It can happen like that and we will be putting that. It depends on the number of people, or where the new commission is going to be, and we can have an agency outside to make sure that service reaches our people.

CHAIR—Like a contract?

Mr HOLDING—I think we are talking at cross-purposes. There are on Torres Strait Island educational problems, health problems, a whole range of economic problems, and I suspect that the same thing is true in every Torres Strait Islander community, whether it is in Townsville or here or in Sydney or in Melbourne, but like any group of indigenous people you tend to be outside the structures of government. I do not think there is a problem about getting a separate line of funding of which you get a share, and how you spend that here in Cairns is a matter very much for you.

Mr Gela—We understand what you are saying as far as federal funding is concerned. We also understand that the structures that we are proposing could be vehicles that could be finetuned or whatever. We are using an ATSIC-type picture because that is the picture that we have before us, but that vehicle could be something else. If ATSIC is the bus, maybe we could be a little Mini Moke.

CHAIR—I take that to mean that your concept here is a proposal but your people, your brothers and sisters, believe that it is a flexible proposal—

Mr Gela—It is a flexible proposal for further discussions.

CHAIR—so long as the core principles are ensured and delivered. Okay, I have got the message.

Mr Gela—Yes.

Mr Wano—One of the things Mr Holding said was that we would be utilising a structure that is not there. When you look at the paper you will see what happened was that how the regional authority is set up now, instead of reinventing the wheel, with the structure and how we have got it proposed, we just go straight under the regional authority.

Mr HOLDING—I am sorry, I missed that, under the regional authority did you say?.

Mr Wano—Yes, the Torres Strait Regional Authority. We have taken that into consideration. So we will not be reinventing the wheel, we will be utilising an autonomous body that is within ATSIC, using its autonomous programs such as CDC and the Aboriginal institution and Hostels Ltd, where they are all autonomous bodies under ATSIC. When you have a look you will see.

CHAIR—I can see what you are unfolding.

Mr Gela—There are a number of steps. One of the steps that we want to look at is

things that can be done as soon as possible, now. Then the things that cannot be done we target later on. Perhaps if I just give it to Lloyd now to address that point, No. 8, Mr Chairman.

Mr Maza—Concerning question No. 7, question No. 8 would just about answer that because we were looking at a new commission that would modify the current ATSIC programs, if not totally abolish the programs, and put in place a new one to suit the Torres Strait Islander's social, cultural and economic priorities. As for the existing infrastructure such as medical centres, legal aid and child care, we would not double up on that but rather have a joint funding arrangement with ATSIC on the mainland to fund this infrastructure. It makes it easier.

Mr HOLDING—If somebody here is in trouble with the law, where do you go now? Do you go to the Aboriginal Legal Services?

Mr Maza—Yes.

Mrs Hore—We would keep those legal services. We would come together with the Aboriginal people.

CHAIR—That is this agency arrangement that you were talking about.

Mr Maza—Yes. The islander people do use the legal service, the medical service, the child-care service. All the relevant services in town we use. If we were a different commission we would expect to have an input into the funding of these services.

CHAIR—Right. It is a very sensible approach.

Mr Gela—Just commenting on point No. 8, there are infrastructure needs that we on the mainland have and some of the things that we look at are cultural community centres. They are things that we have not got.

CHAIR—You spoke about that last time.

Mr Gela—We are islander people and we like to come together but there is no place that we can do that, apart from those already existing joint services. There are not particular ones special to islander needs.

CHAIR—If you had an authority that was recognised by the Commonwealth and the states, you think that that would enhance the chances of getting your voice heard, of getting a cultural centre off the ground. Have I understood you correctly?

Mr Gela—Yes; because it is a different priority from that which exists now in ATSIC. We talked about agency arrangements—which was your point and mine—

addressing the issues of Torres Strait Islanders in remote communities like Port Hedland and Alice Springs. We would expect an office to be in the bigger centres where the larger populations of Torres Strait Islanders are. In those smaller areas we would expect an agency-type arrangement, whether it be a contract with another government agency or a private organisation, to provide facilities such as access to telephones and office services for our people in those areas. We would address it that way, rather than setting up a separate office altogether if that were not possible.

CHAIR—Incidentally, George, hearing you talk about this vision—which has a lot of attraction—one wonders why ATSIC has not done that more in connection with discharging its duties to all indigenous people in Australia. It is an interesting question, isn't it?

Mr Gela—Yes, it is. Addressing your final point on the issues which were discussed in the Torres Strait and elsewhere, you ask whether Torres Strait Islander people living on the mainland should still have access to ATSIC funds and programs, and whether they should have representation on ATSIC regional councils, if a new commission representing all TSI people is established. Certainly, as to representation on a regional council, the answer is no. With regard to access to ATSIC funds and programs, our initial response is no. But in the areas of those joint funding arrangements we would certainly seek some sort of an arrangement whereby we could access ATSIC funds if there were a separate commission.

CHAIR—Yes; joint ventures.

Mr Gela—Yes. Those are our thoughts on those 10 points. They are basically notes which we have listed and submitted. I would like to ask Mr Ober to talk about those three recommendations which we raised earlier.

CHAIR—Certainly. However, we should be aware of the time and I am very concerned that the other people who are here are losing their opportunity to talk to us, so could you quickly wind up.

Mr Ober—I will just go through the recommendations. George has already read out one of them, so I will just read out the other two. One is that the first step to greater autonomy is that mainland Torres Strait Islanders are united with the Torres Strait Regional Authority under one legislation before taking further steps to achieve greater autonomy. The other recommendation is that the government set up a national forum consisting of equal representation of mainland and homeland Torres Strait Islanders and representatives of state and federal governments to discuss what shape and form the greater autonomy for Torres Strait Islanders will take.

CHAIR—I would like to thank you for your presentation and congratulate you on the way in which you have handled it. I think it has been an excellent presentation and it

will give us a lot of assistance in our deliberations. I now welcome the next group of witnesses to the hearing.

Mrs A. Akee—I am from the Aboriginal and Torres Strait Islander Corporation for Women. I appeared before you at the first hearing and I am doing a follow-up as to what has happened since that last meeting. One of the things that I want to table is basically a structure—I am not sure whether we gave this information to you the last time from the National Women's Conference that was held, on what they were proposing in terms of greater autonomy for Torres Strait Islanders—for women to see how it should be done in terms of access and equity and all of that. There is also a part behind that document that I have just tabled.

That shows that since the last meeting, we have heard from the Torres Strait Island Coalition Party—I would like to add that I am not part of it—that there have been some drastic cutbacks to Torres Strait Islander organisations. If we are talking about greater autonomy for people, and where Torres Strait Islander people are going on the mainland, it comes back to the fact that we are not getting an equitable share of the dollars coming to the regions from ATSIC.

With regard to women's issues, under the national funding from ATSIC, there have been no cutbacks in women's services and women's funding and yet women have been denied access to funding, both from federal and state, within Queensland. When it comes back to any structure that is going to be in place, women must be given a fair share of representation as well. If you are talking about women on the mainland, and what is happening in the homeland, women here have made a greater contribution to development of both Aboriginal and Torres Strait Islander organisations.

Thank you for giving me the opportunity of coming forward and putting forward our proposal for the national Torres Strait Islander women. Very quickly, I want to add that I support the setting up of the national secretariat that we now have in place. ATSIC was going to take \$1.5 million off the Torres Strait Islander people and if it were not for that body being established then we would have lost the \$1.5 million to set up a national body that could represent the interests of Torres Strait Islander people.

The other thing is that, with the national Torres Strait Islander Conference that is to be held in September, we are hoping that representatives from your delegation will be there to hear the views of Torres Strait Islanders on what they see as greater autonomy.

CHAIR—Thanks, Angie. I appreciate that very much. I am not sure that that document you have just sent up to me was tabled before.

Mrs A. Akee—No, I do not think it was.

CHAIR—We will accept that as an exhibit. It will become part of our evidence. It

would have been impossible for you to grasp every word of the previous group's submission. We have not yet read the document but, from what you have heard of it, can you give the committee any guidance as to how you would react to that proposal for that sort of resolution, a new authority that is made up of equal representation of mainland and island people? That authority would take over all the functions of ATSIC and its authority would contract on the mainland, where appropriate, with other agencies for Torres Strait Island people. I think that is a broad summary of the previous submission. How do you react to that?

Mrs A. Akee—Firstly, in terms of greater autonomy for Torres Strait Islanders, they have to be up there and they have to be able to make their own decisions and determine where they are going in terms of their future, whether it be in the homeland or on the mainland.

In terms of the homeland, there has to be those ties between Torres Strait Islander people nationally. In terms of greater autonomy, we have to focus on what is happening in the homeland compared to what is happening here on the mainland. Greater autonomy, in terms of what can be self-generated from the Torres Strait should be equally distributed to people who identify as Torres Strait Islanders on the mainland. There needs to be a key focus on somehow bringing people together to look at those types of issues.

With regard to the number of people living on the mainland, I say that there has to be some form of commission that is going to be wholly and solely controlled by Torres Strait Islanders making their own decisions and being involved in the dispersing of dollars to the regions. If you look at it holistically, you have got to look at where the nation is today. We cannot say we are going to be getting more dollars, because there are not going to be dollars out there, irrespective of which way we go. I am saying we have got to look at—

CHAIR—Can I just interrupt, Angie. If we can get a more efficient organisation to deliver services, we should be able to have more dollars to spend on services because we would not be spending as much money on trying to run inefficient organisations.

Mrs A. Akee—That is correct. I do not think we should be put in with the Aboriginal people and everyone categorised as one. We are saying that the government of the day and people have to start identifying that there are two different races of people and they must be truly identified as such. If you are looking at the dollars, and the dollars that the government has actually given to ATSIC, what we are saying is that there has got to be some sort of percentage, some sort of cut, between what is given to ATSIC and what is given to Torres Strait Islanders on the mainland.

We are not saying that the dollars have got to be cut in regard to what is going in to the Torres Strait. At the moment, there is no equitable access to dollars on any regional basis in the whole of Australia for Torres Strait Islander people. I have gone right through

Australia, as well as the Torres Strait, and I can see where people are coming from on both sides—

CHAIR—It is pretty hit and miss. Is that what you are saying?

Mrs A. Akee—That is right, and there is no-one there talking for us. Even in terms of the head of the commission that is established under the act, Torres Strait Islander people are just not truly represented. We have one commissioner who is supposed to represent nationally the Torres Strait Islander people on the mainland. There are no dollars there to get those people out. TSIAB is established under the act. Those people do not have dollars to get out and have consultation and talk to people. We have OTSIA, which is the Office of Torres Strait Islander Affairs, which administers and looks at policies and so on, and they have a few dollars where they can get more people to look at policies. Torres Strait Islander people are really disadvantaged in terms of access and equity.

CHAIR—Certainly, Angie, your statement has been repeated time and time again by groups and individuals over the last 12 months since we have been travelling around Australia taking submissions on this particular issue.

I must say in fairness that there has been a lack of hard evidence to actually illustrate what you have been saying. That is not to say that it is not happening, but it is very hard to actually produce concrete evidence of where a decision was made which had the effect of blocking out an application from Torres Strait Islanders. Our challenge as a committee is to try and sort that out and come to some final judgment on that point, but certainly what you are saying has been said to this committee by many people across Australia.

Mrs A. Akee—Under the act every regional council nationally has to present an annual report to the commission. If somebody wants to go through those annual reports, those annual reports reflect the allocations of dollars that are given out to the community and we have actually done that through Magani with all the reports that we had within this region and taken out what component of funding went to Torres Strait Islander organisations. You will find that it does not come up to 50 per cent of the local funding that comes into this region. That is the sort of thing we have to look at in terms of access and equity in terms of the funding.

Mr HOLDING—Have you got a figure as to what it did come to?

Mrs A. Akee—No, I do not, but representatives from Magani would have. I am actually not from Magani-Malu-Kes who actually did that, but the Office of Torres Strait Islander Affairs is looking into those areas as well.

Mr HOLDING—If somebody has got the figure could they send it to us in

Canberra.

Mrs A. Akee—Yes. I think Francis Tapim through Magani was going to because that was one of the questions that was asked. We were asked to put forward some of those figures and I think they actually did that—only for the Townsville region, though.

CHAIR—If you could do that, hopefully within the next 10 days, that would be very helpful to us.

Mrs A. Akee—Yes, that should not be a problem. They should have that on record.

CHAIR—How are we going? Would anyone else like to say anything at all? Please feel free to do so.

Mr Moseby—I am on the Aboriginal council of Townsville. Sometimes when people mention ATSIC it really irritates me. You asked one of the gentlemen who spoke before why didn't ATSIC set in place that kind of agency to cater for minority groups in small towns. Why don't governments give them money so ATSIC can utilise—

CHAIR—Excuse me, Richard, I didn't quite say that, I asked why they did not do more contracting or appointing of agencies. I did not say it was for minority groups.

Mr Moseby—My comments will still relate to that in regards to why governments cut funds of ATSIC. If you look right across the board now, so much funding has been cut off. That is why I read about Torres Strait Islands people not getting a fair and equitable share.

The other thing is that because of being a minority, as we are in Australia, and because of interrelations and so forth, it drags away the true identity of Torres Strait Islands people. In the next 10 years there will not be full blooded Torres Strait Islands people. When you look right across Australia people are now fighting for identity. We cannot identify ourselves by standing here.

People are asking direct questions in regard to what possibility there is for us to put in place that kind of autonomy. Is it possible for the governments to look at that. We do not want to go another 10 years down the track and look at what happens to Mabo. The country is coming into a challenging position where identity is being questioned. As a Torres Strait Islands person I do not get involved with anybody and I stand neutral because I am involved with a government agency. I want to come to a point where I can put it across about where we go from here. So much has been put in, not only from Townsville but right across Australia. What is the current situation before you leave this city? How do you see the possibility for Torres Strait Islands people to go down that track?

CHAIR—Richard, the committee hopes to complete getting evidence from people in the next fortnight and the committee hopes to complete its report and recommendations to parliament shortly. However, we cannot do that until the submissions and evidence are concluded because we have to keep an open mind, although we have strong feelings within our minds from the last 12 months of discussion.

If all goes well we hope to be able to present our report to parliament in about June or July this year. After that, as you all know, our job will then cease and it will be up to the parliament and the government of the day to decide what it does with our report. That is why it is terribly important that the committee receives as much assistance as possible, as we have done today in a very good way, to put strong arguments in our report to parliament about the need for greater autonomy.

I can confidently predict to you, although it is up to my colleagues to endorse this, that our report will support, very strongly, the voice and the call from people of the Torres Strait Islands for increased autonomy. However, I cannot leave this city today and confidently guarantee to you that the parliament or the government of the day will accept our recommendations.

However, please keep this in mind. Probably our recommendations will involve not just one government but two, particularly the Queensland state government—certainly two. So you must understand that our task is a very big one, to come up with a report that is very persuasive, not only of the Commonwealth government but also of the state governments, particularly the Queensland government.

In that regard I have already, on your behalf, spoken with the Queensland government and the premier has been very supportive of our inquiry. He has made available senior public servants of the Queensland government to help us with information on government services and the like. Tomorrow or Monday we will have another submission from the Queensland government which will be published and you will be able to get it. We will make it available through our transcript urgently to everybody.

That is quite exciting, but please bear in mind that we must keep our feet on the ground and wait to see what happens with the governments. Remember that the current minister, Senator John Herron, requested this committee to undertake this inquiry. The current minister, with his Prime Minister, has actually initiated this inquiry and I think that is a strong indication of a keen desire to address an issue that has been around for a long time. I hope I have answered it for you, but I could not take it any further than to say it is up to other people to finally make a decision.

Mr Moseby—Thank you very much. Just to elaborate a little bit further in regard to delivery of service right across the nation, especially in the Torres Strait, we are still undermined by being behind the third world. Only last month when I was in Cairns I found out that our people suffered more from skin disease than anybody else in Australia,

right across the nation. This kind of thing occurs on top of the government pouring money that goes to ATSIC to be directed. What happens then? Here we are people fighting for the right to take responsibility. Even if we cannot speak your English very well, it makes no difference. It is the desire of what we want to put forth and I think it has come to a stage where people have not lost hope.

If you talk about people who have been oppressed, we have been oppressed. We are people that have been down, but we are never out. I appreciate what you are saying, and I am sure Mr Holding, as the last minister for Aboriginal and Islander affairs, has probably seen those things. Nothing has probably been changed since he was the minister. We are not fighting for nitty-gritty, it is life. To me it is life. Being a minority here, we still have immigration of people coming across and we are still plentiful as the Torres Strait people, yet we cannot have a voice.

CHAIR—Richard, you have reminded me. Yesterday, during our seminar I was heartened to hear from a senior representative of the Torres Strait Islander people that an agreement between the Commonwealth and state government involving a Torres Strait regional authority for health delivery to improve and coordinate the health services for Torres Strait Islander people on the islands, at least, had been concluded and it was seen as being a very good agreement and a turning point. That is something for which we obviously will all have to wait and see how it goes, but I personally am very keen to see it. I was previously a minister for health in the state parliament in Victoria, so it is an interest that I have as well to see the better coordination of health services and delivery. Thank you for your contribution, Richard, and I understand the fervour that you spoke about. Any other matters?

Mr Tapim—I am from Magani-Malu-Kes. It is the same thing that you are talking about that we are not having a fair share, especially here in the mainland. The money comes to both Aboriginal and Torres Strait Islander and most of the cake the other brothers and sisters have it and Torres Strait especially our organisation, we have got our organisation set up but we cannot run because of funding and we cannot have proper facilities to run our office, like operation expenses and program and administrative and also social and cultural activities. Most of the things we operate sometimes from our own home or hiring a venue to do that sort of thing. We are asking and putting up submissions for money to set up proper facilities and to run a business-like organisation and for that thing we cannot have a fair share of that funding.

We are saying we have got ATSIC and we have a body that is making decisions. We will have to be on the other side of the river to get the money, whether you like it or not. If you are going to be an organisation for Torres Strait, you never will get a good satisfaction out from the door. You will have to be on the other side of the river to satisfy your need. This is the main reason here on the mainland. Torres Strait Island people need to have a separate body to cater for the needs of our organisation. Most of our organisation are fighting very hard. They are there but they are just hanging on to a little

string to get whatever they can for their people, their community and land.

On behalf of the Torres Strait Islander community I would like to thank you and your fellow members of the committee, especially Mr Clyde Holding, and your support staff. We are very grateful that you have revisited Townsville. Hopefully, your report and recommendation to the government will be taken notice of and that the result will be satisfactory to all Torres Strait Islanders, in the Torres Strait and in the mainland.

CHAIR—Thank you. I am very happy that you have taken the trouble to come here this afternoon to meet this committee. What you have said to us today has been very helpful. I know that you have put a lot of work into preparing your submission. I wish you well and I look forward to seeing you again in the not too distant future. Thank you to *Hansard*, once again, and thank you to the secretariat for their wonderful arrangements and for their support for the committee.

Committee adjourned at 5.08 p.m.



HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS

Reference: Greater autonomy for Torres Strait Islanders

CAIRNS

Thursday, 8 May 1997

OFFICIAL HANSARD REPORT

CANBERRA**HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT
ISLANDER AFFAIRS****Members:****Mr Lieberman (Chair)**

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

Matter referred for inquiry into and report on:

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

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

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

[PROOF]



HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER
AFFAIRS

Reference: Greater autonomy for Torres Strait Islanders

CAIRNS

Thursday, 8 May 1997

PROOF HANSARD REPORT

CONDITIONS OF DISTRIBUTION

This is an uncorrected proof of evidence taken before the Committee and it is made available under the condition that it is recognised as such

CANBERRA

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

Members:

Mr Lieberman (Chair)

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

Matter referred for inquiry into and report on:

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

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

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

residents.

CONDITION OF DISTRIBUTION

This is an uncorrected proof of evidence taken before the committee and it is made available under the condition that it is recognised as such.

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

Greater autonomy for Torres Strait Islanders

CAIRNS

Thursday, 8 May 1997

Present

Mr Lieberman (Chair)

Mr Holding

Mr Marek

Mr Katter

Mr Tony Smith

The committee met at 1.45 p.m.

Mr Lieberman took the chair.

Ms Delinah Clive, Ms Sarah Lowah, Mr Ricky Guivarra, Mr Robert Newie and Ms Narelle Nicholls appeared before the committee.

CHAIR—I declare the meeting open and officially welcome you all again. We have met some of you before and it is good to meet you all again. This is an informal discussion. The last time we spoke, it was the formal part of the inquiry. Just to let you know, we have just been on Thursday Island. We have had a public seminar and a public meeting this morning. The seminar yesterday was very successful and the committee gained a lot of knowledge and insight which will help us in our deliberations on the Torres Strait Islander inquiry.

I know that you are familiar with the terms of reference of our inquiry, so I will not repeat all those, because time is very short today. Regretfully we have to be in another city and the plane is scheduled to link up with another service, so that is why we have to move very quickly. Without further ado, I will hand over to you and invite you to convey to the committee the further matters that you would like us to take into account.

Mr Newie—Thank you very much for giving us this opportunity. As a result of the letter we received, we notified the community, got together and held a workshop on autonomy. We chose the third of the three terms of reference—the implications of greater autonomy on Torres Strait Islanders 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 people. We have come up with some recommendations on how we see this thing should work.

The first recommendation was that Torres Strait Islanders in the Cairns region nominated to be represented by the Aboriginal and Torres Strait Islander Commission. The TSIAB is a seven member national board comprised of a state representative. OTSIA is only located at a national level to achieve local success in greater autonomy. There needs to be a focus at regional levels in the administrative arm of ATSIC with the implementation of Torres Strait Islander unity and all regional offices nationally.

At a local level, Torres Strait Islanders are active and do participate in regional council elections. Realistically, Torres Strait Islanders are still a minority within a minority group. Therefore, with the current voting system are always outvoted at elections. It is therefore our view that a certain number of seats be designated for Thursday Islanders according to the Torres Strait Islander population in each region.

At present, a national secretariat of Torres Strait Islander organisations is being formally constructed. This, being an independent body to all government organisations, can be used to negotiate with all parties involved. To have representation with TSRA and ATSIC to make sure that Torres Strait Islanders on the mainland are involved in negotiating an appropriate form of self-government.

Discussion also took place around the subject of duplication of services. We on the mainland are not here to duplicate any existing service but request that mechanisms such as mentioned above be instilled to ensure that equitable access to ATSIC resources and representation with the homelands is achieved.

Our view is that the national secretariat for Torres Strait Islander organisations would be the peak body to represent all mainland Torres Strait Islander views at the national level. Through this structure, we request that representatives of Torres Strait Islanders be on national boards—for example, NAILS, SNAICC, NACCHO—acknowledge that there are two groups of Torres Strait Islanders—homeland and mainland—who have needs and issues.

In conclusion, we the mainland Torres Strait Islanders do acknowledge our Aboriginal brothers and sisters in all aspects and give them due homage. We are, though, a minority within a minority group and are seeking equitable access to services provided for all indigenous peoples. We have achieved recognition from the government as a separate race of people and that there exists two groups of Torres Strait Islanders—homeland, ones who reside within the Torres Strait region—and mainland Torres Strait Islanders—ones who reside outside the Torres Strait region. We the mainland Torres Strait Islanders face greater competition as we are in a complicated situation. Mentioning that, we strive ahead to achieve and implement a system which will serve our purpose without imposing on any other cultural group.

CHAIR—That is a very clear and concise statement.

Mr MAREK—You basically said straight up that your group is happy for ATSIC to continue to represent your organisation. All the other groups we have spoken to have said contrary—they would rather have their own separate administration, have nothing to do with ATSIC and have their own administration look after the Torres Strait people. Is that the same?

Mr Newie—We mentioned TSIAB and OTSIA. We would like that arm, so it would probably be in some way in a region. I think we were looking at the regional level, rather than up top.

Mr MAREK—So it is OTSIA you are talking about, not ATSIC?

Mr Newie—The people around this area thought it was best to come under ATSIC, to stay where we are now.

Mr MAREK—You would be the only group we have spoken to that I can remember who have ever said that you want to continue to work under ATSIC. Everyone has said that you have not got a fair deal under ATSIC, that you have not got a fair deal in funding, that the Aboriginal people have always got the money and the Torres Strait

Islander people have always missed out. You are the first group of people I have heard say that you want to continue to be represented by ATSIC rather than having your own administration.

Mr Newie—However, we thought we should instil some mechanism in there to help us. We are talking about access and equity. We are not talking about self-government. Autonomy means self-government. We cannot do it down here. Realistically, what we are saying is that ATSIC is there for us. It has always been there. A mechanism needs to be put in place to ensure that we do have actual access to programs.

CHAIR—What I understand you to be saying is that if ATSIC is going to continue to provide services for indigenous people in Australia—Aboriginal and Torres Strait Islander people—you would like the organisation of ATSIC to be re-examined to ensure that at the regional level there is more access for Torres Strait Islander people, such as in Cairns? Is that what you are saying?

Mr Newie—Yes.

Mr HOLDING—It is very well to express that, but there is a problem. If we follow your recommendation, how do we go about having the minister or somebody else put in a provision to ensure what you regard as a proper proportion of funding? The argument we have received so far is that Torres Strait Islanders are inevitably the minority within the ATSIC structure and therefore feel they do not get their fair share of allocation of resources. Therefore they have said, for better or for worse, ‘We would like to have a specific structure related to the Torres Strait. That structure would exist specifically for the purposes of funding Torres Strait Islander communities in other parts of Australia.’ That is the argument.

You are saying that you would like to stay within ATSIC—I can understand that—and that there ought to be a mechanism to ensure a fair apportionment of funds. But you have not come up with anything to suggest how you do that. The problem the minister and the government would have is that you do not set up a structure and say, ‘It is your job to allocate the funds,’ then say, ‘By the way, we are going to put in a mechanism to make sure you do it a certain way.’

Ms Lowah—If people up there are going to get separate funding from ATSIC, will they be able to support us down here?

Mr HOLDING—What has been put to us is that, just as ATSIC looks after Aboriginal people, you need, if you like, a Torres Strait Islander commission that not only has to look after the problems of Torres Strait Islanders—although they are looking for self-government, and that is another question—but also they are concerned to say, ‘What funds do you give to the Torres Strait Islander community in Cairns and in other parts of Australia?’ Because there are more Torres Strait Islanders outside the Torres Strait than in.

Therefore, you have got a constant complaint saying, 'We are part of ATSIC but, because of the pressure, there are never enough funds and therefore we always tend to miss out because of the needs of Aboriginal people.' You have recognised those needs.

The view that has been put to us is that we really need a body like ATSIC with a separate base of funding for the purposes of quite specifically dealing with the problems of Islander communities that are spread throughout Australia. There are 25,000 of them. That is the argument we have got. As my colleague says, that has arisen from discussions with other Islander communities on the mainland. If you believe it is possible within the framework of ATSIC, that is fine. But we need to know how to do it.

CHAIR—Picking up Mr Holding's comments, I found your submission very helpful to me. I have been wrestling with this great challenge. If we make a recommendation—we have not made a decision yet; we are still receiving evidence—to establish a new organisation for Torres Strait Islander people on the islands, which we have had very strong evidence and submissions to do, how do we ensure that the interests of Torres Strait Islanders on the mainland are cared for and looked after? And should that new Torres Strait Islander organisation, if there is to be one, be the body responsible for that? I have been thinking about it.

One idea could be that if there is a new organisation on the island, that new organisation could have the power to contract with organisations on the mainland, such as ATSIC, to provide services for Torres Strait Islander people where appropriate, if that is what the Torres Strait Islander people on the mainland feel happy about. That is why I found your submission very interesting.

What you are really saying to me, I think, is, 'We would be comfortable and happy for ATSIC Cairns to continue to provide Torres Strait Islander services for Torres Strait Islanders in the Cairns area, provided we had more contact with them and more input.' That is something that I thought I would just share with you as a thought. Maybe that is the solution. We could move along that line and examine that to see how feasible it might be. The problem is, if you establish a new ATSIC just for Torres Strait Islanders on the islands and it is to serve all the mainland, you have the huge cost of two organisations—one for Aboriginal people and one for Torres Strait Islanders doing similar things in similar towns, communities and cities.

Mr Newie—That is a problem we have identified. With all the services that are available now through ATSIC, we just want some mechanism in there to help us. That is all. It is difficult. We are down at the coalface.

Mr HOLDING—The problem we have is that if you create an independent organisation of indigenous people—that is, Aboriginal people and Torres Strait Islander people—and you say, 'There is a bundle of money and you know better the problems facing indigenous people so you solve those problems,' we now have a group of people,

the Torres Strait Islanders, saying, 'We are always a minority in that situation and we never get a fair share.' And you want us to fix it up. Our problem is: what do we say to ATSIC? You can't say to an organisation, 'You are autonomous and you have got to make these decisions yourself.' It is not the government's job or the committee's job to say to a parliament or the government, 'We have got all these complaints, but there was this group in Cairns who were perfectly happy to operate within ATSIC.' They say, 'We want a proper share of the money and give us a mechanism to do that.' How do we do that if you do not tell us the mechanism?

The concept of a mechanism involves the minister or somebody else in the government saying, 'A certain percentage will go to Torres Strait Islanders.' Say you say that 10 per cent of everything goes to Torres Strait Islanders. In some communities the percentage of Torres Strait Islanders might be more than 10 per cent. So do you have a sliding scale? If you have particular problems with particular groups which are more obvious in some areas, do you say to the ATSIC commissioners, 'Basically you have got to work to a formula in the way in which you allocate these resources?'

What the chairman seems to be suggesting—I think there is a lot of merit in it—is that you could have ATSIC as the administrative body, but at the same stage you have got to decide whether the government says, 'There is that money for Aboriginal people and there is that money for Torres Strait Islander people.' Then Torres Strait Islander people in Cairns can talk to the administrative body as to what their needs are and how they get their allocation from a total fund which is for Torres Strait Islanders.

Ms Lowah—Is it only Cairns or are there others?

Mr HOLDING—Up to date, as my colleague pointed out to you, you are the first group. Basically, what has been said to us is that—it is not a criticism of ATSIC; it is rather a complaint—you are part of an indigenous structure which allocates funds but, given the problems in Aboriginal groups, the complaint is that you never seem to get what you see as a fair share of those funds because the demands of Aboriginal people are higher and you are a minority group, almost always, in the regional structures of ATSIC. That is the problem.

If you say that you are happy with the way things are operating here in Cairns, who are we to interfere with it? In some cases they say they get nothing and in your case you say you do not get enough. I do not know of any simple formula we can adopt which does not in a sense involve the integrity of ATSIC and leaving it to the regional bodies to exercise their rights of self-determination to allocate funds.

CHAIR—It is a big challenge for us to get the right balance. The important thing is to ensure that you have access and your voice is heard and it is heard when it is needed and you are given equal priority in determining the allocation of scarce funds.

Mr HOLDING—In terms of population or groupings, what percentage of the Cairns indigenous population would Torres Strait Islanders represent in terms of Aboriginals? Is it 10 per cent?

Mr Guivarra—Probably a quarter or a third. There are quite a few.

Mr HOLDING—Would you settle on the basis of government saying in terms of the allocation of funds within ATSIC that ATSIC will have to have a responsibility not merely to determine the urgency of indigenous bodies that are part of ATSIC but also to take into account a distribution that is related to the proportion of the population? The problem with that is that you could have a community that is really an Aboriginal community in a really difficult situation requiring urgent assistance which might run into 90 per cent of the budget allocation and you are saying, ‘We want to do something for those people and they are going to take up a lot of the funding, but we have got to reduce the funding to them because this Torres Strait Islander group, which has in many ways said that their needs are less urgent, has to get X percentage because they are X per cent of the indigenous population.’

Ms Lowah—You say Torres Strait Islanders but we are all mixed—Aboriginal and Torres Strait.

Mr HOLDING—I know that.

Mr Guivarra—Some of us are mixed. I am one.

Ms Lowah—There are problems.

Mr HOLDING—There are people in Torres Strait who are the same.

Mr Guivarra—We do not claim to be just Aboriginal or just Torres Strait Islanders. We are both.

Ms Lowah—There is a bit of a problem there. You cannot say you are a Torres Strait Islander and you cannot say you are an Aboriginal.

Mr Guivarra—You cannot say you are not.

CHAIR—You are all good, commonsense, practical people and you know that when you are looking for assistance from government, from taxpayers, to help achieve some aspiration, you cannot apply for both. You have to make a value judgment along the way. My approach to it would be that I would have complete confidence in your decision in respect of that. Each community, each individual, would make their own judgment in respect of that. That would be something I would accept. That is what is happening now and I am comfortable with that. That is a fact of life.

Could I ask you a question about the national secretariat for Torres Strait Islander organisations? We have had some submissions about it and we have been informed of its proposal for establishment. How important for you is it that that organisation be established? How could it help your organisations in this area and your people? What role do you think it can play in advancing the interests of Torres Strait Islander people living on the mainland?

Mr Newie—Basically, we have already set it up. The objective of the secretariat is to ensure that Torres Strait Islander people on the mainland are treated fairly in all terms—funding or whatever. Organisations throughout Australia are members of the secretariat. Any issues are brought up to a national level. That is where the focus is—the national level. Basically, it is a voice to represent Islanders on the mainland. We never had any, because all the negotiations are always up top and usually everything is just filtered down. But the issues vary considerably from up there to here. That is why the focus was on to set up this secretariat—to have an organisation from throughout, little groups or whatever, to be a member of the organisation to look at the issues we are facing today.

CHAIR—Do you see that organisation as being an advisory organisation to everybody? To governments, to community groups?

Mr Guivarra—Yes, but the way the meeting went on Saturday, we also discussed the possibility of representation from that group through to the commission, through to TSIAB or ATSIC.

Mr Newie—That is what it says.

CHAIR—That would be logical if it exists.

Mr Newie—For anything that will happen, particularly autonomy, we will need to have some representation in that group to look at what is going to best. If it comes to a situation where they do form this autonomy, where and how do we fit in? It will be negotiations through that level.

Mr HOLDING—It may give you some comfort to know that in all our discussions on the islands, there was a very strong emphasis that whatever happens there has to be a continuing bridge between the islands and the Torres Strait people living on the mainland.

Mr Guivarra—In my opinion, there is a different way of looking at mainland Islanders. To me, there are different. We have had Islanders living in Cairns for three, four or five generations. They have never been to the islands. Some of them don't even talk the language any more. They were born here. There are some who are first generation, like myself. I was born here, but my parents came from there. So we are different of make-up.

Some of us are not even accepted as Islanders any more at home. They don't even know about us or claim us.

Mr HOLDING—That was not the impression they gave us.

Mr Guivarra—We get that impression here sometimes, when we go home even to the Strait.

CHAIR—As Clyde said, the overwhelming message that we are getting from the Islanders is that they want a bridge for the mainland Torres Strait Islanders. Certainly, there is a need to clarify what sort of a bridge that should be on things other than cultural. Culturally, they want you absolutely totally involved to ensure that the cultural traditions and values are maintained and strengthened and handed on. But on policy issues and priority of funding, where money is spent, I guess in those areas there needs to be a lot more clarification as to how much input mainland Torres Strait Islanders should really have in that regard.

We had some fairly straight talking when we visited the islands back in October. One of the chiefs made it very clear—I won't say the words he used, but they are in the transcript; you can have a look at them later—what he thought about mainland Torres Strait Islanders putting their nose into the affairs of the people on the islands, whereas others on the islands wanted to have the advice and regular reviewing and exchanging of information.

Mr Guivarra—We are indelibly locked here. You are talking about land issues. We are not going to abandon it just because we live on the mainland. We are still concerned about every inch of country.

CHAIR—Many of your people want to return one day.

Mr HOLDING—There was a term I had not heard before and that was about Islanders in a diaspora. It simply meant Islanders who are living in other parts of Australia, but it is an interesting concept.

CHAIR—You have helped me a lot, Robert, with the way in which you have expressed a very important principle, at least for the Cairns Torres Strait Islander people. That will help the committee no end.

Mr Guivarra—Sarah Lowah is the chairlady of a housing cooperative here in Cairns. We are probably one of the biggest Islander housing cooperatives in the country, I would say. It started off as an Islander organisation, predominantly Torres Strait Islanders kicking the organisation off, but we have other than Torres Strait Islander members. We are just wondering where an organisation like ours would sit if anything like this happened. We would be very concerned. We do not necessarily identify as a Torres Strait

Islander organisation any more. We started off predominantly as a Torres Strait Islander organisation.

CHAIR—My hope would be that if there is to be a new organisation for Torres Strait Islander people, housing organisations such as yours would be able to select and contract with whichever one, or both if it is an appropriate agency giving services to both Aboriginal and Torres Strait Islander people in Cairns. That would be commonsense. I would hope there would not be any rigid sort of wall built up to say, ‘You can’t any more.’ My view, for what it is worth, would be that if you are providing help in this area to Aboriginal people and Torres Strait brothers and sisters then you should have links with any organisation of Commonwealth and state that is responsible to help indigenous people. That is my view.

Mr Guivarra—We are hoping so, too.

CHAIR—I notice that the time for us to depart is just about on us, but I do not want to close the meeting if there is any other urgent issue you would like to raise with us.

Mr Newie—Is this the last time we are going to see you guys?

CHAIR—I am hoping we can finish writing the report and have it before parliament by about July. I do not think we will be back here on this inquiry, but I want you to know that if there is any matter that you want us to look at that we have not covered already—from your reading of the transcript you will see where we have covered a lot of issues with a lot of people—you are free to ring or fax the secretariat and convey the matter that you wish to us and the committee will look at it. The open door is there. I hope that is satisfactory to you, Robert.

If there was a very urgent and serious issue, obviously the secretariat would notify me and the committee. If necessary, the committee would arrange some form of further discussion, whether it be you and me on the phone or us flying up or something, if it is really serious in that regard. But I think we can swap notes now pretty well know. You know us and if you have further information, you know how to get it to us. But do not delay it because we are at the stage now where we have to start analysing all the advice and information we have had so we can start to crystallise it and get it before the parliament. We do want to make some recommendations which will hopefully increase autonomy for Torres Strait Islander people.

Ms Nicholls—I am the chair of the ATSIC regional council here. I would just like to say that it is a 12-member council. The region, as you have identified, is a unique region in terms of relationships between Aboriginal and Torres Strait Islander people. My mother is from the Torres Strait. Mary O’Shane and I hold both of the executive positions on the regional council, as chair and deputy chair. I suppose, taking that into

consideration, we have never looked at division within the community. I suppose we have more ties with the Torres Strait, as I said at the last hearing, because of the affinity and close proximity with the Torres Strait. We have always been a fair council to ensure that we look at each application on its merits and how we provide funds to the broader community.

After speaking with you before, I had some thoughts as to how we may proceed to address this problem. I do understand that there are other parts of Australia where Torres Strait Islanders are not getting a fair go in terms of their submissions to regional councils, and I can understand that. It has been very difficult, I suppose, to come up with some sort of answer from this region—that is what Robert was talking about—when there is not a major problem here in the region, that I can see anyway. But there needs to be a strengthening.

I think the services that are available to indigenous people within the town are not predominantly services that are only for Aboriginal and Torres Strait Islander people, I might add. We have kindergartens that have non-indigenous children participating. We have a medical centre where all members of the community are invited to go and visit. It is not that the services that are provided by indigenous organisations are necessarily predominantly for indigenous people.

I see from the cultural centre point of view that maybe we need to look at being able to strengthen those and secure further funding to ensure that Aboriginal people and Torres Strait Islanders have access to funds that are for cultural activities which can sometimes become somewhat of a dilemma.

In terms of trying to isolate the two, I am just wondering if that is not going to create some sort of division and if it is not too divisive, particularly for this region when we have indicated that there are a lot of family ties both with Aboriginal and Torres Strait Islander people and if that is not going to be too divisive in this part of the country.

The other thing I would have a concern with if we did separate the two is what sort of funding would be available and what effect would that have with funding, taking into consideration that the funds that are being channelled to ATSIC now are insufficient and inappropriate to all indigenous peoples, Aboriginal and Torres Strait Islander people. It would seem to me that our position is only going to be eroded even further. If we decide to go down the path of separation, how is government going to supply funds to assist two bureaucracies?

CHAIR—They are good questions. They are the sorts of issues that we will as a committee have regard to. We will try and come up with some comments and recommendations and advice. My own personal view is that there is enough goodwill between the people on the mainland and that the decisions on which organisation you wish to access should be left to you and not for government to tell you. I would be comfortable

with that, but I recognise what you say as well. We would not want in any way to do anything in this community or anywhere else that would cause division between the indigenous people of this community. So we will keep that in mind. Thank you for those very valuable comments. We wish you godspeed and we will see you soon.

Committee adjourned at 2.26 p.m.