



HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS

Reference: Greater autonomy for Torres Strait Islanders

TOWNSVILLE

Monday, 21 October 1996

OFFICIAL HANSARD REPORT

CANBERRA

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

Members:

Mr Lieberman (Chair)

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

Matter referred for inquiry into and report on:

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

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

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

WITNESSES

AKEE, Mrs Angelina Maria, Executive Officer, Townsville Aboriginal and Torres Strait Islander Corporation for Women, 458-468 Flinders Street, Townsville, Queensland 4810	18
ALFRED, Ms Gata, Secretary, Townsville-Thuringowa Torres Strait Islander Action Group, 10 Percheron Place, Black River	3
DUELL, Ms Gale Lizbeth, Executive Assistant, Regional Council Support Unit, Aboriginal and Torres Strait Islander Commission, NORQEB Building, Sturt and Stokes Streets, Townsville, Queensland 4810	8
OBER, Mr Dana Yestin, Convenor, Townsville-Thuringowa Torres Strait Islander Action Group, 10 Percheron Place, Black River	3
PRYOR, Mrs Jenny, Chairperson, Townsville Regional Council, Aboriginal and Torres Strait Islander Commission, PO Box 2018, Townsville, Queensland 4810	8
REYS, Mr Ken, Regional Manager, Townsville Regional Office, Aboriginal and Torres Strait Islander Commission, PO Box 2018, Townsville, Queensland 4810	8
TAPIM, Mr Francis Mickey, Executive Officer, Magani-Malu-Kes, Unit 2, 458-468 Flinders Street, Townsville, Queensland 4810	18
WHOP, Mr Patrick, Mabuiag Island Representative, Townsville-Thuringowa Torres Strait Islander Action Group, 10 Percheron Place, Black River	3

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Present

Mr Lieberman (Chair)

Mr Albanese

Mr Marek

Mr Dondas

Mr Melham

Mr Katter

Mr Tony Smith

Mr Lloyd

The committee met at 8.10 a.m.

Mr Lieberman took the chair.

CHAIR—I declare open this public hearing on greater autonomy for Torres Strait Islanders and welcome witnesses and any members of the press and public who may be present. This is the second public hearing for this inquiry. We have so far received 18 submissions, with more promised. It gives me great pleasure to be able to set a hearing in Townsville where so many Torres Strait Islanders now live. The views of mainland Torres Strait Islanders will be very important as part of the evidence to the inquiry.

I would like to take the opportunity to say just a few words about the inquiry. The terms ‘self-determination’ and ‘greater autonomy’ mean different things to different people. The object of this inquiry is to find a meaning for greater autonomy which can satisfy the aspirations of the communities, representative bodies, governments and all others involved.

The outcome of the inquiry may not satisfy everyone. Some may find the process of change slow, but it is not all bad news. What I can promise you is that the members of this committee bring to the inquiry immense goodwill towards Torres Strait Islanders, wherever they may live. We will listen carefully to what you have to say. We will be searching for solutions that will bring benefits to all Torres Strait Islanders and we will do this to the very best of our ability.

I would also like to acknowledge that the local federal member, Peter Lindsay, has welcomed us here and also has been very keen to have us visit to listen to and meet representatives of Torres Strait Islanders. We thank Peter Lindsay for his courtesy and assistance to this inquiry.

ALFRED, Ms Gata, Secretary, Townsville-Thuringowa Torres Strait Islander Action Group, 10 Percheron Place, Black River

OBER, Mr Dana Yestin, Convenor, Townsville-Thuringowa Torres Strait Islander Action Group, 10 Percheron Place, Black River

WHOP, Mr Patrick, Mabuiag Island Representative, Townsville- Thuringowa Torres Strait Islander Action Group, 10 Percheron Place, Black River

CHAIR—The committee prefers that all evidence be given in public; however if you wish to discuss a matter privately you should say so and the committee will be very happy to discuss your request. We have received your submission and we thank you very much for helping us in this inquiry. Would you care to make an opening statement before I ask members of the committee to ask you questions?

Mr Ober—I would like to make it clear that when we heard about it we welcomed the inquiry into greater autonomy. All the people in our group in the Townsville and Thuringowa area want greater autonomy for Torres Strait Islanders. That is one thing we want to make clear.

Another thing we want to make clear is that if there is going to be greater autonomy for Torres Strait Islanders the mainland Torres Strait Islanders want to be part of this greater autonomy. I want to go into, just briefly, the reasons we want to be part of greater autonomy.

First of all, as you know, mainland Torres Strait Islanders are not legally connected to Torres Strait Islanders in the homelands because there is no Commonwealth legislation that binds us together legally. We have got ATSIC legislation, but it is not clearly linking us with the homeland Torres Strait Islanders. If you look back in history, you will see that there has never been Commonwealth legislation that linked mainland Torres Strait Islanders with the Torres Strait Islanders in the homeland. The mainland Torres Strait Islanders were left in the cold, if you like, but we still regard the Torres Strait Islands as our homeland because our hearts and minds are still in the Torres Strait.

We identify very strongly with the homelands and the Torres Strait as home. We have kinship ties to people up there and our kinship ties are still very strong. We have ties to our land on the islands and they are still very strong. So even though the government has never bound us together legally, we still have a very strong link and connection with the Torres Strait islands.

If there were to be greater autonomy for Torres Strait Islanders, we mainland Torres Strait Islanders want to be a part of it. Our concern is that the parliamentary committee, in consultation with the Torres Strait Regional Authority, may come up with something, but I don't know whether Torres Strait Islanders on the mainland will be left out of it.

I know that the Torres Strait Regional Authority is a legal entity of the Commonwealth and they deal directly with them. I am concerned that this inquiry will end up that way. This is why we put in a proposal to have a national forum that would consist of homeland Torres Strait Islanders—not just the Torres Strait Regional Authority but also community leaders and grassroots people—plus maybe an equal number from the

mainland to make up the forum so that we can then discuss further what shape and form this greater autonomy will take.

My personal view is that, because we have not been together under one piece of legislation, we need to start off with something smaller, like maybe a separate commission for Torres Strait Islanders, and then gradually build up to a greater autonomy. Setting up this forum is important, made up of Torres Strait Islanders to work together to sort out exactly what this greater autonomy will shape into.

I don't know how far legally it is possible to go with this greater autonomy. I don't know whether we may go as far as achieving greater autonomy in the same form as maybe Norfolk Island where you have a government with legislative powers. I don't know, but I think setting up this forum would be a good way to think about these issues, about how we would have a political structure connecting both mainland and homeland people and also an administrative structure connecting both mainland and homeland people. But I think it should be a forum where we can iron out these things.

There are also issues with state governments and Commonwealth governments—what kinds of legal problems there are and how we can sort them out. Also, there is an issue with Aboriginal brothers and sisters. We need to bring them to the forum and iron out any problems they may have.

CHAIR—Would you like to add to that, Ms Alfred?

Ms Alfred—I would support the remarks that Dana has made. Whatever the situation is up there, it is important to remember that our hearts and minds are still in the islands. Each time we go back to the islands—and many of us go back and forth a lot—what is happening there influences us. Even though we are living here in mainstream society in an urban situation, influenced by many other cultures, we want to maintain our identity as Torres Strait Islanders. In order to do that it is important that we are linked in some form of legislation. I support that.

Mr Whop—I also support that. I reckon you are the right people to help us in our cause. Although there are a number of times that we are put aside as 'urban Aboriginals', we want to be truly identified as Torres Strait Islanders living on the mainland. We want the right to participate in whatever discussions there are in the Torres Strait. We have a right to discuss our views on issues down here and place everything in front of you because you are the right people to judge our views. You are the right people to listen to us.

CHAIR—How many Torres Strait Islanders live in Townsville?

Mr Ober—There are about 6,000 in the Townsville region.

CHAIR—Have you had any forums or discussions about autonomy among the people of the Torres Strait region who now live in Townsville?

Mr Ober—This group of ours has previously had discussions with the Torres Strait Islanders over a long period. In recent discussions, while we have not discussed autonomy as such, we have talked about making some sort of link to Torres Strait Islanders. We were unsuccessful in our attempts to sit down with

the Torres Strait leaders up there, particularly the regional authority. They were not able to get us to come and talk to them about it. Our current proposal was actually made at that time. We used it for this inquiry because I think it is still relevant. The only thing that will make the leaders up there and the leaders down here get together and sit down around the table is this inquiry. Parliament or government will have to make us come together and talk about these issues.

CHAIR—At present ATSIC is responsible generally. Do you find that the voice of Torres Strait islanders in this region is heard by ATSIC? Do you have any comments about how ATSIC works—whether it is a good thing or a bad thing for Torres Strait island people living in the Townsville region?

Mr Ober—On the last ATSIC regional council, we had five members out of 20. Just going by the operations of the ATSIC regional council, I would have to say that we have not benefited from ATSIC because funding-wise we have not been given enough money to fund our community organisation.

CHAIR—Can you give us some examples of that? Can you tell us of instances where the Torres Strait Islander community has asked ATSIC for assistance to fund a particular project that it believed would be very beneficial and has been refused the money?

Mr Ober—Out of a dozen or so Torres Strait Islander organisations in Townsville, only one is getting ongoing funding—and that is Magani-Malu-Kes. Even though it is getting ongoing funding, Magani-Malu-Kes is going through difficulties in getting enough funding to operate properly. The organisation that the three of us are involved in—the Townsville-Thuringowa Torres Strait Islander Action Group—was specifically set up to start businesses so that we could become self-sufficient. Although we were asking for assistance initially, in the long term we want to be self-sufficient—generating our own income and providing services for our people. We presented that concept to ATSIC, but we have not been funded.

CHAIR—Would you send this committee a letter enclosing all the correspondence you have had with ATSIC over this issue?

Mr Ober—Yes.

CHAIR—I have a slight problem. Our schedule for today was arranged a little while ago and our first witnesses were to start giving evidence at 8.30 a.m. Your request to meet with us today—which we welcome—came in after that schedule was drawn up. I understand that our secretary discussed this with you and told you we would try to start at 8 a.m. so that you would have half an hour. I do not want to cut you off, but I wonder whether in the next five minutes we could conclude this session. You will be free to make further written submissions to us and, once we receive these further documents, we may well be in touch with you again. But in order to achieve our very tight schedule I would ask you to wind up your evidence in five minutes.

Mr MAREK—From what you have said here, I have gained the impression that you feel that you would be better represented if you did not come under the umbrella of ATSIC, but had a separate identity. Is that a correct assumption?

Mr Ober—Definitely.

Mr TONY SMITH—You said—and I appreciate your sentiments—that your hearts and minds were always in the Torres Strait. Do you think that, if there was autonomy for the region, people would start to filter back to their homelands? I ask this in the light of the comments made in this report by the Townsville-Thuringowa Torres Strait Islander Action Group in March 1994. Page 4 of that report says:

Some people, even Torres Strait Islander people, will say: "Well, you've only got to return to the Torres Strait to retain your Torres Strait Islander heritage!" That, whilst it may be the choice of some Torres Strait islanders of the diaspora, it is not practically achievable for the majority. In many of the Islander communities, there is not even sufficient land area to accommodate today's Torres Strait Islander population, and there is neither the physical nor economic infrastructure to support the whole Torres Strait Islander population.

Therefore, do you think that if there was a real move towards autonomy, people would eventually move back and rebuild the infrastructure?

Mr Ober—Yes, I think you would find that people would flow back—not all of them because, as you know, the islands have limited land. Also, I think you will find that a lot of Torres Strait Islanders living on the mainland, who have skills and resources, would not go back to the Torres Strait.

Mr DONDAS—In the documentation that I have been able to peruse, there is obviously very strong feeling about having an autonomous Torres Strait Island authority. How far have you gone through the system in talking to all peoples on all the islands about autonomy? Has there been some kind of election, or have meetings been held where decisions have been made? Or is it just a group of representatives from those islands who have said, 'This is what we want to do'? What form has the consultation process taken so far?

Mr Ober—I have heard this view in forums such as the National Torres Strait Islander Conference last week—particularly from those who live on the mainland. And that was not the first time we had raised these matters.

Mr DONDAS—What I am trying to find out is how far down to the grass roots do you go in assessing this desire to be more autonomous? How far down the chain do you consult?

Mr Ober—Right down to the grass roots.

Mr DONDAS—And there is strong feeling at the grass roots level?

Mr Ober—Oh yes.

CHAIR—May I ask one final question: whatever happens, do you still want to be part of Australia?

Mr Ober—Oh yes, definitely.

CHAIR—Thank you very much for attending our hearing. We will see you again, I am sure.

[8.40 a.m.]

DUELL, Ms Gale Lizbeth, Executive Assistant, Regional Council Support Unit, Aboriginal and Torres Strait Islander Commission, NORQEB Building, Sturt and Stokes Streets, Townsville, Queensland 4810

PRYOR, Mrs Jenny, Chairperson, Townsville Regional Council, Aboriginal and Torres Strait Islander Commission, PO Box 2018, Townsville, Queensland 4810

REYS, Mr Ken, Regional Manager, Townsville Regional Office, Aboriginal and Torres Strait Islander Commission, PO Box 2018, Townsville, Queensland 4810

CHAIR—Thank you very much for attending today. I understand that you have not made a written submission to the inquiry—and that is fine—but that you would like to address the inquiry and then would be willing to answer questions. For the record, you represent the ATSIC Townsville regional council?

Mrs Pryor—Yes.

CHAIR—Would you like to make an opening statement?

Mrs Pryor—Firstly, I can submit a written submission after this. In relation to the terms of reference, I strongly support autonomy for any indigenous person but the issue here is what form that autonomy should take. I know of meetings of Queensland chairs and commissioners when there was a delegation from the Torres Strait Islands. They put the same issue of a separate commission here on mainland Australia. My views then and my views now—it is also the majority view of the process—are that a separate commission here on the mainland would be seen as a duplication of services. We also have to look at intermarriages of Torres Strait Islanders and Aboriginal people here on the mainland.

Times are changing very rapidly and the word indigenous is being rejected in this region. So too for Aboriginal people. Aboriginal and Torres Strait Islander people now identify as from their clan groups or their traditional groups. Torres Strait Islander people when they identify are not from the Torres Strait but from their particular islands, from where they come from. When we start reidentifying as members of the tribes, so do Torres Strait Islander people.

I think now the process is moving away from the welfare attitude that has been going on here in this country for so long. Aboriginal and Torres Strait Islander people now have the opportunity to stand up and be counted and be proud of their own identity, and are looking outside of welfare and starting on land issues, especially with native title in this country, also with setting up economic bases. That is the focus that this regional council here in Townsville has been moving towards, supporting traditional people and also looking at ways Torres Strait Islanders here on the mainland can acquire their aspirations. That has been one of the biggest issues here in Townsville.

On my council, there is a good quota of representation of Torres Strait Islander people. There is a council of 20. We have seven Torres Strait Islander people on the regional council in Townsville. With funding to Torres Strait Islander organisations, there are two funded organisations specifically of Torres Strait

Islander membership. The only Aboriginal one here is mainly towards traditional groups. Those figures can be supplied to you. As far as representation and equal opportunity are concerned, I think this council is giving those for both Aboriginal and Torres Strait Islander people, specifically for traditional people to acquire their aspirations.

I think also that when we look at a separate autonomy we should look at what form that autonomy should take. Most of our organisations here in Townsville are Aboriginal and Torres Strait Islander organisations. I don't think it is an issue of meeting their social needs because those social needs are being met here in this region. I think satisfying the land issues and the land needs and how people can start to become more self-sufficient is the real issue, how those possibilities can be achieved. I think there is that opportunity not only for the Torres Strait Islander community but also the Aboriginal community.

Even so, proper processes and protocols have to be put in place. At the moment there is a Torres Strait Islander group that is negotiating with the state government in regard to acquiring crown land, but there have not been any proper negotiations going on or even consultation with traditional people. I can see that somewhere down the track if those proper processes are not put in place that could have really damaging effects.

With the ICC, the Torres Strait Regional Authority and this elders group of the Torres Strait here on the mainland, there do not seem to be any linkages between the three groups. That is always very disappointing in the sense that they are all working for the same people and there is that real yearning for their own lands, going back to their own lands and being proud of their own culture. But there are no linkages between the three groups where they are supporting one another and they are all going in the same direction. That is a real concern, too.

Like I said before, I would not support a separate commission here on the mainland. I support the authority in their endeavours for autonomy in the Torres Strait, but the processes that need to be put in place for how people of the Torres Strait Islands living on the mainland would be better serviced is another issue—how the Torres Strait authority would deliver those essential services or even deliver the lines of communication enabling Torres Strait Islanders living on the mainland to have their links back with the Torres Strait.

That is always a big issue in the community here: how do you continue to have open and direct involvement from mainland Torres Strait Islanders with the Torres Strait Islanders in the Torres Strait? It should be for Pacific issues if the authority is going to take over and have separate autonomy. It should be also for specific matters such as land matters. When you are looking at social services and so on, you should realise that they are catered for in this region for both Aboriginal and Torres Strait Islander people.

CHAIR—Can I just clarify a couple of points? How many Torres Strait Islanders are served by your council in this region?

Mrs Pryor—A third of the population. I think we have a population here of 12,000 or 15,000.

CHAIR—So it is 12,000 to 15,000?

Ms Duell—Within the region, the total population of Aboriginal and Torres Strait Islanders is between 12,000 and 15,000. Of that population, approximately one-third are Torres Strait Islanders. Of the Torres Strait Islanders, the greatest population bases are here in Townsville and in Mackay.

CHAIR—When you receive a submission from Torres Strait Islanders for support for a program, how do you determine it? Do you determine it on certain criteria, measured against the submissions of Aboriginal communities?

Mrs Pryor—The regional council has criteria. There are points for each part of the criteria. For any of the programs requiring ATSIC funds there are criteria set and all the applications are dealt with.

CHAIR—Would you be able to make available, through a letter to the committee, a copy of those criteria?

Mrs Pryor—Yes.

Ms Duell—You would be aware that ATSIC has a number of different funding programs. Within those funding programs, land is the one program where the issue of traditional ownership—not even Aboriginal and Torres Strait Islander ownership—of each region is part of the criteria. For all other programs, whether you are an Aboriginal or Torres Strait Islander organisation is not part of the criteria, so they are assessed as if that is not an issue. When you get to land and the program that provides assistance to manage land or assistance to organisations who represent those people with traditional land, that is the only time you actually give a point if your organisation is an organisation for people with traditional land owners.

CHAIR—If we were to ask you to provide us with a statement of analysis over the last five years of how many applications there have been, how much was sought in each case for Torres Strait Islanders, how much for Aboriginal and how much was granted in each case, would you be able to give us that summary?

Mrs Pryor—You are talking about joint applications, too—where there is a submission for both Aboriginal and Torres Strait Islanders. There are three categories.

CHAIR—Would you be able to give us a summary over the last five years of applications received in each, the numbers that were granted in each and the amounts of money in each?

Mr Reys—We can do that. I will give you an example in the past two years.

CHAIR—Firstly, for formal reasons we would like you to write to us to give us that information.

Mr Reys—About \$60 million over 100-odd applications. The other point I would like to make relates to what Gale was saying. There is no differentiation when the application is received. Obviously we have to get applications from incorporated bodies and incorporated bodies are in the main Aboriginal and Torres Strait Islander incorporated bodies. Whether the incorporated body is a Torres Strait Islander organisation or a combination of Aboriginal and Torres Strait Islander background, the commission does not differentiate in terms of the process at all. It focuses on the legal requirements to fund an incorporated body.

Mr KATTER—I just have to interrupt there and say that I have three cases fully documented in my office in Mt Isa where ATSIC has funded bodies that are not incorporated at all. I don't want to act upon it, but I was very surprised to find out that that in fact was not correct at all. In fact, substantial funding had gone to people that were definitely not incorporated.

Mr Reys—The act provides to fund unincorporated bodies, but that must go through a process. In the main we fund incorporated Aboriginal and Torres Strait Islander bodies.

Mr KATTER—I stand corrected; I thought you said in all cases.

Mr Reys—The act does provide for that and I cannot respond for the Mt Isa experience. That is a different region.

CHAIR—Can you also tell us by letter the number of complaints you have had from representatives of either Aboriginal groups or Torres Strait Islander groups about applications they have made that they feel you should have granted that were not? Would you be able to provide us with details of any complaints you have received along those lines?

Mrs Pryor—Are you talking about ministerial complaints or people ringing up on the telephone or organisations responding when they get their letter saying that their application has been declined?

CHAIR—What records do you keep of complaints? Do you keep records of all complaints?

Mr Reys—I sit on the executive committee of the commission. We met two weeks ago in Canberra to deal with complaints and formalise within the commission a more accurate system of monitoring complaints. In our regional office we keep a file of complaints that have been received. As we receive complaints or letters of complaint we deal with them regionally and other instances where the complaints are also formalised through ministerials. So we deal with them from regional offices in terms of regional complaints. Of course, we also deal with them from the top down in terms of ministerial response, which links up to the complaint.

We don't keep a numeric register of complaints at the moment in our regional office, but we do have records on file of complaints. We address them as they come in. I am pleased to tell this committee that I have been in this region for three years and, as much as there have been concerns about the process, there have been very few formal complaints that I have seen as regional manager in this region over the number of issues that we deal with, and the number of applications that we have dealt with.

CHAIR—You will be able to give us that information?

Mr Reys—Yes.

CHAIR—Could you also add to it the guidelines for the new complaints system?

Mr Reys—Yes.

Ms Duell—I am intrigued that you are concerned about the numbers of complaints. No doubt you are aware that across the country there have been concerns raised by Torres Strait Islanders that they have not been getting equitable access to funding, that they do not have adequate representation and that they are treated differently. When those calls started going through to Canberra, Canberra asked the regions to check out the position. We looked at it in our region here and, as you have already heard, regional council had seven Torres Strait islanders out of 20, representing a population of one third of that of the region.

We also looked at the funding issue and, as Jenny has just pointed out, 90 per cent of our organisations are incorporated as Aboriginal and Torres Strait Islander organisations and they service those populations. When we looked at just Torres Strait Islander organisations and just Aboriginal organisations that were funded, we were able to demonstrate to Canberra that they were more than adequately funded. I will give you an example: last year out of non-capital funding, \$400,000 went to Torres Strait islander organisations and only \$20,000 to Aboriginal organisations. We were quite comfortable that not only were there no concerns in this region on those sorts of issues that you have raised but there was more concern about the bigger issue that Jenny just raised—autonomy for everybody, regardless of these other issues.

The real issue is: what sort of autonomy will it be, and for what purposes? As Jenny said, social welfare needs have been met; but it is the land—Torres Strait Islanders are so far away from their land. In this region traditional land interest groups are forming and, as they are forming, they are using the land as an economic base for their aspirations for the future. Torres Strait Islanders are a long way from their own country. They are a long way from the processes you need to negotiate to develop those lands. That is the greatest concern we have here: how they can best have some form of autonomy outside of regional council to address their land needs up in Torres Strait. You seem to be concentrating more on complaints coming in about money and complaints concerning representation.

CHAIR—First of all, we would like you to give us a copy of the report that you gave to ATSIC about dealing with the concerns. It would be very helpful if we could have that. Secondly, I would remind you that it is very important that this committee become aware of the feelings of people and their concerns.

Mr MAREK—How many Torres Strait Islander people are on your regional board?

Mrs Pryor—Seven.

Mr MAREK—How does that relate to the number of Aboriginal people?

Mrs Pryor—There are 13 Aboriginals.

Mr MAREK—So there are 13 Aboriginals and only seven Torres Strait islanders? Do they all have the same voting rights?

Mrs Pryor—Yes.

Mr MAREK—How can you say that it is fair and equitable representation? We are talking about a group of people here who want greater autonomy—that is understood. Therefore, it must come down to the

fact that they are not getting fair and equitable representation. If they are not getting fair and equitable representation, it sounds as though some of the submissions they are putting forward are not getting up. Perhaps it is the fact that they do not have the same amount of voting rights. How can the Torres Strait islander people ever get any of their requests up if it comes to a vote?

Ms Duell—But Mr Marek, there are seven regional councillors representing only one-third of the population. So they do have equitable representation—in fact they are over-represented for the per capita population.

Mr MAREK—Let us get this clear. You said a while ago that they are a very long way from home—right?

Ms Duell—That is to do with the land issue only. I separated Torres Strait islanders' social welfare and other needs from their land and their cultural needs. Their land and cultural needs are the ones that most concern us in their being able to do those things they need to do to reacquire their land and to progress.

Mr MAREK—Let us go back a step. The question I was asking was this: how many people are on the board? You told me there were 13 Aboriginals and seven Torres Strait islanders. Right? Do all those people meet together to vote on various topics?

Mrs Pryor—The regional council is made up of 20 people throughout the regional boundaries. Our boundaries go out to Richmond, down to Sarina, up to South Mission Beach and over to Palm Island. The last elections of the ATSIC regional council were not on a ward system, so anyone in the region could vote for 20 people, whether they were Aboriginal or Torres Strait Islander. In this election we broke up into wards. Here, in Townsville alone, we have four seats. The past council consisted of 20 regional councillors, 13 of whom are Aboriginal and seven Torres Strait islanders.

Mr MELHAM—What is the make-up of the new council?

Mrs Pryor—We do not know. We are still waiting for the count.

Mr MELHAM—How many are being elected?

Mrs Pryor—Twelve.

Mr MELHAM—What was the turn-out like? Was it reasonable?

Mrs Pryor—Like any non-compulsory election. It doesn't matter whether there are Aboriginal or Torres Strait Islander applications because there are criteria in place. The regional council is broken up into portfolios. There are portfolio responsibilities of different councils as well. For instance, take land as an example. There is an Aboriginal person and a Torres Strait Islander who have portfolio responsibility for land. The same applies to culture. At the end of the day the criteria are what matter. Those criteria are set before we even know what applications come to the table.

Mr MAREK—Why do you believe that the Torres Strait Islander people are asking for greater autonomy?

Mrs Pryor—Well, they are like any indigenous peoples. You have South Sea islander people living in this country who now want separatism too. They want separate funding. It comes down to this: whose land are we on? We are on Aboriginal land—especially down here. I can sympathise with Torres Strait Islanders. The islands are not big and they need a lot of infrastructure up there, but a lot of their people have migrated down here for educational and other reasons. The bottom line is that most people want to go back to their homelands, and the issue is—and it has always been an issue on our regional council—that the Torres Strait Islander authority is not dealing with the issue of still maintaining the linkages with Torres Strait Islander people living on the mainland. I think there are a lot of frustrations within their own people because their authority does not seem to be doing the right thing about mainland Torres Strait Islanders. You have this cry for autonomy, but the real issue is how that autonomy accommodates and does not hinder other indigenous people at the same time.

Mr MAREK—Is it fair to say that they should be under a different umbrella—one of their own?

Mrs Pryor—I think it is up to the Torres Strait Islander people as to how that should be done. If we are talking about their autonomy in the Torres Strait, I support that totally.

Any indigenous person has the right to self-determination and self-management. Down here, because these Torres Strait Islander people live on the mainland, that is another issue. Aboriginal and Torres Strait Islander people both share an organisation in regard to social and welfare issues, and that is ATSIC which, as you know, was set up as a supplementary funding organisation to fill the gaps where other government departments were not doing their jobs.

What we are talking about here are cultural issues—the preservation of languages and land. This regional council supports both Aboriginals and Torres Strait Islanders in this regard. You might hear the same cry that you have just been discussing from Aboriginal people who might claim that all the money has been going to the Torres Strait. I would say to my own Aboriginal people, ‘If you don’t get your applications in, we cannot do anything about it.’ Here in this community there are Aboriginal people who think that this regional council gives too much to the Torres Strait Islander community; on the other hand, there are Torres Strait Islanders who think that they are missing out. When you put the figures down on paper and look at them, you see that they are equitable.

Mr Reys—May I look at this issue of autonomy in terms of Torres Strait Islanders amid the indigenous people in the context of timing. You must realise that in the past the Department of Aboriginal Affairs, the Aboriginal Development Corporation and now ATSIC, and other state agencies, have talked about programs to assist Aboriginal and Torres Strait Islander people in the context of providing them with essential services. We are talking about housing, health services, and legal services—all the structures that are benefiting Aboriginal and Torres Strait Islander people. If you are going to talk autonomy in the context of just a group of people, it leads to the question of whether we have autonomous health services or autonomous legal services. All these sorts of things are in place at the moment and are, hopefully, working and moving forward. These are the sorts of issues that I would concern myself with in relation to autonomy.

I believe that the commission has endeavoured and still endeavours to utilise the resources that it is provided with to assist both groups of people. It has demonstrated that it has done that and if there is a move to split it, I believe there are some real issues in there that need to be looked at in terms of motive and purpose.

From a cultural point of view and a land point of view, I think we have established that there is a distinct difference between the two groups. But certainly in terms of essential services to both groups of people living on the mainland, that is an issue where I believe autonomy could create some problems.

Mr ALBANESE—In terms of structure, you have done a very good job in getting proportional representation on the council. Is it the case that there is no sectionalised part of the elections—everyone just votes?

Mrs Pryor—Yes.

Mr ALBANESE—Is it the case that Torres Strait Islanders tend to organise TSI candidates? Does that occur?

Mr Reys—I think there is organisation about everything and I do believe that—

Mr ALBANESE—I am not saying there is anything wrong with that.

Mr Reys—I think you have answered your own question. It is difficult for us to say, but I think there is certainly evidence of organisation along the lines that you have suggested.

Mrs Pryor—Because the ATSIC elections are not compulsory, a lot of people do not go out of their way to vote—for transport and other reasons. I think it will be even more difficult now that this region is broken up into wards. Here in Townsville there will only be four seats and because Torres Strait Islanders are more organised—if you want to put it like that; they are more conscious about being on the rolls—than the Aboriginal people, we could end up with four Torres Strait Islander councillors. It depends on whether the people are motivated enough to put up candidates and get out and vote.

Mr TONY SMITH—I think you said earlier that the word ‘indigenous’ was being rejected. Could you elaborate on that?

Mrs Pryor—Our Commissioner, Terry O’Shane, came to our regional council meeting and was flagging, as part of reconciliation, the word ‘indigenous’ being promoted. But as you know, everyone is indigenous to some country, and I think there is a big push—especially in this region, with native title and so on—for people to be identified more specifically with an area. People are proud, but they are not identified with their homelands.

Mr TONY SMITH—A specific grouping rather than the general word ‘indigenous’?

Mrs Pryor—Yes.

CHAIR—Thank you very much. I understand that you will be giving us a written submission. We look forward to that and the letters we spoke about.

[9.10 a.m.]

AKEE, Mrs Angelina Maria, Executive Officer, Townsville Aboriginal and Torres Strait Islander Corporation for Women, 458-468 Flinders Street, Townsville, Queensland 4810

TAPIM, Mr Francis Mickey, Executive Officer, Magani-Malu-Kes, Unit 2, 458-468 Flinders Street, Townsville, Queensland 4810

CHAIR—Good morning and welcome to the inquiry. I understand that you would like to make some statements to the inquiry. Would you like to start, Mrs Akee?

Mrs Akee—I am basically here to give a lot of support to the cause of Torres Strait Islander people, having being a regional councillor for the last six years. Under section 26 of the act, the Torres Strait Islander people in this particular community had a lot of input into the setting up of the Torres Strait Regional Authority, which we thought at that time was going to actually benefit mainland Torres Strait Islanders.

It is three years down the track and I suppose a lot of things have actually happened since the inception of the regional authority. One of the areas that is of grave concern to us here in terms of ATSIC is that the commissioner that comes from the Torres Strait does not truly represent the interests of mainland Torres Strait Islanders. We have the Torres Strait Islander Advisory Board, which is actually established under the act. That is only an advisory board without any monetary support for them to get out and have consultations with mainland Torres Strait Islanders. The commissioner himself, Commissioner Elu, who comes from Seisia, openly stated at a national Torres Strait Islander conference that he does not represent mainland Torres Strait Islanders.

The concern I have is that the act itself is not really reflecting the support given to mainland Torres Strait Islanders. In terms of ATSIC dollars, access and equity again has been a big concern for Torres Strait Islanders from a national perspective in terms of national funding and representation. Again, it comes back to Torres Strait Islanders not having the full benefit of applying for those dollars, whether it be through economic development or program dollars, to set up programs within their own region.

It comes back to the appointment the minister makes in regard to three of the positions within the commission. We have been lobbying now for the last six years to make one of those positions an employment position for a Torres Strait Islander. Nationally, if a Torres Strait Islander is not elected to a commissioner's position, the Torres Strait Islanders will not be represented at a commissioner level, which is a board of about 20 people.

This year I think we were very fortunate because we had a commissioner from Brisbane who was a Torres Strait Islander, and of course Commissioner Elu. The previous commissioner, George Mye, has openly stated to us that he felt that he was a minority amongst a majority of Aboriginal commissioners and found it very difficult to put through issues both for the mainland as well as the homeland.

I have attended six national Torres Strait Islander conferences. The main issue brought up by Torres Strait Islanders is access and equity to regional funding. They do not have access purely because maybe two

or three organisations apply for funding. What they have basically been told is that they are duplicating services.

The other thing is that when they are being identified, if they have a traditional Torres Strait Islander name then they are identified as a Torres Strait Islander organisation, but under the incorporation act, which a lot of us have to apply for, a lot of the organisations are Aboriginal and Torres Strait Islander organisations. If you specifically put a Torres Strait Islander name, you are identified separately as a Torres Strait Islander organisation. Therefore you do not get access to funding. This has been a cry from Torres Strait Islanders nationally.

In regard to the ATSIC election, because you are minority within a majority of indigenous people, Aboriginal and Torres Strait Islander people, it is very difficult to get representation on regional council. A lot of our people nationally expect protocol. A lot of their cultural identity is very strong in regard to how they are accepted within a community.

Council is a bit different in terms of our region here because a lot of our Torres Strait Islander people have been really involved in the establishment of the Aboriginal and Torres Strait Islander organisations here. A lot of our people who came from the Torres Strait were actually people who had been dispossessed—they had been sent down here through the war or sent to penal settlements such as Palm Island—and their roots are here now. Their children are here, so there is no way they will actually go back up to the Torres Strait to live. They will actually live here, where their children are growing up.

I am supporting Magani-Malu-Kes here for the Torres Strait Island community and for the past six years they have had an application lodged with our regional council here for a cultural centre. The first regional council actually supported that. They have said in this community and nationally that the land they live on on the mainland belongs to Aboriginal people. They have identified that and respected that. I think for them to be able to promote and keep their identity and heritage alive we need to look at setting up cultural centres nationally. This is a recommendation that actually came out of their national conference. Unfortunately, if they cannot get access to dollars, they are going to lose a lot of this.

At the national conference we just came from, they identified something like 5,000 people up in the Torres Strait compared with here—something like 26,000 people. If we are talking about autonomy for Torres Strait, then I suppose there needs to be that broad consultation with Torres Strait Islanders nationally to be able to identify how we fit in under autonomy in terms of the Torres Strait. Are we part of it? Do we set up our own? These are some of the questions that are still not being answered and people want to have proper consultation.

Like I said, I have been a regional councillor for the last six years and I don't believe that Torres Strait Islander people are really represented in their region. I can only speak for Townsville and I can only elaborate on the outcomes of the reports that were given by Torres Strait Islander people.

I think there is also the question of funding that comes down to our region. Just to give an example, last year we had X amount of dollars allocated for NAIDOC week. Not one Torres Strait Islander organisation got access to that. The other thing that came out of it was that every year we celebrate Coming

of the Light and we also celebrate, since the handing down of native title, 3 June. We do have access to this particular funding for Torres Strait Islanders. But when it comes to NAIDOC, because of what we are trying to do—a lot of talk has been going on about reconciliation—we thought the funds that are there should be earmarked for both. Unfortunately, this year it did not happen that way.

We are talking about access and equity. We are talking about Torres Strait Islanders having a fair go and I don't believe that they are, personally, as one who is an elected member actively involved in this community and in Aboriginal and Torres Strait Islander affairs for a number of years.

CHAIR—It is not the forum now, but would you be able to write to the committee as a supplement to your submission today and give us a list of programs and applications where you think there was a decision made against an application on an access and equity basis that should not have been made? Perhaps if we select a period of over, say, the last five years. Is that too much?

Mrs Akee—I have been there for six years, so we will do that.

CHAIR—Whilst we hear what you are saying about the lack of access and equity, we need to have some examples so that we can understand a little bit better. I notice that your corporation for women has a great interest in autonomy. Do you think that Torres Strait women have a greater interest or stake in autonomy than Torres Strait men?

Mrs Akee—I think what is happening with Torres Strait Islander women is that they want to be in partnership in terms of greater autonomy. It cannot be just a male domain. It can't be a decision made by the men. In terms of Torres Strait Islander tradition and culture, the males are the more dominant.

I can only speak for mainland Torres Strait Islander women when I say that, if there is to be greater autonomy, they want to be part of it, but they must be fully aware of what it is about. The problem we have is that we cannot get people like Getano Lui to the table. He is the one who has actually been talking about autonomy for the Torres Strait. We have heard from other people previously about self-government—people who have been travelling up there from the early 1970s, trying to get Torres Strait to be more independent. I would say that women would like to have a greater say in terms of what is going to happen with greater autonomy, but they need to have a round-table discussion, talking with people who are trying to make these key decisions.

CHAIR—So we have got a cultural obstacle to giving women greater input in Torres Strait Islander affairs, both mainland and homeland?

Mrs Akee—Not so much mainland. I think our women are very vocal here, but in terms of how they are going to go about getting autonomy they want to know and they need to have input into that, other than just saying, 'We are going to have greater autonomy,' and leaving it at that.

Mr TONY SMITH—Do you think a greater degree of autonomy would address the imbalance that you were talking about? Secondly, how would you envisage that autonomy working in practice?

Mrs Akee—Overall, the only way I can see greater autonomy is if the system is actually set up—we have had discussions in our own community with regard to greater autonomy—like Norfolk Island and those types of places where they have their own government structure but are still under the Commonwealth in some way. Torres Strait Islanders nationally can be part of that government and have voting rights to determine the people who are elected. We have been talking about that for a number of years, actually. I suppose for us to get greater autonomy we have to have people in there making decisions and looking at more self-determination. The only way they can have that is by being up there and making those decisions.

Mr TONY SMITH—So overall you believe that from autonomy would flow a far more equitable distribution of resources?

Mrs Akee—I would think so, yes.

Mr KATTER—Is Francis Tapim going to say anything? He usually expresses his opinions!

Mr Tapim—I was on the ATSIC regional council for the first term. When the regional council was given the power they did not look at issues broadly; they just looked at them narrowly. When it came to submissions, time and time again our submissions went up to regional council for the councillors to debate whether or not they were viable projects and there were always comments being made about ‘Torres Strait Islander this and Torres Strait Islander that.’

CHAIR—What do you mean by that? What do they actually say?

Mrs Akee—They say things like ‘Go back up to the Torres Strait and get access to dollars from the Torres Strait’.

Mr Tapim—Yes, they say, ‘Go back to your homeland. You are from the Torres Strait; you don’t belong here. Go and access money up there.’ We try to explain to them that we are living in this region and we get access to ATSIC funding in this region. It makes it harder for me to work for my people and get equitable access to programs. We are being marginalised. They put us up as ‘Aboriginal and Islander’ when the submissions go in, but when you look at the organisations, you see that there is no equitable representation of Torres Strait Islanders on the board of directors. There may be one or two, but when it comes to voting, we are outvoted because there are only one or two expressing interest in Torres Strait issues.

As mainland Torres Strait islanders, we say that it is all window dressing. The ‘islander’ goes in because to get funding it has to be for ‘Aboriginal and Torres Strait Islanders’. That is why our people feel we are not getting a fair share of the cake here. They are telling us that we have to get funding from this region because we live here, but when we go to ATSIC we find that there is no money there. There are 20 commissioners, but none of them are mainland Torres Strait Islanders. We are outvoted again.

The majority of the regional councillors throughout Australia are Aboriginal people. We acknowledge that this is right because this is their country. But we came down here because we were dispossessed; we did not migrate down here. We have always acknowledged that. In fact, we are the only group that acknowledges that this country belongs to other people.

What is being considered today is whether it is good for mainland Torres Strait Islanders to come under ATSIC or to come under the Torres Strait Regional Authority. But to me autonomy means being a territory or a state. It means that we make our own decisions.

CHAIR—But still part of Australia?

Mr Tapim—Yes, still part of Australia, but we make our own decisions without any interference from anyone else.

CHAIR—That is mainland Torres Strait Islanders?

Mr Tapim—Both. For us mainland Torres Strait Islanders to be part of the autonomy we need to sit down and negotiate with the homeland Torres Strait Islanders to ensure that we have representatives on that particular body to safeguard our interests. When we had a workshop on this autonomy business, it was suggested that a voting system could be arranged such as the one they have for Cook Islanders living in New Zealand. Cook Islanders can stay in New Zealand and vote for members of the parliament of the Cook Islands. Perhaps we could have some similar arrangement. We are living on the mainland but we need to have voting powers in elections for the body up in Torres Strait. That is how I see autonomy.

If we come under ATSIC, we still have the minister telling us that he can get a special auditor in to audit the books. That is not autonomy. The federal member for Oxley, Ms Pauline Hanson, who visited Palm Island, went to have a look at the school there. Because she never got permission from the state education minister to go to that school, the state minister here barred her from going to any other state schools in Queensland except for those in her electorate of Oxley. That, to me, is autonomy. The state government here runs Queensland. If the federal government wants to come in it has to get permission from the state to do whatever they want to do. That is autonomy. We want that type of thing up in Torres Strait. The whole of Torres Strait would benefit. In relation to funding, we would be happier to go to the Torres Strait body, because we would have our own people sitting around the table discussing funding for us and understanding our needs. Other groups do not understand our needs so we are thus denied funding for a particular purpose.

CHAIR—To clarify that, Francis, you are saying that you would like to see an organisation in the Torres Strait islands that has autonomy and that organisation, which has representatives from mainland and homeland, can make decisions affecting mainland Islanders as well as homeland Islanders?

Mr Tapim—Yes. What happens now is when I come down here I come under a particular system. When I go back to my homeland, I come under another system up there.

CHAIR—Would you like to see the new Torres Strait Island authority in the homeland running schools on the mainland for Torres Strait Islander children, or would you say that the schools in Queensland should be there for all people who live in Queensland, whether they originally come from Torres Strait or not?

Mr Tapim—The schools are here for all Queenslanders who live in this area. In the main Torres Strait Islanders do not want separate education because we can access it here.

CHAIR—So you are not looking for a Torres Strait Islander mainland school?

Mr Tapim—No.

CHAIR—If there were enough Torres Strait Islanders who wanted to have their own school on the mainland, you could do that under current government policy.

Mr Tapim—Yes, but we are not looking for that.

Mrs Akee—Just to elaborate on that: the late Koiki Mabo started the first black community school in Townsville. We have to weigh up the situation in assessing and addressing the needs of our people. If there is nothing there to meet their particular needs—if there is a language barrier or some particular cultural need—we would probably look to set up a school that would benefit the Torres Strait Islander community. But at this stage I would say we are not looking at that. We are not looking at duplication of services. What we are actually looking at is the establishment of a body which Torres Strait people could access and where decisions could be made for all Torres Strait Islanders.

At the moment, people on the original authority up there say that mainland Torres Strait Islanders cannot speak for people in the homeland. But we are Torres Strait Islander people, so we should be having a voice in policies. The Torres Strait cannot speak wholly and solely for Torres Strait Islander people. The Meriam people were given native title and rights to their land, but the majority of the traditional owners live on the mainland of Australia, so how can they be part of the decision-making process when they are not being accepted by the regional authority?

CHAIR—Can I ask you to clarify that? If you had a new authority in the Torres Strait Islands made up of representatives living in both the homeland and on the mainland, because there are more Torres Strait Islanders now living on the mainland, how would you apportion the voting rights? Would you say that the Torres Strait mainlanders should have more voting rights over homeland issues or do you say that the homeland Torres Strait Islanders should have more voting rights?

Mr Tapim—We are all Torres Strait Islanders, irrespective of where we live. Those representatives who will be elected to form the new structure will decide what is best for all of us Torres Strait Islanders—not us down here and them up there. In the long run those decisions made up there in the TSRA will affect me living down here on the mainland because I have land back home on Mer Island.

CHAIR—So what are you saying, Francis? Equal votes?

Mr Tapim—Yes.

CHAIR—So what are we looking at? There are about 20,000-odd Torres Strait Islanders living on the mainland and about 6,000 living in the homeland?

Mr Tapim—Yes.

Mrs Akee—A meeting was held up in the Torres Strait called by Mayor Stephen, Ellie Gaffney and Philip Mills, and it was basically to talk about self-government. There should be some minutes available. That meeting said that, whatever system was in place, there should be equal representation from the homeland and mainland so that there is no imbalance. So when a decision has to be made, at least there is a fair and equitable distribution of people sitting around the table making those decisions.

Mr Tapim—Let me give an example of how we miss out. Torres Strait Islanders—especially the Meriam people—cannot get access to native title funds, full stop.

Mr KATTER—I don't understand what you are saying there, Francis.

Mr Tapim—Mrs Akee was saying that we can not access native title funds to go back to Mer. One reason we cannot access funding is that other interest groups are coming into Mer. When we want to access funds from native title to get a solicitor or barrister to do our negotiating we cannot get any funding because we do not have a mainland Torres Strait Islander body that will take that issue up for us. They say to us, 'Go up to Torres Strait, to the TSRA'. But the TSRA has no funds.

Mrs Akee—In every region there is what they call an Aboriginal representative group that represents the interests of native title from traditional owners. We have been told that we could access the dollars from the Torres Strait. The regional authority sent the word back that Torres Strait Islanders on the mainland have to access those dollars through the representative group that is in the region, but the representative group that gets funding under native title is only there for the Aboriginal people, the land councils.

That has been a problem with Torres Strait Islanders, especially with people from Mer Island where they cannot access dollars to actually go back up there. Since native title, there has been nothing in terms of where they go on. People need to get together. There may be some compensation claim to government departments or whatever, but they cannot access any native title. The majority of the landowners are down here on the mainland and they cannot get the dollars to travel.

Mr Tapim—There is no representative of Torres Strait Islanders here.

Mr ALBANESE—We heard some evidence this morning that in this region a number of the local organisations represent and are made up of both Aboriginal and Torres Strait Islander people. Do you agree that is the case?

Mr Tapim—Like I said earlier, they are made up of Aboriginal and Torres Strait Islanders, but the board of directors are probably 10 people and you normally have one or two Torres Strait Islanders representing them.

Mr ALBANESE—I understand that, but they are made up of both. Do you see that under your autonomy model whereby you would be more in with the Torres Strait, with the homelands, in gaining something there you might lose something back here on the mainland? Do you see that as a possibility?

Mrs Akee—We have spoken about it and I think that is what we are saying. There needs to be

broader consultation so that we know exactly how greater autonomy is actually going to affect Torres Strait Islanders nationally. We cannot sit down here and say, 'We really accept it,' when we don't know what is behind the thinking of people in the Torres Strait as well. There just has to be a collaboration between all factions—homeland as well as mainland.

Mr Tapim—We are not looking for anything to duplicate other services—schools and that. We just want a fair share. When we want to establish an economic base for ourselves here, we want access to funding to establish those things. The cultural centre is the main thing because with the cultural centre we practise our cultural activities—our language programs, crosscultural awareness programs, artefacts and dancing. We want to maintain all those things, but there is no centre to accommodate them, for both Aboriginal and Torres Strait Islander people.

Mr LLOYD—I understand your concerns about getting access to funding and your inability to get equal access, as you see it. I am concerned about the duplication of services, not so much for schools but within the ATSIC formation, where you would be actually duplicating the role of what the ATSIC fund would do. I am concerned about that area. Francis, you mentioned that your view of autonomy was not to be audited by the federal government and to have control over your funds, but if a body was set up and the funds were coming from the federal government, obviously you would be required to be responsible and be audited for that expenditure.

Mrs Akee—I think basically what he was saying was that, instead of somebody just making a decision, there has to be consultation. It would come through that body.

Mr LLOYD—Ultimately, the body would be responsible and would have to answer to the government for whatever.

Mrs Akee—In terms of duplication, we do not see it as duplication. You are talking about autonomy; we are talking about an economic base so that people can get out of that welfare mentality and be more self-sufficient. What is happening in terms of the economic development is that self-generation could set up other programs to help other Torres Strait Islander people. But you can never do it if you are still going to be kept under that welfare mentality.

Mr KATTER—I think I should make an observation there. There is just no way in the world anyone in the Torres Strait can become self-sustaining in their business activities unless they have a piece of paper saying that they own a piece of land. There sure aren't any laws out there at the present that remotely give anyone the right to own a piece of land. You simply cannot get a piece of paper that says, 'Francis Tapim owns this piece of land.' It belongs to some mythical people called 'the traditional owner'. That is no use to anyone at all.

Francis's point is a very valid point. He is claiming that he owns a piece of land up there. Without wanting to offend Francis, I would bet London to a brick that there are a hell of a lot of people on Mer Island that do not want Francis to get that land because they want that land. They would be saying, 'He is living down there. If he wants to live down there, he can own some land down there, but he is not owning any land up here.' There are some very difficult decisions to be made concerning the land question.

In relation to Mrs Akee's statement that they have to stand on their own two feet, they can only do that when they get a piece of paper saying that somebody owns something. Unless and until the government is prepared to do that, then there ain't any hope of Mrs Akee ever achieving the goal of standing on their own two feet. If we suddenly removed everyone's right down here to own land and it was suddenly put in the hands of some mythical person called the traditional owner, then we would be in exactly the same boat as these people are in at the present moment. I make those observations in the context of Francis's statements, which are very true, that he owns that land up there and he wants to own that land up there and people up there, I think, are determined to see that he doesn't—not all of them, but a lot of them.

Mr TONY SMITH—I gathered from some of the observations you have made that perhaps you do not think the Torres Strait Regional Authority is working for you. Is that what you are saying?

Mr Tapim—It is because the Torres Strait Regional Authority is for the people living in the Torres Strait. We are here. We come under the ATSIC structure within our region. They are working for people up in the Torres Strait, but it also concerns us when they make decisions in relation to the Torres Strait because we are part of it. We go back home and we come under that same particular policy that they make without consulting us on the mainland. That is the point I was making.

Mr TONY SMITH—So in effect you would like somehow to be part of the Torres Strait Regional Authority—or would you like to be another body altogether?

Mr Tapim—We would like the Torres Strait Islander authority autonomous itself. We would like to see that. The Torres Strait Islander authority would be still under the minister. Then it is totally different.

Mrs Akee—The authority at the moment holds about three or four hats. Their elected chairmen automatically go on to be members of ICC. They have a state and Commonwealth responsibility. No way in the world could that ever happen here, even amongst white people. Basically what we are saying is that if there is going to be greater autonomy then it has to be by democratic process. The people down here and the people up there make that decision themselves. If they are going to be sitting around the table making decisions then they are there for that specific purpose. They cannot be chairman or part of ICC, which is a state-run organisation, and be part of a Commonwealth body. There are all the problems that Torres Strait Islander people up there have, as well as people who are traditional owners, who are living down here and who want to have a say in regard to what is happening on their particular island, whether they be from east, western or central islands.

Mr Tapim—There is conflict of interest there. They are a state body and they automatically go to the ATSIC regional council or TSRA. That is how I see it from an outside point of view, from a mainland point of view.

At the national conference I asked the minister to consider appointing a mainland Torres Strait Islander commissioner to the board of the commission to represent the needs and aspirations of Torres Strait Islanders. My motion to give effect to this was carried without any dissent.

Mr TONY SMITH—Do you think more people would go back to the Torres Strait if the push for

autonomy was successful?

Mr Tapim—No, not necessarily, for two reasons. If everyone went back there would be no room for us on the islands. Secondly, many of us have put down our roots here now and it would be very difficult for us to go back.

CHAIR—Thank you very much, that has been most helpful.

Short adjournment

Following morning tea, informal discussions were held with a number of mainland Torres Strait Islanders, who attended the hearing.

Mr Robert—If all the Torres Strait Islanders went back and did their own trading in fishing, wouldn't that give a start to a viable economic base?

Mr MELHAM—In terms of turnover, would that be enough to sustain you?

Mr KATTER—I will answer that question, Daryl. The answer is yes, very much so. In one year Torres Strait Islanders earned \$7 million, so it is big business.

Mr Robert—That is the point I was making. I have heard it said that Torres Strait Islanders do not have an economic base to stand on. I say that we have—our fisheries.

Mrs Akee—One of the things that came out of the national conference last year was that some of the mainland Torres Strait Islanders tried to go back to the Torres Strait to fish, but they had trouble with licences, or the permits given by the regional authority. They didn't want mainland Torres Strait Islanders going up there to fish the waters, yet they left it open to non-Torres Strait Islander people. These are some of the concerns that were raised by delegates to the national conference.

Mr KATTER—In one year alone, the Badu syndicate—Ahmat Nona and Richard Bowie—took \$3.2 million worth of catch in crayfishing. People have mentioned land ownership, but it is sea ownership as well. These people's fields are their seas; they are not land men, they are seaman. But except for crayfishing, they have no ownership of the sea at all. In the draft legislation it said that there was provision for indigenous fishing and that meant in a rowboat with a line! The people were very angry about it, and quite rightly so. If some of the mainland people could be given access to fishing rights—to which they are entitled morally, and I would say legally as well—

Mr MELHAM—You might have a look at the attitude to native title in your party room.

Mr KATTER—Well, I don't want to go into that issue, but Robert has made a very good point: yes, there is an economic base up there, but the mainlanders are not being allowed access to it, with the exception of crayfishing. They have proved their point with crayfishing. where there are immense success stories.

Mr Lloyd Maza—I am a Murray Islander living in Townsville. In regard to licensing of fishermen, there are community licences, which are run by the council. The council is entitled to give those licences to whichever organisations they feel should work the area. I have a Torres Strait master fisherman's licence but, because I am a southern islander, I was told to go to the ICC to renew it. If I had a licence here, I would get a yearly renewal without any problems at all. The problem was they felt that southern islanders were coming back with ideas—ideas which were not accepted by the governing bodies. We were escorted by the fisheries department out of Torres Strait and, in some cases, our catches were confiscated. That puts us back to square one. We have no say whatsoever with regard to the Torres Strait Regional Authority, which governs all the islands. Whatever happens with autonomy, we would like to have our say within that governing body to fight for the rights of our people here. The government thinks of us as Torres Strait Islanders. ATSIC and Aboriginal people generally think of us as Torres Strait Islanders. Homeland Torres Strait Islanders think of us as southern Torres Strait Islanders and will not give us access to whatever is available in the Torres Strait.

Mr MELHAM—But is that because it is not able to sustain all of you? If everyone was given licences, there could be real problems.

Mr Maza—Nobody has licences. We have boats, everything we need to start work. We were going to start an economic base, provide employment. We are sick and tired of being on the dole too. The whole idea is for the Torres Strait to become self-sufficient by creating employment. We have applied for licences and we have been rejected. In my case I applied to renew my licence and I was rejected. Yet if I was a fisherman here and I went to renew my licence, I would have no trouble. It is just a matter of paying \$20.

Mr MELHAM—But if you were up in the islands you would be able to have your licence, wouldn't you?

Lloyd—I had my licence from the Torres Strait when I was up there. I came back here for a while to organise the finance for the boats and so on. I wanted to go back, but they said that I couldn't have a licence because I was not living there.

Mr KATTER—You say you had a licence. There were only six community fishing licences that we secured for the Torres Strait. Has that number been increased? You could, of course, have glorified dinghies to go crayfishing—

Lloyd—I didn't have a glorified dinghy; I had my own boat.

Mr KATTER—You are talking about a big commercial fishing licence to fish the Torres Strait?

Mr Maza—I am talking about a licence as an individual. I bought a boat; I sunk it somewhere around Murray Island. It was a big boat—about 40 feet. I had a Torres Strait fishing licence and I had the boat licence in place. When the boat sank I came back down south to look for more finance for another boat. When I went back to the islands they told me I could not renew my licence.

Mr KATTER—I am a little confused because there were only six of those licences. You can go crayfishing in dinghies and that sort of thing, and that is a very lucrative business—I am not knocking it. But

there were only six trawler licences—that number may have been raised to 12 now. Naturally, the ICC controlling those licences were going to give them to people living in the islands.

Mr Maza—The records state that I have a boat licence, a dinghy licence plus a master fisherman's licence. It is in the records. I have a crayfish licence, a mackerel licence and a wetfish licence.

Mr KATTER—They obviously wouldn't allocate one of those six or 12 licences to him.

Mr Tapim—And that is why we say the TSRA is only looking after the interests of people living in the Torres Strait. That is why we mainland Torres Strait Islanders are the meat in the sandwich. We cannot go up there; we have to look to ATSIC. And ATSIC is not looking after our funding, so where do we go? We try the state bodies, but they are not doing anything for us.

Mr KATTER—Francis, if you could get a piece of land up there that you owned, would that overcome a lot of your problems? If you owned land up there and you went up and visited it, would it not put a different complexion on the situation?

Mr Tapim—No. That is not so easy. We could build on the land, but then we would need funds for infrastructure. Before you get onto your land you have to go through someone else's property, so you have to get permission from the landowners to take a bulldozer through to clear your own land. It is difficult in that sense. It will be easier for us through the native title funds or the Indigenous Land Commission funds which are given to people like us who are dispossessed. If we could buy a block of land on Lindeman Island or somewhere so that we could establish our own community—

CHAIR—Perhaps I could join you on that one!

Mr KATTER—A lot of the islands up there are unoccupied, but were previously occupied. Nepean Island off Darnley Island is a good example. There used to be three or four families there, but there is nobody there now.

Mr Tapim—Yes, but it is owned by the traditional people. I have no access to that because I am not from there.

Mr TONY SMITH—I want to follow up with Lloyd about this licence business. I have just been reading something from the Queensland Commercial Fishermen's Organisation. You said that the ICC would not give you a licence because you were not living up in the islands. Is that right?

Mr Maza—Yes.

Mr TONY SMITH—Was your vessel over six metres?

Lloyd—Yes, it is 40 feet.

Mr TONY SMITH—Well, in the Queensland Commercial Fishermen's Organisation submission at

page S 63 it says:

Torres Strait Islanders are in no way restricted from involvement in commercial fisheries. Torres Strait Islanders can fish under community fishing arrangements in the Torres Strait. This is commercial fishing without any licence (if the vessel is under 6 metres) and also allows for Torres Strait Islanders resident on the mainland the right to commercially fish in Torres Strait. Under the State community licence system Torres Strait Islanders can also fish the Queensland East Coast as far down as the Lockhart River. Torres Strait Islanders can also obtain a commercial licence for large vessels (over 6 metres) to fish in the Torres Strait.

What I am getting at is that I would hate to see people like yourself restricted when other people—non-Islander people—can get licences.

Mr Maza—We are not talking about community licences here. We are talking about personal licences that are obtained from the Queensland Fisheries fellows living in Thursday Island. It was approved; the boat was approved. I went and had the boat surveyed properly.

Mr KATTER—The document that Tony read from is not actually dishonest—I do not blame the Queensland commercial fishermen, naturally they do not want anyone else fishing up there—because it is possible to obtain a licence. But for the six years I was minister in Queensland, two people tried for nearly four years to obtain a proper trawler licence like Lloyd was after, and even though in theory it was supposed to be part of the agreement that they should be allowed to have it, when it came to it, it was a question of ‘Well, if you want to go fishing in a dinghy, that is all right, but if you want to go commercial fishing, the answer is no.’ As I said, in theory there were supposed to be six or 12 commercial fishing licences allocated, but I was never aware of anyone being given permission to take them up. In this case Lloyd was knocked back. He is a Torres Strait Islander, even though he was not living in the Torres Strait at the time.

Mr Maza—I think, sir, you are missing the point. It is not a trawler. It is a fishing boat that does crayfish, trochus and mackerel fishing and so on. A trawler is one that trawls the bottom for prawns.

Mr KATTER—I am saying that the licence is a very expensive item to get. There has been enormous fury generated over who gets a licence and who does not. There are no licences available except, as I indicated, after three or four years of argument and fighting. There were six licences allocated, one of which you should have been able to access. I am agreeing with you—you should have been able to access one of those six or 12 licences that were allocated for this purpose.

Mr Maza—But I wasn’t applying for a licence; I was applying to renew my licence. There is a difference.

Mr MELHAM—And the argument they used not to renew it was that you live on the mainland?

Lloyd—The argument they used was that I should talk to Phil Gaffney of the Queensland Fish Management Authority. He told me that my application was okay, but it had to go through the ICC.

Mr Tapim—I want to talk about the issue of the cultural centre. For six years we have applied for funding for a cultural centre to be built in Townsville. A couple of years ago I negotiated with the federal

government for some land out near the airport, which is owned by the Department of Defence. I negotiated with the minister in the previous Labor government and got some support from Senator Reynolds and Senator Robert Ray. Because it was Federal land, I asked them whether that land could be used to build a cultural centre. At that time the government said it supported me, but it had to relinquish the land back to the state. I then negotiated with them, but they put obstacles in my way—native title, noise pollution and so on. Every time we meet they keep putting barriers up in front on me. But they do not come straight out and say I cannot have it, full stop.

The last meeting we had was in August. I told them I was frustrated and that I needed some answers. They then told me bluntly that I could not get the land, because the state government policy was that to qualify for the land I had to be a top priority on the list. To get that priority I had to own the land next door. I said that I could not own the land next door. They then told me the only possible way was to go back to the minister and ask him to negotiate with the national resources minister so that the land could be given to ATSIC and then sub-leased to us to build a cultural centre. I have taken that step—I am trying to meet with Minister Herron to put that proposal to him.

CHAIR—The committee obviously cannot get involved in state discussions, but I would suggest that you get Senator Reynolds and Peter Lindsay together to talk with you, and then after that take some steps on your behalf.

Mr Tapim—They have—both of them.

Mrs Akee—Even though they are negotiating for the land, the real problem is accessing the dollars to build and put the infrastructure in place. Again, it comes back to equity in terms of accessing ATSIC dollars. This application has been with regional council for six years. Every time a regional council changes and you do not get Torres Strait Islanders on it, you will find that their projects are left off the priority funding list. I am concerned that if we do not get Torres Strait Islanders on this regional council, there will not be any new initiatives for Torres Strait Islanders and the equity in access will not be there.

CHAIR—The committee will be getting a submission from ATSIC shortly. When we get it we will ask about the cultural project you are talking about so that we can find out how it is going. We cannot tell them what to do, but we will make some broad inquiries, which might help you.

Mr Tapim—We would like to sit down with the Torres Strait Regional Authority and talk over these issues of our representation and come to some agreement. We must find some common ground.

CHAIR—That is a very important point. If mainland and homeland Islanders cannot speak with one voice, then any organisation that represents you both is going to fail.

Mr Ober—I want to comment on the funding issue. We know how much of the total funding to ATSIC is going to the Torres Strait, but it is not clear how much is going to mainland Torres Strait Islanders.

CHAIR—I can assure you that we will be asking that. We want to know.

Mr Ober—We want to know what formula is used to decide by how much we mainland Torres Strait Islanders should benefit.

CHAIR—When we get that information—and I assure you we will pursue the issue vigorously until we do get it—we will publish it and make sure it is distributed to you all. ATSIC has told me that it will put in a submission after the elections. It is still in a state of limbo and we do not yet have its official submission.

Mr TONY SMITH—Because of this division, if you like, between mainland and homeland Torres Strait Islanders, are there examples of funding inequities in, for example, legal aid?

Mr Tapim—They have their own legal services up there in Torres Strait which cater for them. We have our own legal services here in this region—a combined one with the Aboriginals.

Mr TONY SMITH—Does that mean there is less money to go around? Is there less funding on a per capita basis for Torres Strait Islanders on the mainland?

Mrs Akee—If you are talking per capita, I suppose you are addressing the smaller number who live in the Torres Strait. But the infrastructure and how to get up there are the problems. We have a problem with our people who need to come in for medical services. They have to fly. If they are on CDEP, they have to find the money out of their own pockets to get to Thursday Island to see a doctor. We are talking about \$500 for the round trip to some of those islands. Our people just cannot afford that.

A matter I want to raise concerns Murray Island. How can that community survive when the chairman, who is part of the authority, is away most of the time, and does not delegate his powers to the deputy chairman? Everything is in limbo—decisions cannot be made. A delegation of our people who went up there found that the food in the canteen was past its use-by date. Who is responsible for the people having outdated food? That responsibility lies with the chairman, and the chairman is a member of ICC. The system in place in the Torres Strait is not working for the people. If you have a look at the health statistics for the Torres Strait Islanders, you will find that diabetes is top of the list.

Mr TONY SMITH—We have heard that the great market garden skills, which the people used to have, have been lost over time. Is that still the case?

Mr Tapim—Yes, it is still the case. The dole and social security benefits and stuff like that came in, and people stopped going up to the gardens. Why should they go up and garden, when they can get things like the dole and a supporting parent's benefit?

Mr TONY SMITH—That is also tied to health issues.

Mr Tapim—Yes, it is.

CHAIR—Perhaps you could let us have some actual cases to show us where you think you have been well treated and where you think you have been treated unfairly. ATSIC apparently argues that they are being

fair and that they look at all applications on the same points system. On one hand we are being told that it is fair; on the other hand, you are telling us that it is not fair.

Mrs Akee—In terms of the administrative arm, they would assess an application purely on the facts of that application; in terms of the decision-making role, which comes back to regional council, that is where the imbalance is.

CHAIR—What you are saying is that where there is justification, the Torres Strait Islanders should have their own program. Am I correct in thinking that you are also saying that on the mainland, where there is a service that can serve both Aboriginals and Torres Strait Islanders, you are quite happy that there be one service for both—provided that you have equal access to it?

Mrs Akee—Yes, provided that we have equal access.

Mr MAREK—Do you people feel that you have fair representation on ATSIC?

Mrs Akee—No.

Mr KATTER—Does anyone here reckon they are getting a fair go from ATSIC—anyone at all?

Witnesses—No.

Mr MAREK—If you were to stick with ATSIC, you would want the same or greater representation, wouldn't you?

Mr Maza—If we stick with ATSIC we are still a minority group. When the elections come we cannot vote our people in because we are outnumbered.

Mrs Akee—In relation to any submission coming from ATSIC, I have my doubts as to how they would interpret 'Torres Strait Islanders'. They have misled this community on statistical information regarding dollars that they have given to Torres Strait Islanders. That came out in a recent community meeting. ATSIC claimed that Magani-Malu-Kes received \$290,000 from the regional allocation. That was an untrue statement. Magani-Malu-Kes received only \$200,000 from ATSIC; another \$90,000 came from national sources—

CHAIR—So they received \$290,000, but from separate sources?

Mrs Akee—Yes, but they did not identify that. So when the Aboriginal people saw that, they said, 'Oh, look how much Magani is getting!'

CHAIR—Can I again ask you to send us a letter, indicating what they said, plus what you say the real position is? If we could have that, it would help us to understand the situation.

Mrs Akee—Yes.

Mr Tapim—If the committee decides to come back here later, would it be possible to bring down the leaders of the communities in the islands, so that we could all sit down and discuss these issues at the same time?

CHAIR—That is a good suggestion; we will take it on board.

Mr KATTER—I know that George Mye, like everybody else, has his enemies, but he has always gone out of his way to look after the interests of the Torres Strait Islanders living on the mainland. Would you say that the current leadership up in the islands is doing the same thing?

Mrs Akee—No. When Uncle George Mye was the commissioner he did come to Townsville. He has always been very supportive of mainland Torres Strait Islanders, and he does take up our views.

Mr KATTER—I want to make a quick observation, and if anyone disagrees with me, he or she should feel free to say so. One of the strongest points to be made is the enormously successful society that the Torres Strait people have achieved in the islands. Almost every social indicator that one can point to in the Torres Strait is better than anywhere else—probably in the world. Take crime for example. On Mer Island the supermarket had never been broken into in 40 years. Funnily enough, it was broken into the year after I went there! On the other hand, my family shop in Cloncurry has been broken into three times in one year and 23 times in the last 30 years. But apart from crime, the incidence of alcoholism, social disease, venereal disease and so on is probably lower on those outer islands than anywhere else in the world. The Torres Strait Islanders seem to be able to preserve that success even when they come down to the society here on the mainland. If you have something that is enormously successful, it is worthwhile trying desperately to preserve it. The level and expectations of behaviour have been raised dramatically because of the presence of Torres Strait Islanders in this society. I am not just talking about the influence on black people, but the influence on white people as well. A lot of the churches have been dominated by Torres Strait Islanders for many years.

On another point that I touched on earlier—George Mye constantly insisted that every decision taken in the Torres Strait had to take account of the interests of the brothers and sisters on the mainland and enable them to come back—even though it made him unpopular up in Torres Strait.

CHAIR—I thank you all for attending today and for your contributions. We appreciate very much the trouble you have taken and the depth and sincerity of your submissions and comments. We will do our very best to listen to everybody and come back with a report that recognises your vision and your future as a very proud part of Australia with a separate and distinct culture, which we respect greatly.

Resolved (on motion by Mr Tony Smith)

That, pursuant to the power conferred by paragraph (o) of standing order 28B, this committee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

Committee adjourned at 10.55 a.m.