



# **HOUSE OF REPRESENTATIVES**

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

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

**THURSDAY ISLAND**

**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**

<b>AKEN, Mr Richard, Chairman, Kaurareg Land Council, PO Box 20, Horn Island, Queensland 4875</b>	<b>41</b>
<b>BON, Mr Adrian, Landowner, Torres Islander Business, PO Box 92, Thursday Island, Queensland 4875</b>	<b>41</b>
<b>DAVID, Mr Lui Ned, 50 Poruma Street, Thursday Island, Queensland 4875</b>	<b>41</b>
<b>DORANTE, Ms Kailang Ruth, President, Mura Kosker Sorority, PO Box 148, Thursday Island, Queensland 4875</b>	<b>41</b>
<b>FUJII, Mrs Romina, President, Port Kennedy Association, Douglas Street, Thursday Island, Queensland 4875</b>	<b>41</b>
<b>HOLT, Mrs Patricia, Deputy Mayor, Torres Shire Council, PO Box 171, Thursday Island, Queensland 4875</b>	<b>41</b>
<b>KENNEDY, Mrs Flo, 7 Erub Close, PO Box 386, Thursday Island, Queensland 4875</b>	<b>41</b>
<b>LOBAN, Ms Marsha Joan, Councillor, Torres Shire Council, Douglas Street, Thursday Island, Queensland 4875</b>	<b>41</b>
<b>LUI, Mr Getano Belford, Chairperson, Torres Strait Regional Authority, Thursday Island, Queensland 4875</b>	<b>41</b>
<b>NEWIE, Mr Michaelangelo, c/- Thursday Island Post Office, Thursday Island, Queensland 4875</b>	<b>41</b>
<b>NOAH, Mr Aven Stanley, Manager, Operations, Torres Strait Islanders Media Association, PO Box 385 Thursday Island, Queensland 4875</b>	<b>41</b>
<b>STEPHEN, Mr Napau Pedro, Mayor, Torres Shire Council, Douglas Street, Thursday Island, Queensland 4875</b>	<b>41</b>

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ISLANDER AFFAIRS

*Greater autonomy for Torres Strait Islanders*

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Present

Mr Lieberman (Chair)

Mr Albanese

Mr Marek

Mr Dondas

Mr Melham

Mr Entsch

Mr Tony Smith

Mr Lloyd

The committee met at 4.00 p.m.

Mr Lieberman took the chair.

**CHAIR**—I declare open this public hearing on greater autonomy for Torres Strait Islanders. I warmly welcome witnesses and any members of the press and public who may be present.

This is the second public hearing of the inquiry. This morning we took evidence in Townsville. This is a very important hearing as the views of the Torres Strait Shire Council, and the Torres Strait Regional Authority of course, are central to the considerations of the committee, particularly in relation to the Torres Strait region.

Terms like self-determination or greater autonomy obviously 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, the representative bodies, governments and all others involved. The outcome of the inquiry may of course not satisfy everyone. We have an open mind. This committee has not made any determination.

Some people may find the process of change slow. Others might be quite relaxed and comfortable that that be the case. 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 will have to say and we will be searching, as you are, for solutions which will bring benefits to all Torres Strait Islanders and we will do this to the best of our ability.

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**STEPHEN, Mr Napau Pedro, Mayor, Torres Shire Council, Douglas Street, Thursday Island, Queensland 4875**

**CHAIR**—The committee prefers that evidence is given in public—this is a public hearing—however, if any of you wish to discuss matters privately, you should say so and the committee will discuss that request and be sympathetic to it. We are taking evidence now from Pedro Stephen, the mayor of Torres Shire Council. Please make an opening statement if you would like, and then we will have questions.

**Mr Stephen**—First of all I just want to say welcome to the Torres Shire. It has certainly been a privilege for the people of the shire in this remote location to welcome a committee of such background to our islands. I think it has been a long time coming for us to address this issue, especially autonomy for the Torres Strait Islanders. I would like to read a letter from the Torres Shire Council, submit the letter and the corporate plan of the Torres Shire and also submit another recommendation that came out of the Torres Strait National Conference in November 1995, which I also made the minister aware of when he visited Thursday

Island.

Thank you for giving the Torres Shire Council the opportunity to make a submission to your inquiry. The Torres Shire Council is the northernmost local government in Australia and the only local government which abuts an international border. The boundary of the shire extends from the Jardine River on the mainland Cape York Peninsula to the international boundary of Papua New Guinea; however, the council administrative control does not include those islands and mainland areas where islanders and Aboriginal councils exist under the provision of the Community Service Act. Nevertheless, the Torres Shire Council area contains a population of 4,500 people, which is more than half of the total resident population of the Torres Strait.

Thursday Island, which is the administrative centre of the Torres Strait and houses the office of the Torres Shire Council, the Torres Strait Regional Authority and the Island Coordinating Council, plays a pivotal role in the commercial and administrative operation of the Torres Strait and has arguably the most diverse and multicultural population in Australia. Although more than 70 per cent of the population are Torres Strait Islanders or the children of mixed marriage, the rest of the population is made up of people of European, Malaysian, Papua New Guinean, Japanese and other Asian backgrounds, and the Torres Shire Council sees one of its roles as acting as a political voice for all the people of the shire.

In a submission prepared by the council last year handed to then Prime Minister, the Hon. Paul Keating, during his visit to Thursday Island on 12 September 1995, the council made the following points which are relevant to the terms of your inquiry. Torres Shire Council has adopted corporate goals along similar lines to the Torres Strait Regional Authority and wants to develop an active working relationship with the Torres Strait Regional Authority. The Torres Shire Council is the only local government not directly represented on the Torres Strait Regional Authority.

The council believes that the people of Thursday Island and Horn Island are under-represented on the Torres Strait Regional Authority. This is a point taken by then Minister Tickner when he amended the ATSI legislation early in 1994 to give the minister the authority to increase the representation of the TSRA and its present 20 members to 23 members. The legislation has been passed for more than two years, but no action has yet been taken to improve the quality of representation of the people of the Torres Shire.

As an interim measure, whilst the Torres Strait Regional Authority is made up predominantly of the chairman of the Island Coordinating Council, Torres Shire Council considers that the under-representation on TSRA by people from Thursday and Horn Islands should be addressed by making provision for the mayor or other council nominee to be a member of the Torres Strait Regional Authority representing the Torres Shire Council and adding two further members from Thursday Island who would be elected under ATSI election in the same way as the present representation from Horn and the Port Kennedy area are elected.

The Torres Shire Council believes that to be truly effective in its regional planning role, the Torres Strait Regional Authority should be set up on the basis of electoral wards with representation of each ward reflecting the ATSI population of that ward. Those wards should take the form of an eastern ward, a central ward, a western ward, a ward covering the urban areas of Thursday Island and Horn Island, et cetera. An election for the TSRA should be held concurrently with the rest of ATSI elections throughout the nation.



Torres Shire Council supports the concept of TSRA or a similar body being given greater autonomy over Commonwealth and state functions in the Torres Strait if that body represents all the residents of the Torres Strait and gives protection and support to non-Torres Strait Islander interests and if the existing local government powers and functions of the island council and the Torres Shire Council remain intact.

This is a recommendation from the national conference for the three points: whether the Torres Strait would benefit from a greater degree of autonomy; if so, what forms a greater degree of autonomy should take; and, thirdly, what implication greater autonomy would have on 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.

The Torres Strait Islander people, both in the homeland and mainland, would benefit from a greater degree of autonomy for the Torres Strait because recognition of cultural rights, traditional landowners, and traditional customs must be enshrined in policy and legislation for the Torres Strait. Confirmation of the need for greater autonomy is reflected in the recommendation of the royal commission into black deaths in custody. That is also supported by the national council for reconciliation, through the Social Justice Commission, and advocated as an aspiration of the Torres Strait Regional Authority and ATSIC.

Many communities foresee major advantages of autonomy as a reduction in duplication of services and a sense of ownership in governing local affairs. Many view centrally developed policies as having very little relevance to the needs of Torres Strait. Social justice issues—for example, health, education and housing—can only be addressed by the people of the Torres Strait for the Torres Strait.

The present organisational structure in the Torres Strait has no traditional origin or principles which the people of the Torres Strait can identify with. The system is foreign to the Torres Strait. Political policies should reflect the island way to ensure that decisions enhance the rights of people, rather than take them away.

In response to the point ‘if so, what forms should a greater autonomy take’, self-government for the Torres Strait should incorporate systems which recognise the traditional rights of people. It is not necessarily about developing structures which represent alternative ways of dealing with government services. It is about empowering the Torres Strait Islanders with decision making authority to determine how systems, structure and policy should be developed in the Torres Strait.

In 1987, the then minister for Aboriginal affairs, Gerry Hand, was presented with 11 grievances by the Torres Strait Islanders’ representative. One of these grievances stated the recommendation of a separate island commission. This is still a major aspiration commonly upheld today, from politicians to grassroots people. Torres Strait Islanders still feel that they are a minority within a minority and seek a commission separate from ATSIC. The new structure for the Torres Strait should truly reflect the people’s needs and examine issues beginning with appropriate election of local government and community structures, as well as the election and formation of an appropriate regional body. That is, communities presently feel current structures have been externally imposed without community consultation or negotiation.

The legislative process must also recognise that each island in the Torres Strait successfully operates

by a code of traditional laws and agreements prior to the Westminster system with western settlement in the Torres Strait. Although there is a need for an appropriate regional structure, state and Commonwealth governments should still bear carriage to their function and responsibility to finance essential services like education and policing.

What implication would greater autonomy have on Torres Strait Islanders who reside outside the Torres Strait region? There are some 20,000 Torres Strait Islanders living on the mainland and approximately 7,000 in the Torres Strait. Geographic location does not alter the issue relating to culture, tradition and heritage. The Torres Strait identity goes far beyond any administrative or legislative requirements. It is unfortunate that the government has been allowed to divide the Torres Strait Island people into two groups. The Torres Strait people are one, despite the act. Geographical location should have no bearing on policy.

The Torres Strait Regional Authority was established in 1994 as a separate body to look after the Torres Strait Islands. However, under the act it can only operate within the Torres Strait. ATSIC, on the other hand, can only operate outside the Torres Strait. For example, when it comes to funding or policy, ATSIC cannot fund any organisation in the Torres Strait. The Torres Strait Regional Authority cannot fund any organisation on the mainland. The act says that the Torres Strait Regional Authority can only act in the Torres Strait area. It is a major problem to link Torres Strait Islanders throughout Australia.

**CHAIR**—Thank you for your excellent submission. If a new commission were established, could that commission represent all the islands in the Torres Strait, plus the people from Torres Strait who live on the mainland?

**Mr Stephen**—I would say yes, if we had a ward system. In the whole of the Torres Strait area, and on the mainland as well, there needs to be a stepping stone for looking at the statutory governing body of the Torres Strait Regional Authority, as well as ATSIC. The only way they could come together would be through a commissioner that links them. I think that is a possibility.

**CHAIR**—Would your council prefer to see one commission established here representing all the islands plus the Torres Strait Islanders on the mainland, or would it prefer to have ATSIC look after the interests of Aboriginals and Torres Strait Islanders on mainland Australia?

**Mr Stephen**—The Torres shire involvement is just in policy within the region of the council. Could you explain it again please?

**CHAIR**—In your submission you said that you would like to see a new commission established which would represent the interests of Torres Strait Islanders and give them more say, more autonomy. That is what I understood you to be saying; is that correct?

**Mr Stephen**—Yes.

**CHAIR**—I want to establish whether you see that commission as representing all Torres Strait Islanders—on the islands and on the mainland.

**Mr Stephen**—I think that from the several public meetings I have attended, there clearly was a desire that whatever commission was set up, it should represent all Torres Strait Islanders.

**CHAIR**—Does it follow then that eventually you would like to see ATSIC cease to represent Torres Strait Islanders on mainland Australia, and that this new commission would be responsible for Torres Strait Islanders on mainland Australia?

**Mr Stephen**—Yes.

**CHAIR**—Would you see the commission operating as well as the Torres Shire Council or would you see that council becoming part of the commission?

**Mr Stephen**—I would see the existing local government powers and functions of the Torres Shire Council and the Island Coordinating Councils remaining intact.

**CHAIR**—So you will have a new commission, plus you will have your Torres Shire Council as well?

**Mr Stephen**—Yes. I think that the commission would be more of a policy body, representing the region rather than a local council which actually delivers the essential services.

**CHAIR**—The local council would only deliver services and not make policy? You would have one policy body—that is, the new commission?

**Mr Stephen**—Yes. The actual local government powers remain with each council. I do not think a regional body would make the local government policies.

**CHAIR**—Some people might say that if you had a new commission, plus you kept your council, for such a small population you would be over-governed and have needless duplication. I am not saying that is my view; I am saying that that is how some people might see it.

**Mr Stephen**—With the present structure, where you have members who are in the regional authority as well as on the ICC, there is some conflict of interest within the actual decision-making process. One body is a federal body and the other is a state body and they represent as their own local government, a local council.

**CHAIR**—So you would like to see the Commonwealth or Federal function separated from the state and local government functions?

**Mr Stephen**—Yes, I think that would be a good thing.

**Mrs Holt**—Surely it would be beneath the scope of the regional body to deal with dog by-laws, litter and that sort of thing. Those are local government functions. I think the overall direction should come from the regional body, but I do not think it would want to get bogged down in the small details.

**CHAIR**—Could you spell out what you see as the actual functions of the shire?

**Mr Stephen**—I think the function of the shire remains exactly as it is today.

**CHAIR**—Which is?

**Mr Stephen**—The Queensland local government legislation provides for that. I cannot see a regional commission coping with water, sewerage and garbage. Local government deals with those things.

**CHAIR**—And you do not think it is desirable or possible for the regional body to deal with such things?

**Mr Stephen**—No.

**Mr TONY SMITH**—The Torres Shire Council has been set up under the local government act? That is very different from other Aboriginal communities?

**Mr Stephen**—It is the same as Cairns.

**Mr ENTSCHE**—You already have in existence the regional authority and the local council. Would I be correct in suggesting that the umbrella body could be along the lines of the regional council?

**Mrs Holt**—We actually have three bodies—we have the authority, the shire council and the ICC.

**CHAIR**—Do you think you have too many?

**Mrs Holt**—Probably we have at the moment.

**CHAIR**—That is the sort of thing I was hoping to hear. This is your chance to tell us frankly what you think. Please do not miss this chance. How would you change what you have now?

**Mr Newie**—It is better to have one commission in Torres Strait because you are dealing with one issue—Torres Strait Islander welfare and well-being. The state and the Commonwealth have no obligation to serve the people of Torres Strait. Because there is so much different bureaucracy here in Torres Strait, nobody wants to communicate or share the workload, nobody wants to be part of a united body. Everyone is all over the place doing their own thing and getting money from all different departments. If we had a separate commission, the money would come straight from the Federal government to the Torres Strait Island government—and that government would be elected for the people by the people. What about the people down south? At the moment they do not get the chance to be part of the development of the Torres Strait.

The Torres Strait has been cut up so many times from day one and here we are, about to go into the twenty-first century, wondering where our rights are. Where are our rights to our land? Where are our rights to our sea? Where is this recognition we are supposed to get? The time must come when we have our way of doing things. It has always been a case of Europeans telling the black man what to do all the time. It is about

time that we, as human beings, all across the planet, sat down together and recognised that to survive we have to share.

The Asia-Pacific is now the biggest economic bloc in the world. Everyone else is benefiting from it. When are Torres Strait Island people going to benefit? We do not benefit from that economic growth. Here we are, the traditional people, trying to come to terms with the Westminster system of government. There is no respect and recognition between us and them. There is 'us' and 'them' on this island too, in the same way as there is the black and white issue in this country. It is about time that the people of Torres Strait were able to elect their own government. It is about time we were able to deal with the Australian government as a government. There should be a partnership in work and trade. Here we are, sitting between Australia and New Guinea, wondering who is taking our money away. Where is this money going? There are no services for our people. No wonder people run away from the Torres Strait area.

They are not prepared to serve the people because they practise nepotism and all the rubbish that goes with it. That is why our people are living in Cairns, in the parks—everywhere. Every town on the coast of Queensland you go, you see island people on the dole, living in the parks. When is it going to change? Greater autonomy for Torres Strait Islander people is to empower our people and bring our people back into Torres Strait.

**Mr MAREK**—ATSIC is basically the representative body that looks after Aboriginal and Torres Strait people. Would you say, then, that ATSIC is not representing you as you think it should?

**Mr Newie**—It is not. There is a problem down in Australia.

**Mr MAREK**—That is what you said over here before in relation to ATSIC. You would rather have a commission of your own that looked after Torres Strait people and you were not involved with ATSIC?

**Mr Stephen**—If there was going to be a commission to represent Torres Strait Islanders, then it should be a commission that represents all of the Torres Strait Islanders.

**Mr ENTSCH**—Could I raise one issue here? You said yourself that there are 26,000 Torres Strait Islanders on the mainland all over Australia and you have 7,000-odd living up here. You are saying that you would prefer an authority where all of the Torres Strait Island people can have a say in what is happening in the Torres Strait Islands, appreciating that some of those people may have hardly ever visited here. It may be two or three generations since they visited the Torres Strait, yet you are saying that you would prefer that they had a say in the decision making process, in the day-to-day decision making process.

**Mr Stephen**—I don't think that is the case. I think it was the view of the Torres Strait Regional Authority as well that there was to be a regional body which actually sits in the Torres Strait and that the statutory law under which the Torres Strait Regional Authority now works is very concerned about the actual policy making of what is happening in the Torres Strait. I cannot see Torres Strait Islanders living in Tasmania saying what is happening in the Torres Strait at the time.

**Mr DONDAS**—The Torres Strait Regional Authority has 20 members, I understand. Is that right?

**Mr Stephen**—Yes.

**Mr DONDAS**—Are you saying that the regional authority is not working? It was set up in 1994 under the Aboriginal and Torres Strait Islander Act, was it not? It had responsibility to the minister for Aboriginal affairs. It has only been going for two years. I think it came into operation on 1 July 1994. Is the authority working or not? I think that is important in terms of where the debate is going at the moment.

**Mr Stephen**—In the present form I think it is working.

**Mr Noah**—From where I come from, from a community based organisation, we are looking at not enough funding equity for organisations such as the media association that I work for. When we apply for funding through the regional authority there is national funding being granted on a national scale, but we cannot get access to the national bucket because they are saying to us in Canberra, ‘You have to go through to the regional authority.’ When we do go through the authority, they are saying to us, ‘There is nothing there.’ I think funding distribution is the main point.

**Mr DONDAS**—In 1995-96 it got \$560,000. How can you say they are not getting any money?

**Mr Noah**—It got that. We were one of the organisations that went in first to put in our claim for that funding and we got that, but straight after that we didn’t get anything so we are still applying for that money. If you do your rounds tomorrow and go out and see what is there, you will see the lack of funding. We are still after the dollars. The regional authority is saying there is no funding. We would like to be in the same sort of position as our mainland counterparts in getting the national program dollars that exist.

**Ms Dorante**—When I was working for foreign affairs we had the Island Community Council—the council that ran the community. It then became the Island Coordinating Council. From there, the regional authority came. They had three hats. Nobody is at home looking after the community. I don’t know what they do at ICC.

I did a survey for them last year about autonomy, about jobs for the community. That survey is on the shelf waiting to find out if there is going to be funding for it. This is to do with the community having their own businesses so they can be support themselves. Is there any way we can change that so that the Island Community Council is a separate entity, the ICC a separate entity and the regional authority a separate entity?

From all that, you have the TSRA up here. The Island Coordinating Council and Torres shire come under the regional authority. Torres shire will also work with the Island Community Council with regard to Torres shire jobs—whatever it is that they do. It is easy. Just get it done instead of having all these talks. You get nowhere from talks. We need more action.

**Mr DONDAS**—In terms of community government, which you have, and obviously because of the fragmented geography of your area and because you have so many communities, would it not be far better for each community, no matter how large or small they are, to have their own community government organisation?

**Mr Stephen**—That is what I have been saying. They have it at the moment.

**Mr DONDAS**—Why do you need to have more autonomy if you have got a community government organisation that has the capacity to put its bid in for levels of funding? They would have their own priorities for their own communities.

**Mr Stephen**—I think the autonomy we are talking about, the regional body, is a very separate body from what we are trying to do. The laws of the island council and the Torres Shire Council remain intact. Their responsibility remains intact—the umbrella funding that comes from the Commonwealth and the policy decision that the Torres Strait Regional Authority has at this time. We certainly need not just one commission but a body that will represent Torres Strait Islanders locally, nationally and internationally. Now we have ATSIC actually representing the whole umbrella of indigenous people. Torres Strait Islanders are saying that we are a minority within a minority.

**Mr DONDAS**—You say that the regional authority is working to a level and has been established for two years. Is the council working within the community in doing its job in providing services and facilities for community members? The next question then is: why do you need greater autonomy? That is what I am getting at.

**Mr Stephen**—The feedback from the people in relation to the Torres Strait Regional Authority as it is at this time would be that if there was going to be a regional body the people have to vote that body in or come up with a structure that is not the same person or the same structure that is there at present.

**Mr DONDAS**—So the regional authority really does not have any teeth. Is that what you are saying? In asking you these questions I am with you because I come from the Northern Territory and I know what remote government is all about, and that is what you don't want. You want to be able to make some decisions locally which will affect the way you develop your area. Is that right?

**Mr Stephen**—Yes, that is right.

**Mr DONDAS**—If the regional authority does not have teeth, then you should be talking to us here to say how you think the regional authority should be getting some more teeth. This is a committee that is going to evaluate what you people are saying to us today. This is a committee that has been sent here by the parliament to hear what you have got to say so we can help you. I think you have got to come in a firm direction and say, 'This is how we see it working because we live here. We understand our community. This is what we want.'

**Mrs Kennedy**—This is what we should be getting—a separate commission. We would like a separate commission. The regional authority, I think, has been structured as a commission, but I am talking about a separate commission. The Aboriginals have theirs and we have ours. We should be looking after the people that went down of their own accord because we have down there a lot of people that have titles to their land. They are owners of land with native title.

Another thing is that I hear you are making an amendment. I can't believe that you can make an

amendment because we can't amend these laws too. We should have our own commission. I think it should stop right there because then we should talk to our brothers down south. We have owners of land down there. We should talk to them because I think they should come under us somehow. I don't think we can talk any more on this until you tell us that we can have a separate commission.

**Mr DONDAS**—So you would like to see ATSIC become just the Aboriginal Commission and then a Torres Strait Islander Commission? That is what you would like to see?

**Mrs Kennedy**—Yes, please.

**Mr DONDAS**—Some people in central Australia say, 'Why is it called the Aboriginal and Torres Strait Islander Commission. We are in central Australia. We have nothing to do with the people in the Torres Strait.' You are really saying the same: 'What have we got to do with those people because we are here by ourselves?'

**Mrs Kennedy**—But we would like to look after our Torres Strait Islanders down there. We must talk to them first.

**Mr DONDAS**—You say they must be part of the decision making process before you create a separate commission?

**Mrs Kennedy**—We have to talk to the mainland islanders. That is the most important thing.

**CHAIR**—Today in Townsville we met a lot of your brothers and sisters who live on the mainland now. Their evidence to us was very strongly that they would like to be part of a separate structure from ATSIC, that they would like that structure to be a Torres Strait structure and they would like to be part of that. That was what they were telling us.

**Mrs Kennedy**—Yes. A lot of them own their land and we can't do anything about it. The owners are the owners. We have individual ownership. If you are the son and you own it, then you look after your people. You have a saying down south—I found out when I was there—that you give a blackfella and house and he fills it up with his relations. We have a thing under our laws that we do look after one another. Can I ask a question? What legislation is this inquiry being conducted under?

**CHAIR**—There is no legislation. We have been asked by the Minister for Aboriginal and Torres Strait Islander Affairs to come up here and ask you to tell us what you think about future autonomy and what changes there should be.

**Mrs Kennedy**—What we have told you is about as far as we can go until we talk to our brothers and sisters down there.

**Mr David**—I am speaking as a private Torres Strait Islander. This is the second time we have had these sorts of questions about autonomy for Torres Strait. We spoke to the Aboriginal Reconciliation Committee a number of years back and what the Torres Shire Council recommended then was similar to what



we have in mind now. The regional council threw it out the window—it is anxious to retain the status quo. May I ask you a question: do you have any influence over state legislation?

**CHAIR**—Indirectly we might. We do not make decisions for the Queensland Government. We have asked the Queensland Government to give us their opinion of this inquiry and any suggestions they would like to make.

**Mr David**—I think it is in the Australian Constitution that where there are two laws that clash, the Commonwealth law will supersede the state law. There seems to be a bit of a contradiction there. You have the Community Services Act where the Chairman of the ICC is elected and this totally clashes with the provision of the Australian Electoral Commission for the ATSIC elections which, of course, are non-existent in the Torres Strait for whatever reasons. That is something that is worth looking at because if you were to alleviate that problem with state legislation, you would solve a lot of problems across the board. If you cannot do anything about the state legislation, then you should provide for elections in the Torres Strait. Then you would have a distinct difference between members of the regional government and the local government.

In our submission to the Minister, when he was making amendments to the ATSIC act, we requested that there be a reduction in the regional government. That would not be a precedent because before there was a request from the north-western and the central islands that they form a sort of policy-making body at that time, even though it turned out to be a paper tiger, of course.

People down south want to have a say in who is elected up here and with all the federal electorates having more than 30,000 registered voters, I cannot see any problem in having a Torres Strait roll of some sort, maintained by the Australian Electoral Commission. Of course you have to have a provision in there saying the candidates must be from the Torres Strait. There are a number of reasons for that, of course. The question always arises with people who live in the south—why do they live down there, and why do they not come back to the Torres Strait? There are a few answers to that. There are people living on their land out in the islands who are not from the Torres Strait area. That needs to be looked at. If people are going to come back to the Torres Strait to live in their old lands, what are we going to do about the people who are living there now, who are not from those islands? Introducing ATSIC elections under ATSIC rules to the Torres Strait is how you would get an accountable representative of the indigenous population in this area.

Another problem I foresee with this so-called commission which has been suggested is what do you do about the Aboriginal people who are living in Torres Strait? Who will represent them? I think there should be some provision made for them to have a say—they are as much indigenous to Australia as we are, maybe even more.

**CHAIR**—You have raised some very important questions.

**Mr TONY SMITH**—I gather that now we have ATSIC, the Torres Strait Regional Authority, the ICC, community councils and the Shire of Torres Strait. Effectively what you seem to be saying is that your version of autonomy means that you would have an overriding commission which would involve the Torres Strait Islanders, as well as those living on the mainland. You are not saying that you want another commission on top of all these things, are you? Also, how many Aboriginals are living in the Torres Strait?

**Mr David**—I am saying that we would like to have something that operates better, rather than seeking something totally new. You talked about ATSIC and the regional authority. But the regional authority is ATSIC here. The regional authority is just another name for the regional council. You have 18 members of that authority elected under the Community Services Act. I keep raising that point because I believe that is the crux of the problem. You see, the rules of the Community Services Act for election to local government are totally different from the election regulations that apply in the ATSI elections which, as I keep saying, are non-existent in the Torres Strait. These are things that I have said to parliamentarians before.

**Mr TONY SMITH**—I do not understand that. You told me that the TSRA was ATSIC and ATSIC is a separate election—

**Mr David**—There is no election. The crux of the problem is in the Community Services Act. They are elected every three years in March to represent the local community councils, and there is a provision in the ATSIC act for the minister, if he is satisfied—which he is always—to swear them in. It is all just a formality.

**Mr TONY SMITH**—For me the bottom line is that you seem to want some form of autonomy in the sense of a body which would cut out the conflict of interest and you would get this group that is representative of mainland and Islander people—

**Mr David**—But as Ms Dorante keeps telling you, there needs to be a distinct difference between these two bodies. That was the suggestion we had before the reconciliation committee and which was never tabled. Obviously, if you had been a regional councillor in the Torres Strait at the time you would have wanted to retain the status quo. And they did.

**Mr TONY SMITH**—So there is too much fragmentation and potential for conflict of interest?

**Mr David**—What we are after is a commission of any sort that is accountable to the people. If you are going to have that you have a proper election.

**Mr TONY SMITH**—There is an argument going on in Australia at the moment about the cost of running ATSIC. That money could be far better spent if it were put in right to your council's door.

**Mr David**—I could not agree with you more. The sort of line we are taking is that if you put a body of that sort together the best thing is to decentralise the administration. This is like a small copycat of the ATSIC set-up in Australia where administration is centralised in Canberra. Here everything is in Thursday Island. The suggestion here is that the offices be located in the other islands where the money is most needed. Pauline Hanson is saying that 60 per cent of the ATSIC budget is spent on the staff.

**Mr ALBANESE**—You say you want a Torres Strait commission as opposed to ATSIC, so you have two separate commissions. I have yet to understand how, under the structure of wards that you have put forward in your submission, that will take account of a Torres Strait Islander living in Townsville. How would such people have political input and how would they have social input into the community under that structure?

**Mr Stephen**—At this stage we are looking at the actual structure, of replacing the ward system. Only two members have been elected into the TSRA—the member for the Port Kennedy area and the Horn Island representative. Therefore the election process should be the election of representatives to sit in a regional body. On the mainland at the moment you have a body operating called the Torres Strait Advisory Board which represents Torres Strait Islanders living on the mainland. That body is advisory only and it can be changed to be a body to which people on the mainland can be elected. It would then represent Torres Strait Islanders living on the mainland.

**Mr Aken**—I represent the Kaurareg Land Council and we are the traditional owners of this inner part of Torres Strait. I am surprised that no letter was sent to the traditional owners of this part of Torres Strait to invite us to this conference. On behalf of my people I say that any increase in autonomy would make no difference to the Kaurareg people. We do not have direct input into the current level of autonomy, so an increase or a decrease would be of no benefit to us. Having a single body or commission for those living on the mainland and those living in Torres Strait is like having a cricket club and a football club in the one organisation. As funds are always limited, the smaller group would have to ask the larger group for funds. As there are not enough funds, the gainers in the smaller group are the losers in the larger group.

Whatever system there is of increased autonomy it must include the council of elders as a second level umpire. Without that, we lose our spirituality and our customs and become another white society with a black skin.

Members of the committee have all this knowledge locked away. A system that allows consultation brings this knowledge out. It also then includes the community's cultural and spiritual values.

The resolutions I would like to pass on to members of the inquiry read firstly, that this meeting resolves that the Kaurareg Land Council or its nominated successor be included as part of the current and any proposed new Torres Strait Islander autonomous body. The second resolution reads that the state government amend the Community Services Act 1984 to include Kaurareg Land Council or its subsidiary as a Torres Strait Islander council. Those are the two resolutions I mentioned.

I am concerned that my people are not here. You need to know that there are traditional owners of this land here, and that is the Kaurareg tribe. You must come and talk with us and sit with us because our law is based on an SSD principle; that is, spiritual sustainable development. The spirit of the land and sea controls people, not the other way around. I urge you people to come and sit with the traditional owners of Horn Island. These people are talking about Torres Strait. You are sitting on Kaurareg country. This is our traditional land you are sitting on.

**CHAIR**—How many people are in your group?

**Mr Aken**—There are about 800 down at the mainland.

**CHAIR**—You would like us to sit with you on Horn Island?

**Mr Aken**—Yes, because we have been ignored for 75 years. The ICC was up and running in 1986

with Bob Katter Jnr. It did not involve the traditional owners. Whenever the regional authority came into power, there was no consultation with the traditional owners. Now we are talking about autonomy. It is about time. People should come and sit with us.

**CHAIR**—You don't have any representation on the shire council?

**Mr Aken**—Not on the shire council. We have someone who is representing us on the TSRA. It is wrong for someone to represent us because she doesn't know our culture, our traditional rights of the land and sea. We need one of our people to be on the commission.

From the land council point of view, I have also tabled a resolution down in Brisbane in support of this autonomy. As to the traditional owners, you have to have input from my people, because you are missing out on the main playmaker here, and that is us.

**CHAIR**—We want to sit with your people and hear what they say.

**Mr Aken**—It is about time you people listened to us.

**CHAIR**—We will do that this week.

**Mrs Fujii**—I am the President of the Port Kennedy Association and also the member for the Torres Strait Regional Authority. I just wanted to say that the other member for Horn Island and myself were elected on to the regional authority at the same time as the March elections. One of the things the regional authority is looking at is how to get people involved in the commission. They are looking at that kind of process now. I was just going to support Mrs Kennedy in saying that we need further consultation with the people of this area as well as the Aboriginal people on the mainland and the Torres Strait Islanders on the mainland. I just wanted to support that notion.

**CHAIR**—Might I just say that if this committee can help in any way to bring you together to talk, we would like to, but you also are free to do that yourselves. You don't need us to tell you how to do that, nor would we try. So don't hesitate to get your people together as quickly as possible to talk together because we are very interested to know what you come up with.

**Mrs Fujii**—The other thing I am a bit concerned about is the Torres shire input, whether it is for the indigenous people of this area or for the whole. There needs to be clarification in that area as well because of the multicultural people that are residing on Thursday Island. Are they all then having a say on behalf of the indigenous people of this area? They are the kinds of things that need to be looked at.

**CHAIR**—We would be very troubled as a committee if people felt that they had not had the chance to talk together so they could talk to us. Please understand that we would like very much to do that, but we can't organise that for you. You have to do that yourselves.

**Mrs Fujii**—We have decided, and we decided to say that there needs to be further consultation and we will certainly send something in.

**CHAIR**—Mr Stephen, is there anything you wanted to say to us to wind this session up? Is there anything further you would like to add?

**Mr Stephen**—I would just like to remind you that the Torres Shire Council supports the concept of the Torres Strait Regional Authority or a similar body being given greater autonomy over Commonwealth and state function in the Torres Strait if that body represents all the residents of the Torres Strait and gives support and protection to non-islander interests and the existing local government powers and functions of island council and Torres Shire Council remains intact.

I wish to close by saying that I know it is not an easy task to actually look at the request of autonomy. Like you said at the opening of this session, autonomy and self-government mean different things to different people. But I want to state that if there is a body that will be formed to look closely at greater autonomy for Torres Strait, I certainly would like to put forward that the Torres Shire Council would be represented on that body or task force that will actually look into coming up with a final recommendation for the greater autonomy for Torres Strait Islanders.

**CHAIR**—Thank you very much, Mr Mayor, and your accompanying friends and associates. We thank you very much for your contribution. I think we will probably have to meet again. I have a sense that we will meet again and I will look forward to that.

I now welcome Mr Getano Lui to this hearing. We have been looking forward to meeting you. Would you care to make an opening statement before I invite members to ask questions? I would like to thank you very much for the most comprehensive submission that your authority has given us.

**Mr Lui**—On behalf of the regional authority, welcome to Torres Strait. It certainly has long been coming in terms of getting views from people. Your visit is still short, but I think it gives an insight into the feelings of our people and how they see the future direction of Torres Strait and where it is heading. I certainly thank you and your government for being in the forefront of setting up the inquiry to get first-hand information from people like myself and also from the community in general. Thank you for that.

With the submission, I would think basically it is self-explanatory. I believe there have been a lot of questions asked about what is meant by autonomy. I believe that when we say autonomy we really mean whereby we have the capacity and the authority to manage our own affairs, to make decisions that affect our lives and to maintain our culture, our identity, our values and traditions in recognition of being a separate race of indigenous people of this country. Based on that, I don't think we are seeking anything out of any context of the way it is being set up. I believe the impetus is here already. It is a matter of how best we can build on it and work from there.

**CHAIR**—Are you comfortable being part of ATSIC?

**Mr Lui**—No. I have to state quite categorically that the only reason we accepted to be part of ATSIC was that it was supposed to be only a provisional process with the setting up of the authority and then gradually moved on into a more independent structure outside of ATSIC. One can say that we are already independent, but through the budgetary process we are still tied to ATSIC's global allocation, which is still

determined by the authority. But at the same time I believe the formula that has been developed by ATSIC really disadvantages the regional authority in terms of funding to carry out its programs and services.

**CHAIR**—On that point, it would help the committee enormously if you could provide us with, either by a letter separately or now, or both, some examples to show us where that imbalance occurs.

**Mr Lui**—I see that the fiscal imbalance really comes about in, for instance, the global budget that comes to the authority. We have to identify within that budget different areas of responsibility that I would think should be highlighted separately through that budgetary process, such as health, housing and infrastructure.

Admittedly in this budget the minister did say that those funds were quarantined for housing and health. But at the same time ATSIC has said to us that we have been cut by three per cent; I believe it is more like 63 per cent, taking account of the actual housing and infrastructure that we were getting. That amount that came to us went to Bamaga. Our community really missed out. It is in those sorts of ways that we have been disadvantaged.

**CHAIR**—Whose decision was that?

**Mr Lui**—It was ATSIC's obviously. Had they consulted with us, prior to the approval by the minister of the estimates, I am sure we would have argued otherwise. But we were not given the opportunity for full consultation, so we were disadvantaged in that sense.

**CHAIR**—Have you taken that up with the minister?

**Mr Lui**—I certainly have. I have even taken it up with the Prime Minister. That is the reason the Prime Minister has agreed that for the next financial year through the budget process we will be dealing direct with a separate allocation or with a single line allocation to Finance, rather than through the ATSIC process.

**CHAIR**—Do you think your authority is ready to cut ties with ATSIC in the near future and be a separate body dealing directly with the Commonwealth?

**Mr Lui**—Provided that ATSIC is genuine in its approach. ATSIC was set up as a transitional step towards our becoming more independent from ATSIC. One would assume that ATSIC—being, if you like, the peak organisation in that sense—should have been proactive in talking to us about how we should go about this. But they have not been doing that. So it is in our interests to try to take the lead. But we are so isolated, and so far from Canberra, that it is very difficult to talk to people on a one-to-one basis. We have modern technology in communications now, but I believe that we are still disadvantaged on a one-to-one basis.

**CHAIR**—Do you think that, with a bit of consultation, you are ready to go and have your own commission without being involved with ATSIC?

**Mr Lui**—Yes, I believe we are. The other imbalance that I see is in the cuts we have taken in administration. We have not had the level of staffing I would have liked in order to carry out our tasks more effectively and efficiently.

**CHAIR**—You have what—31?

**Mr Lui**—No, at this stage we have 27, probably reducing. We have tried to maintain that level to ensure that most of our services are not lost to the outer island communities.

**CHAIR**—If you were able to be separated from ATSIC in the near future, how would you propose that your new organisation would represent the Torres Strait brothers and sisters living on the mainland?

**Mr Lui**—First of all, that was something that we, as the authority, had to grapple with. There is a structure in place already, which is the Torres Strait Islander Advisory Board. What you need to do is strengthen that, because right now people are not elected to that board; they are appointed by the minister. If you had an election on the mainland for people to be elected to that Torres Strait Island Advisory Board, then you would strengthen it and give it the full resources it should have now, not the piecemeal funding that is coming through ATSIC to the Office of Torres Strait Island Affairs in Canberra. A percentage of the global allocation to ATSIC should be given through that process to the board to make that decision and to be able to allocate funds for the needs of those on the mainland.

**CHAIR**—So you are proposing that a new authority be established, separate from ATSIC, that that authority be based in the islands here, that that authority represent the people on the islands plus the people on the mainland and that that authority have an advisory committee elected of people from the mainland to help you make decisions?

**Mr Lui**—The board and the office are already set up. What I am saying is that the link we have with our mainland people is by virtue of the commissioner for the Torres Strait, his representative on TSIAB. We have difficulty in finding solutions as to how we can meet their needs on the mainland, as well as our up here. I believe that if we put everything in the one basket and try to do both, it will become more complex and more confusing. It would be in the government's interests, be it state or Commonwealth, to walk away from it and say that it is just too hard to do.

Looking at the Torres Strait region proper and the situation we have now, giving it, as a first step, autonomy on its own funding, then the second step is considering how best you can strengthen the position of Torres Strait Islanders living on the mainland.

**CHAIR**—But we would have to bring the mainland Torres Strait Islanders into the new organisation, would we not?

**Mr Lui**—If you elect the people to the advisory board, then you would have that representation. The board would represent the mainland people.

**CHAIR**—We saw Torres Strait Islander people in Townsville today and they seemed very keen to

become part of a new Torres Strait authority. Some of them gave me the impression that they thought people on the islands were not too happy about Torres Strait Islanders on the mainland having a say in the affairs of the Torres Strait Islands. Are you aware of that feeling?

**Mr Lui**—We want to maintain the link because of our culture and our traditions. We need to maintain that link. But I believe that when it comes to housing and infrastructure developments and those sorts of things—basic things that we do not have in the Torres Strait that people on the mainland take for granted—then the decisions need to be taken here in the Torres Strait. I do not see any problem with that.

**CHAIR**—You think you could work your way through that?

**Mr Lui**—What I am saying is that I have met with the advisory board and I have said to its members that I have yet to see a strategic plan or some sort of planning process that would address the problems that we have. The difficulty that we have at the moment is that our people on the mainland want funding, but I am not too sure what direction we should be taking to meet that approach. It is very difficult. Bearing in mind the administrative arrangements that would have to be put in place, I believe everyone feels—well, in government any way—that funding should not be going into setting up administrative structures, but should go to the core of the problem which is in the communities. That is really what the authority is all about. It is not about setting up a bigger bureaucracy or whatever.

**CHAIR**—The ATSIC people in Townsville today went to great lengths to warn us not to have a system which would duplicate the administration and service delivery to people on the mainland, whether they be Aboriginal or Torres Strait Islanders. Then the Torres Strait Islanders in Townsville, who heard this evidence, told us that of course they did not want duplication. They were not talking about duplicating education, health services or other provisions; they were saying that those things that were special to Torres Strait Islanders—their culture and traditions—were the things that should be done with the Torres Strait Island authority. ATSIC should not have anything to do with that. Are you familiar with that proposition?

**Mr Lui**—It is getting quite confusing. Let us just separate the two. We need to talk about those issues separately because you get to the stage where you start talking about the two in one and the complexities of trying to address both these issues at the same time would only further disadvantage what the authority is trying to do now.

**CHAIR**—If we accept your proposition that the Torres Strait is ready to have its own authority with respect to the Torres Strait Islanders in the islands, we must understand that you are cautioning us: while you want to have your connection with the Torres Strait Islanders on the mainland, you are not sure or ready—or both—to take on the care of the mainland people. Is that correct?

**Mr Lui**—What I am saying is that we are trying to set up governance in stages and there is no way that we are going to rush into it to achieve it overnight. The first stage of it is to look at Torres Strait as it is, and try to strengthen the present structure, change it, whatever. While there is a legislative process in place and we still have that link between ourselves and our people on the mainland, then we should capitalise on it because it will not go away.



When we start talking about developing a separate legislation altogether, we must look at how we can address that problem with our people on the mainland. The bottom line is really funding and what we should do to give funds to the people on the mainland. If you look at it in terms of the provision of essential services, which we do not have—or at least we are in catch-up mode at present, just to get basic services to our communities—at least our people on the mainland are not disadvantaged to the extent that they do not have education facilities or health provision. We want to maintain the link, but at this stage we must keep the two aspects separate for the time being. In the first stage we must develop the Torres Strait region as a whole; in the second stage we will see how best we can address the issues. Putting the two together in the one basket would be too difficult and too complex. The end result would be that we would not achieve the aims and aspirations of our people.

**CHAIR**—Do we leave the provision of services for Torres Strait Islanders on the mainland to ATSIC?

**Mr Lui**—Well, why not? At the moment they are part of the regional council and the reality of it is that the chairperson of the Brisbane regional council is a Torres Strait Islander, as is the chairperson of the Darwin regional council. Obviously there are mechanisms in place whereby we can be involved in that process in ATSIC. But that is not talking away anything from the aspirations of the people living on the mainland. For the time being we should keep the two issues separate so that we can deal with those confronting the Torres Strait first and foremost. At least the mainlanders are provided with day-to-day essential services, many of which we do not have.

**CHAIR**—I wish you had been with us this morning because they told us they were not getting equity from ATSIC.

**Mr Lui**—If you are talking about ATSIC, that is an Aboriginal and Torres Strait Islander problem. I am talking about the general mainstream—the facilities are there. We are talking about duplication and overlapping of responsibility. If you do anything that will duplicate, then the resources will go into that and will not get to our level. The communities up here need these essential services such as infrastructure, housing, health and so on.

**Mr DONDAS**—Some of the Thursday Island people on the mainland in Townsville this morning implied in their comments that they were unwelcome back in Thursday Island region because of the land question, because there was not any land available here for them. Could you clarify that?

**Mr Lui**—I would not say unwelcome if there is a traditional or historical affinity back to the land. There has been no policy set down that traditional land should go to whoever. If they all decided to come back, obviously we would run out of space to accommodate everyone; hence, the reason we are trying to come to some arrangement where we can look after their interests as well as ours. I have never heard any indication about anybody not being welcome to come back.

**Mr DONDAS**—One person felt very strongly this morning that he would like a block of land to build a house on and come back and he was having trouble doing that.

**Mr Lui**—It depends if it is freehold land or traditional land you are talking about or lease land. I am not too sure.

**Mr DONDAS**—Most of the land around here is crown land?

**Mr Lui**—It is a mixture of crown and freehold.

**Mr DONDAS**—We had a traditional owner speak to us earlier. What percentage of land would traditional owners control in this region? Thirty per cent? Forty per cent? Fifty per cent?

**Mr Lui**—There has always been a recognition that all lands in the Torres Strait are traditionally owned, one way or the other.

**Mr DONDAS**—There must be different groups.

**Mr Lui**—There are, but I think what we are trying to find ways around is how best to manage the land. That is one of the areas about which we had a meeting with the chairman of the Indigenous Land Corporation. Because we have never lost our land, unlike the Aboriginal people, what we would like is a change of policy within the Indigenous Land Corporation to look at Torres Strait in a different light.

It is more land management that we are talking about and developing our lands rather than just buying for the sake of buying and not doing anything with it. He has basically come back to us and asked for a strategy about how we see that land management should be done throughout Torres Strait. As I said before, what we see as part of the autonomy we are pushing for is maintaining the very link, and that is taking into consideration our culture, our identity, our values and our traditions.

**Mr ENTSCH**—Just on Richard's comments earlier on, they are the traditional owners of Horn Island and this was a claim they have submitted. I am not quite sure how that works.

**Mr Lui**—There is, I believe, a native title claim that impinges on the Torres shire responsibilities. That is really a matter for the shire.

**Mr ENTSCH**—It is in the process of being determined, is it?

**Mr Lui**—Yes.

**Mr ENTSCH**—And it involves all of Horn Island and much of Thursday island?

**Mr Stephen**—It is not Thursday Island; it is just Horn Island and Prince of Wales Island.

**Mr DONDAS**—Are the traditional owners in this area readily identifiable?

**Mrs Kennedy**—They say they are traditional owners. Really, they came from the mainland. The Kaurareg people came from the mainland. They came to these islands and married our women. Are the

Kaurareg speaking as Aboriginals or Torres Strait Islanders?

**Ms Dorante**—They said they were under ACC, not ICC.

**Mrs Kennedy**—They came and they married our women. I guess they conquered our people. This is what I asked for when I spoke, a separate commission—all decisions made here because the islands are here, the seas are here. You have got no island without seas. You must have a sea when you have islands. The islands are here; the seas are here. That is our nation. We must make all the decisions here.

The people that went south went of their own accord. They weren't chased away. There were all different reasons and it is good down there, too. You see the children when they come back. They are educated better than a lot of our own children. They speak and understand English better. But that doesn't matter. But I feel that the decisions should be made here. We should look after those people down there because, as I said before, there are land-holders down there too.

I feel that we should not talk any more to you—just tell you this and then we talk to our own people and we will get the answer there. All decisions will be made here because we have the islands here and everybody that is running this commission or whatever will be people up here. They can come back if they want to, but this is what I feel. It's only fair. I feel that we shouldn't talk any more now to you until we fix up our own islands.

**Mr TONY SMITH**—Mr Lui, you say in your report that you would endorse the Torres shire councillors having a seat on the TSRA. I gather that that is something you would want too, Mr Stephen?

**Mr Stephen**—Yes. We have actually made a submission of that sort.

**Mr TONY SMITH**—To ATSIC?

**Mr Stephen**—To ATSIC, yes.

**Mr TONY SMITH**—Who would decide that issue? How could that be brought about so that your councillors could be represented on the TSRA?

**Mr Lui**—You need to understand that Torres Strait has always been included under the Local Government Act. We have a separate act, the Community Services Act, which incorporates our councils on the outer islands. They basically are a mainstream local government authority, if you like, which doesn't take into consideration what we have. You have to look at the implications of that act as to how you can either have a mirror legislation or some amendments that could mirror the ATSIC act.

One thing to take into consideration is the fact that resulting from the ATSIC act we are under now with the authority our role and responsibilities are basically firstly to Aboriginal and Torres Strait Islander people—full stop. Thursday Island itself is multicultural and you cannot segregate or isolate any race of people. You have to look after the whole group. That is what I am saying; you would need to look at the implications. We would welcome representation of Torres Strait Islanders on that, but you would have to see

if there is any—

**Mr TONY SMITH**—I am still a little confused. I thought the Torres Strait Regional Authority was a regional authority that basically came under the umbrella of ATSIC, that you had seats on ATSIC. Is that right?

**Mr Lui**—We do have a seat on the commission. That is on the basis that the commissioner chairs the Torres Strait Advisory Board, which looks after the interests of our mainland people. That is the reason it is there.

**Mr TONY SMITH**—You mentioned earlier, though, the Community Services (Torres Strait Islanders) Act. That is to do with the community councils and the ICC, is it not?

**Mr Lui**—Yes.

**Mr TONY SMITH**—Do you fit into that, the Torres Strait Regional Authority?

**Mr Lui**—Yes.

**Mr TONY SMITH**—How?

**Mr Lui**—Out of the triennial local government elections that are held right throughout Queensland, the chairperson of those councils under the Community Services Act automatically becomes a member of the Island Coordinating Council. What the Commonwealth has done is to amend the ATSIC act Torres Strait division to include that that person also automatically becomes a member of the regional authority.

**Mr TONY SMITH**—Mrs Kennedy said something before and we have heard some evidence from people in Townsville who say their hearts and minds and souls are up in this area. They love this area, even though they are living down there. I think any move to autonomy would have to include those people somehow. I am sure you are aware of that. They expressed a bit of alienation, I felt, from the TSRA, yet they want to be part of it, notwithstanding the fact that they have moved down there. Their hearts and souls are up here, too.

**Mrs Kennedy**—Give us more money and we will look after them. I am not joking.

**Mr Lui**—That is really the bottom line. If government is prepared to pour the resources into the area to take into consideration their affairs as well, that is fine.

**Mr TONY SMITH**—We are looking for guidance from you. It is you that has to get those people as part of the whole thing together, not us. You have to say to us, ‘We want to get those people.’

**Mrs Kennedy**—We would like to look after them because a lot of them are landowners too, and we feel for them. But you have to give us more money. We would have to have more money. They don’t have enough money to even look after us here. But we have to talk to them. We have got them organised. We know exactly where they are. The leaders can talk to them down there and then we will do it. Just give us a

separate commission and give us more money and we will do it. We will be out of your hair.

**Mr Bon**—I would like to see autonomy and I would agree with a separate commission, which is great. As a landowner, I feel that I have a greater responsibility for and ownership of my land and sea.

What I would like to see as a taxpayer—and I have been in business now for three and a half years—is greater autonomy for Torres Strait, not as a commission but as something of an opposition—where taxpayers' money is coming to this island and people in the opposition can discuss how the money would be spent. We are not resourced here in the Torres Strait and we do not get our hands onto it. We have people from down south—on the mainland—coming into our waters. That is our only resource—the Torres Strait waters here.

I would like to see our children trained instead of getting hand-outs and going onto CDEP. I am a boilermaker by trade and I have been in that trade for 15 years. I want to further my skills. I want my children to be engineers and go into medicine and the law. These are the areas in which I want to see greater autonomy. I want the government of the day to talk about these issues, not about infrastructure. We have too much infrastructure in the Torres Strait.

Everything is a learning process; we cannot mark time. My father left Murray Island and came here in order to educate us. We want to train people here. We do not want to be dole bludgers working for CDEP. My desire for greater autonomy is that we become a separate state or territory.

**Mrs Kennedy**—You are putting the cart before the horse.

**Mr DONDAS**—I have a copy of the annual report of the Torres Strait Regional Authority and the auditor has given it the tick. Reading the powers of the Torres Strait Regional Authority in section 243C (4), it says that the powers of the TSRA may be exercised in or out of Australia. Why can you not find a formula to include Torres Strait Islander people who are living on the mainland? According to the report, the TSRA had a budget of \$36 million from the Commonwealth. Why is there no mechanism for including people from the mainland?

**Mr Lui**—I did not say there was no mechanism. I am saying that we are trying to look after their interests now. When you look at the total population we have, it is a simple formula to ask what percentage of our population they comprise. That is the simple way out of it. No government would want to think about doing it. We raised it with Gerry Hand when he was the minister and ATSIC was being set up. The closest we have come to it is setting up this Office of Torres Strait Island Affairs in Canberra to look after their interests. It was the government of the day that said that we could not look after their interests because that would mean duplicating and setting up a separate administrative structure on the mainland for our people. The government of the day refused that. If the coalition government thinks otherwise, I have no problem with that. The bottom line is this: give us the resources to cater for them and we can do the job for them.

**Mr ENTSCH**—A point that we have not covered today relates to fishing in the area. I assume that would be a very important point and there are quite significant problems at the moment in regard to outside access to Torres Strait fishing. That is something we need to consider when we are talking about the economy of the area.

The other question in regard to autonomy is the fact that there are very diverse cultural groups here. When we are talking autonomy, are we talking about representation of this as part of the Torres Strait group or will there be separation as regards being of Torres Strait Islander heritage?

**Mr Lui**—This is what I mean about developing governance in stages. I reiterate what I said earlier. It is inevitable that it will happen because the Prime Minister and the Minister for Aboriginal and Torres Strait Islander Affairs have agreed to a single election outside of ATSIC under the next budget. That is a good sign of support from the government.

The second stage is happening. What we need to look at are the legislative implications while the authority is still under the ATSIC act. We should be talking to government and negotiating separate legislation, independent of ATSIC. You should have ATSIC legislation and a Torres Strait Islander act that would take in a separate commission and so on. As a committee we need to get away from the nuts and bolts and talking about broad principles. That is how we should be going about it. This is where people get mixed up about what they really want. I am trying to talk in a global sense as to the direction in which we are heading.

The next step would be the legislative process. While all of this being put in place, let us try to set up a task force. This task force should include a representative of the Commonwealth Government. Whether we like it or not we have to include the government because at the end of the day that is where the decision will be made. That task force would have to deal with these sorts of issues. It should consult with all people in the Torres Strait—not just Torres Strait Islanders, but people who have made Torres Strait their home—Malays, Chinese, whatever. If they have made Torres Strait their home they need to be part of the process.

As we get further down the track and amend the act from time to time, by that time I would hope that the state will come to the party with mirror legislation or complementary legislation to that of the Commonwealth. We would end up with one governing structure, whatever its shape or form, which would be representative of all interests in the Torres Strait. Then you would have a true cross-section of the representation of all Torres Strait people. If you do not have a structure in place you will go around in circles. If you do not have basic essential services in place you will not have the support of the community. They will be worried that the water they are drinking is contaminated and their housing is overcrowded. People want the basic amenities of life—they want a healthy lifestyle. At the moment we are in catch-up mode. If the government is serious they should make a commitment to us as a separate race of indigenous people. Let us look at the equity of it and ensure that we get equal treatment for funding.

**Mr TONY SMITH**—Do you see a responsibility for island people to start getting back to original customs—gardening and things like that? That is really important, is it not, in assisting the overall process of autonomy. I imagine the Federal Government is looking to see what you are doing about some of the practices that have been lost.

**Mr Lui**—This is one of the things that we have said: any model of indigenous government that was put in place would have to take into consideration the island customs which were based on the culture of the area. That is why we have been talking about putting in a system of our own traditions, our own values and our own beliefs.

**ACTING CHAIR (Mr Melham)**—How are you restricted from doing that now? I have read your submission.

**Mr Lui**—I will tell you. We are restricted until such time as the government formally recognises Torres Strait Islanders in the preamble to the legislation, saying that we are the prior occupiers and original owners of Torres Strait. Yes, I would say we can go away and do those customary and practical things that we want to do and we would have the flexibility in the legislation to do that.

**ACTING CHAIR**—What other restrictions are there on you in the legislation?

**Mr Lui**—In terms of the decision-making process, prioritisation, for instance. We have a dialogue with government departments and agencies; we can meet with them and talk to them. But at the end of the day they make the decisions because they control the purse strings. And because they control the purse strings they can tell us what is good for us. There is no formal participation by us in the decision-making process in terms of prioritising for our communities.

**Mr Newie**—In Australia you have the different states and territories that are autonomous—they make their own decisions. What is wrong with the Cape York and Torres Strait area making its own decisions as a state. People in this region are vitally important to Australia. We live here—people in Canberra do not live here. We should make the decisions. What are the implications to the economy? This part of the world is so important with the Customs, the police and so on. Why not bring our people back into Torres Strait and put them in these jobs? Year after year different people come in, take up employment and accommodation, while people who live here have to go on the dole. When will this stop? How long will it take to empower the Islanders living in this region? Torres Strait people living in this area must make that decision, whatever government structure we put in place. A lot of industry is here but Torres Strait Islanders have no access to it because laws are in place and Island people have no right to challenge them. This is a foreign law to us and the committee must realise that we do not have that power to make any decision in Torres Strait. Give us the power to make decisions, and then we can sit down around the table as partners, as a state of Australia. That has been done for Norfolk Island, the Northern Territory and Canberra. They have autonomy.

**Mr MAREK**—I just want to make sure that I have got it right in my mind. We have heard about ATSIC, about different commissions and about autonomy. In order to take greater autonomy, to create jobs, and so on, you need to have the rights to the sea?

**Mrs Kennedy**—We think we have the rights.

**Mr MAREK**—You need to have the ability to be self-sufficient.

**ACTING CHAIR**—Mr Lui, has the authority made any estimate of the extra funding that would be required to have your independence? I am saying that in relation to the bean counters in Canberra and their reaction if we came up with a recommendation as a result of our inquiry. Do you have any idea of the infrastructure, staffing and costing that might be required?

**Mr Lui**—Let me just isolate the housing component. If you gave me \$100 million tomorrow, that

would cater for housing in the whole of Torres Strait. Then if you look at the health service, obviously we are talking about megabucks here. I do not want to frighten governments away from the direction that we want to go, but what we want to do is seriously budget for each year, but we need a commitment from government to say that between now and the turn of the century—when Australia celebrates the centenary of federation—where we will be by then. I would say that we would be half way there by addressing our health problem, for example. There are people out there who really need the health question to be addressed before other things can be put in place. That is why we are talking about socio-economics here—we want to be sure that one does not go without the other.

**ACTING CHAIR**—I am interested in whether there is a figure or an infrastructure that you have looked at—a model that you say you require over and above what you have at the moment. What does greater autonomy mean?

**Mr Lui**—Bearing in mind that we don't want to be too complacent in our approach, I believe that what we need to do is maintain our standard. We are only 24 months old, but we still have a long way to go to prove to the rest of the Australian community that we can run and manage our own affairs, hence the reason I put that in my submission as to what autonomy is all about. In the comparison, we are getting now on our global budget with the TSRA—forget about ICC because they get funding from the TSRA anyway—up to about \$31 million. Obviously that was reduced from \$32 million to \$31 million. At the same time, you see our government giving bilateral aid with no strings attached to Papua New Guinea and we see where it is going. This is what we are frustrated about. How come you've got a sovereign country getting all these benefits? Give it to us and we will give you value for money.

**Mr TONY SMITH**—That is a good point. I was going to touch on that myself. I don't know how the figures compare. I think we are giving roughly \$350 million to Papua New Guinea.

**Mr Lui**—That's right, and no-one is asking how accountable they are to taxpayers, but as soon as we do something wrong, everybody wants to clamp down on us.

**ACTING CHAIR**—The foreign aid debate and the benefits we get from giving aid to other countries is another argument we can engage in. It is a philosophical argument. I must say with the greatest of respect that I, for one, am not attracted to the argument that just because we give foreign aid to overseas countries we shouldn't be cutting ours. That is another argument. I think it goes hand in hand with the aid we should be giving our own citizens, the most disadvantaged citizens—but not one or the other. I just think that opens up a Pandora's box that I don't want to open up.

**Mr Newie**—When are the handouts going to stop? What I really want to say is that here we have an international channel that every shipping company of every country of the world uses, yet we don't get anything out of it. Here we are running to the Australian government and asking them for a measly handout to try and solve our problem and we have multinationals moving through Torres Strait and paying no royalty to our people. That should be addressed.

**ACTING CHAIR**—I am not arguing about multinationals.



**Mr Newie**—You don't have to look at the number of the ships or what country they are coming from. You just have to look at the beach and the garbage they are leaving on the beach.

**Mr TONY SMITH**—Adrian, you say we have too much infrastructure and I think you are saying not enough training and not enough skilled artisans. What do you mean by too much infrastructure?

**Mr Bon**—There is too much infrastructure now, housing out on the islands. What I mean in relation to training is that we want to be self-sufficient and independent. We have to have the skills to run our own homes and communities and to interact with other agencies. We need to have the skills. There is too much infrastructure coming in; we become dependent upon CDEP handouts and we are not developing skills to do the things we need to.

**Mr TONY SMITH**—So what you are saying is that with autonomy comes a need to have your people more skilled. That goes with autonomy?

**Mr Bon**—Yes.

**Mrs Kennedy**—We are getting there. If you give us a separate commission, that is not putting the cart before the horse. Give us a separate commission, give us more funding and we can fix those things up. When we went for independence before, it was because of these kinds of problems. We thought we could handle those things. That is why we went for independence.

**Mr Bon**—I didn't borrow money from ATSIC or TSRA to start my business. I got a loan from the bank. I paid more tax and interest at 13 per cent. ATSIC didn't help me once, but I stood on my own two feet and I used my commonsense to generate money to pay my debts off.

**Mr LLOYD**—There seem to be two separate issues developing on the funding with ATSIC and a separate commission for Torres Strait. I am attracted to the idea. But the second line seems to be more a state issue, a land and water rights issue. I have reservations when I hear comments about wanting to control or own shipping that goes through the Torres Strait. Mr Lui, can you make some comments on that?

**Mr Lui**—We know that the international law says there is that right of passage. Obviously, had we wanted to be able to do something about it we could have done so previously, but we did not because of international law. That is the problem we have in the Torres Strait.

We have Queensland's involvement to a certain extent, which is from the low water mark to the reef edge and about a mile or so around its territorial limit, then you have the Commonwealth waters, and the international waters in that as well. The way it is set up now is complex. That is why people are saying the easy way out of it is to go for sea rights. That is not to say that if you get sea rights you would kick everybody out of the place, but you would need to negotiate with people that want to come in. Whatever industry they participate in, be it the prawning industry or whatever, they would be there on your terms and conditions and not the government's.

At this level we are feeling the pinch. We can't negotiate from a position of strength, although people

are saying, 'This is your own, you are entitled to this, you are entitled to that.' That is just one example of the fishing industry. Even with the maritime boundaries and that sort of thing, it really has a big impact on what direction we go as well because of the international waters.

**Mrs Kennedy**—Every island should have a sea. This was the law a long time ago. I think they started robbing the Irish first. They started taking the sea away. Every island should have a sea. Here, we own every stone in the water and we can name them for you and tell you how they got out there. We own everything in the sea, and we own the sea too. It is only you people that tell us that we don't own the sea.

**ACTING CHAIR**—Can I thank everyone for their attendance here today. I think it is worthwhile in closing this session to quote from the executive summary of the Torres Strait Regional Authority's submission to the committee of 8 October 1996. It says:

The recommendations put forward by the TSRA are based on a gradual evolution toward greater autonomy for the Torres Strait region. It has been negotiated with and agreed upon by the Commonwealth government and the Queensland state government.

Further down it says:

The TSRA considers that the implementation of any changes to give more autonomy to the Torres Strait region must follow an extensive consultation process involving all stakeholders to achieve the desired goal of greater autonomy in a manner satisfactory to all parties. An open investigation which draws on the existing spirit of cooperation is required.

Hopefully our presence here today is part of that consultation and openness. Really, it is something that we should be coming along and listening to because you are the stakeholders. We get to go away and go back to our big white house in Canberra. Hopefully it will not take a strike of 1936 to be repeated for you to get your autonomy some time down the track. Can I thank you all for your attendance and participation in today's proceedings.

Resolved:

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

**Committee adjourned at 6.17 p.m.**