



HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS

Reference: Greater autonomy for Torres Strait Islanders

BRISBANE

Wednesday, 12 March 1997

OFFICIAL HANSARD REPORT

CANBERRA

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

Members:

Mr Lieberman (Chair)

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

Matter referred for inquiry into and report on:

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

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

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

WITNESSES

BELLEAR, Mr Solomon David, Director, Aboriginal and Torres Strait Island Policy Branch, Queensland Health, Charlotte Street, Brisbane, Queensland	156
BENSTED, Senior Sergeant Lilian Blach, Cultural Advisory Unit, Office of the Commissioner, Queensland Police Service, 100 Roma Street, Brisbane, Queensland	156
GOODREID, Mr Christopher, Director, Intergovernmental Relations, Department of Premier and Cabinet, Queensland, 100 George Street, Brisbane, Queensland 4000	156
LOVEDAY, Mr Terence (Ted) David, President, Queensland Commercial Fishermen's Organisation, Suite 12/13 699A Sandgate Road, Clayfield, Queensland 4011	126
LOWAH, Mr Bill, Interim Committee Member, Interim Torres Strait Islander Working Party (Mainland), c/- 46 Avalon Street, Oxley, Queensland 4075	95
MAM, Mr Ezra Stephen Leo, Interim Committee Member, Interim Torres Strait Islander Secretariat, c/- 46 Avalon Street, Oxley, Queensland 4075	95
MAM, Ms Tomasina, 28 Colwel Street, Oxley, Queensland	143
PERKINS, Mr David Lynden, Manager, Marine Parks, Coastal Management Branch, Queensland Department of Environment (Queensland Government Agency), 160 Ann Street, Brisbane, Queensland 4000	156
RUBEN, Reverend Thaiday (Ted), President, Au Karem Le Torres Strait Islander Organisation, 17 Church Street, Goodna, Queensland 4300	118
SCOTT, Dr John Grant, State Manager, Public Health Services, Queensland Health, PO Box 48, Brisbane, Queensland 4001	156
TAYLOR, Ms Geri, Director, Health Systems Strategy Branch, Queensland Health, GPO Box 48, Brisbane, Queensland 4001	156
TOOLIS, Mr Paul, Manager, Office of Aboriginal and Torres Strait Islander Affairs, Department of Families, Youth and Community Care, c/- PO Box 94, Thursday Island	156
TYLER, Inspector Terence, Officer in Charge, Cultural Advisory Unit, Office of the Commissioner, Queensland Police Service, 100 Roma Street, Brisbane, Queensland	156
WAUCHOPE, Mr James Littleton, Program Director, Office of Aboriginal and Torres Strait Islander Affairs, Department of Families, Youth and Community Care, GPO Box 806, Brisbane, Queensland	156
WELLARD, Mr Gregory Alvin, Acting Executive Director (Conservation), Department of Environment, 160 Ann Street, Brisbane, Queensland	156

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

Greater autonomy for Torres Strait Islanders

BRISBANE

Wednesday, 12 March 1997

Present

Mr Lieberman (Chair)

Mr Albanese

Mr Marek

Mr Lloyd

Mr Tony Smith

The committee met at 9.19 a.m.

Mr Lieberman took the chair.

CHAIR—I declare open this public hearing of the committee's inquiry into greater autonomy for Torres Strait Islanders and welcome witnesses, members of the public and others who may be present at this meeting of the committee. The Minister for Aboriginal and Torres Strait Islander Affairs asked the committee to inquire into, and report on, this matter in August 1996. We have received written submissions and held three public hearings, in Townsville, Thursday Island and Cairns.

This is the fourth public hearing for the inquiry. Unfortunately, we have had to postpone talking to Torres Strait Islanders in Mackay and Rockhampton because of the threat of the cyclone—we were going there tonight, tomorrow and the next day. We hope to talk to more Torres Strait Islanders on the mainland and to revisit Thursday Island before finalising our report. In fact, we will be on Thursday Island in early May.

The task the minister has set us is in three parts. First, we have to study whether the people of Torres Strait would benefit from a greater degree of autonomy. If the answer to that question is yes, we then have to focus on what forms a greater degree of autonomy might take. The third part of our task is the one that might be of particular interest to Torres Strait Islanders living in Brisbane. We have been asked to look at the implications for Torres Strait Islanders living on the mainland if there is greater autonomy for the people of the Torres Strait.

In particular, we have been asked to advise the government on whether ATSIC or the Torres Strait Regional Authority should look after mainland Torres Strait Islanders. These questions are complicated and difficult. The committee is well aware of the great interest Torres Strait Islanders have in these matters. We look forward to receiving your assistance in trying to find answers to these questions.

[9.21 a.m.]

LOWAH, Mr Bill, Interim Committee Member, Interim Torres Strait Islander Working Party (Mainland), c/- 46 Avalon Street, Oxley, Queensland 4075

MAM, Mr Ezra Stephen Leo, Interim Committee Member, Interim Torres Strait Islander Secretariat, c/- 46 Avalon Street, Oxley, Queensland 4075

CHAIR—Welcome. Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. Would you care to make some introductory remarks?

Mr Mam—We accepted the invitation and we would like to thank you again for this great opportunity of allowing us to have an input into the discussion that is going on and to give you some information that you may be able to use, leading up to greater autonomy for Torres Strait Islanders.

In your terms of reference, you have three main points. I have got them right in front of me. The first one is whether the people of Torres Strait would benefit from a greater degree of autonomy. When we talk about that it is very important that, as a Torres Strait Islander, I get the ground rules straight. I am talking about the ground rule in relation to Torres Strait Islanders, because I am speaking to you all as members of the parliamentary committee.

When you talk about Torres Strait Islanders, do not forget that we are from the area of Torres Strait. I see that there is a map of the Torres Strait here, but you must remember that many of us live on the mainland of Australia. Approximately 30,000 of us—us and our children—live on the mainland. We need to explain the reason why all of us are here. We can probably extend on that and, being a government committee, you probably have some idea of the movement of Torres Strait Islanders.

With these three questions that appear in the references, if you want proper input from myself as a Torres Strait Islander and whether I represent an organisation or not, I would not have any doubt, but my question would be, Mr Chairman—and this is plain commonsense—is there any plan for Torres Strait Islanders from your committee? Have you thought about those things? We elected your people to parliament and there must be some plan for the Torres Strait Islanders. Have you thought about those plans? Have you got something in mind that we should work towards?

I believe that those questions can be answered, but I must know that. You cannot ask people questions if people do not know where you are going and what you have got in mind. You are government representatives, and we have to know where we are going. If we had that information, then we would be able to make a contribution to people like yourselves. If you have a plan, it does not matter what we do here, we are not going to achieve anything because we are going to abide by the rules that you lay down as a committee on behalf of the government.

So we must have some idea and the cards have got to be on the table if you are fair dinkum in

representing us. I have a background as a Torres Strait Islander, but I speak for Steve Mam as a Torres Strait Islander. When Steve Mam says something—and I can tell you now I do not believe in telling any lies because I do not achieve anything from telling lies—I want the truth to be told and I want to lay my cards on the table, and if there are any aces up my sleeve, I will tell you. Those things must be done properly. There are 30,000 of us and we are just like the meat in the sandwich.

The second term of reference asks what form a greater degree of autonomy should take. When you talk about greater autonomy, I am already excited. I am excited about the greater autonomy. I want to be involved. These guys want to be involved. They are excited about the greater autonomy. If this greater autonomy you are talking about is for Torres Strait Islanders I want the true interpretation of Torres Strait Islanders. Are you talking about Torres Strait Islanders living in the region? Are you talking about Torres Strait Islanders as a whole? Are you talking about all these definitions of Torres Strait Islanders from your side of things?

My definition of Torres Strait Islanders is murra urupun—that is a Torres Strait Islander word which means ‘all in one and one in all’. That is our language. That is what we want—two indigenous groups. That is only one side—the kala-lagau-ya. This is the language—and I am not going to bore the committee with all these languages—but the thing is murra urupun is very, very important so that you know that we want to work together, work collectively.

My idea of greater autonomy is that everybody has got to work together as one—the cards have got to be on the table—and we must work towards something that is most beneficial to all Torres Strait Islanders. There are 30,000 of us here. In government terms and an interpretation of the English word, the interpretation of Torres Strait Islander also is included in the word Aboriginal Australian. There were two indigenous nations here before any others came to Australia—the Torres Strait Islanders and the Aboriginal people.

The 30,000 of us living here in the mainland on the Aboriginal land in Australia are also included in this interpretation of Aboriginal people. Therefore, with the interpretation of the Aboriginal population of Australia, we are just a percentage of the total population. Whether there are 19 or 20 million people living in Australia, we are 2½ per cent of that population. Within that 2½ per cent of the population there is the Torres Strait Islander population, which is a minority within a minority.

The greatest majority of Torres Strait Islanders are living in Australia, in Aboriginal country. We are here, and of course the remaining part of that population is back at home. Our base is at home. In everything that is happening according to government regulation, the act and all that is laid down for people there is a focus on all of the people in the Torres Strait. I can very much appreciate that. I could also take my hat off and clap for all of that. I better not mention taking my hat off because I will take my hat off only if you included us as a whole as Torres Strait Islanders. That is not happening.

Of course, in the history of the Torres Strait Torres Strait Islanders as a people have never had proper input into government submissions, into those things that are happening. We have those things before us or assisted us through the policy of government without proper negotiation. Let me use the English word. I am not an English man and I do not know the English word, but what it really means is negotiation.

Consultation—I am hearing that. Negotiation—I am hearing that. This consultation business is a false,

pretend, word which I do not want to be involved in. As far as consultation is concerned, there are so many ways of consulting and you are not getting anywhere. I want to use a word which—I will go for 'negotiation'. My understanding of negotiation is that if we negotiate we at least sit down face to face like we are, we lay our cards on the table and we have an input. We will tell government representatives exactly where we are coming from and whether we are willing to be involved, such as in greater autonomy for us, which is what you are now speaking to us about.

First of all, there is some work that needs to be done. We have our side of things. That is why you hear me mention and you see it in writing that just recently a step was taken to create, after all the years of waiting for something to happen for Torres Strait Islanders living here, a national Torres Strait Islander secretariat, where we can have a voice. So government representatives will not be running all over the place looking for a Torres Strait Islander voice in the mainland, through Aboriginal organisations and whatnot. They will now be able to listen to people who are Torres Strait Islanders. This is the move.

Only two days ago I went to Cairns, Rockhampton, and Townsville to look into all of those things. The thing is we want to make this move. We have got our side of things. We believe that we can work through the secretariat. We want someone like Steve Mam sitting here talking to you. I want to say to you that, with the assistance of government, Steve Mam has been involved with the department of Aboriginal affairs in the decision made by the federal government to have a department from day one. I have seen this go through more than 10 federal ministers. Torres Strait Islanders to this day have nothing. We are the meat in the sandwich. This has gone through 10 federal ministers. I do not go to the state minister. Our dealings have mostly been with the federal mob. We have gone through nine or 10 ministers and we have seen nothing. Do you know why? Because all of the time Torres Strait Islanders have had to speak through an Aboriginal voice, through the mixture of that. We do not speak for ourselves. We get all cramped up. We get all crowded and get real exhausted about our business. That is one side of things.

I am not going to bore the committee with my experience with the federal ministers. I can name the 10 ministers I have been involved with. I once was the Queensland chairman with the National Aboriginal Conference. I can give you the background history of that but the thing is today I am an ATSIC counsellor. I am the Aboriginal and Torres Strait Islander Commission regional counsellor of south-east Queensland. I will tell you whether we got assistance or not.

A decision was made for the Torres Strait Islander organisation to receive \$1.5 million for a building. That money came from land acquisition. There was a lot of politics with it. When the decision was made and we went through all the channels in 1996, my colleague in the ATSIC group in Brisbane came up to me and all my Aboriginal brothers and sisters and said, 'Steve, you're not going to accept that, are you? You have to give that back to us because every priority belongs to us.' That is one example of 1996.

I can go further than that. I could go to Sydney. I could say to you that the ATSIC council in Sydney approached me, Steve Mam, and said, 'The allocation of funds that we received from the global budget for Aboriginal affairs really belongs to Aboriginal people. It does not belong to the Torres Strait Island people. You have to go back to Torres Strait and get your share of the cake from the Torres Strait, get your share of the budget from the Torres Strait.'

I have never grumbled. I took that into consideration when I spoke to Torres Strait Islanders and I mentioned those things as something constructive, making sure that there was no infighting or whatever. I mentioned all those things to my people in public. We have had six national Torres Strait Islander conferences in Australia. People who are representatives come from all over, and we have been crying. The long wait for that was because we had been relying on those organisations that were created to do all of this, but nobody has attended to all of that. Do you know why? Because we have not had that input. We, the Torres Strait Islanders, have not been treated properly. The people that we deal with just want to get rid of us.

I tell you today in Brisbane that there is a great argument over an organisation here in Brisbane, and a health organisation is almost closing down. The doors are all locked—it is not very far away from this place—because the argument is that they do not want any Torres Strait Islander input into the organisation, and that organisation happens to be Trachoma Eye Health.

The argument is Torres Strait Islander involvement. They do not want to be involved with us. They want us to go back home or to do something for ourselves. This is a challenge to us—well, I should not say it is a challenge to us because we accepted that if that was going to be a constructive method of working towards something. Again, pointing to the greater autonomy, we want to do something and we as Torres Strait Islanders want to be involved in that.

I have another example of using the ATSIC committee in south-east Queensland. I sit here and talk to the representative committee through you, Mr Chairman. The ATSIC committee here in south-east Queensland has accepted the ward system, but we are not qualified to have a ward system. That decision was made because a few of the ATSIC regional counsellors made an approach to the national chairperson of ATSIC and requested that there be a change in the ward, and the story goes on.

Now today, through the ATSIC system, we have three wards—metropolitan, north and south. That was designed to split up all the Torres Strait Islanders. Your guess is as good as mine about why that happened. I do not want to say something which is going to be derogatory about splitting the community, but I am saying to you that it has openly been discussed in community meetings that Torres Strait Islanders must not have an input into ATSIC in relation to the ward system in south-east Queensland. Until now, the only single Torres Strait Islander to sit at the desk of the regional councillors is Steve Mam. One other thing that has happened in that business is that Steve Mam has also been a creator of a multi-regional organisation called IINA Torres Strait Island Corporation, which is based in Brisbane.

In September last year the government talked about appointing a special auditor through the federal Minister for Aboriginal and Torres Strait Islander Affairs, Senator Herron. They talked about that and that has been chucked out of court. Now the procedure is that you have to go through all the channels of that inquest when we are talking about breaches and things like that. We can understand all those things that organisations need to go into, but the IINA Torres Strait Islander organisation as a multi-regional organisation has gone through some real suffering.

In September, information was let out to the *Courier Mail*. That was a move to really smash us, to break us. There was information there from an ATSIC source to the *Courier Mail* to say that IINA was

involved in so many breaches and is in the reddest of the red category. I pray to God that, at the end of the day, we are almost as white as snow with the organisation investigation and all of that. You will also hear about that.

But the thing is that the staff of IINA are suffering. This state multi-regional organisation has been choked from operating. How are Torres Strait Islanders right throughout the country going to get all this information? This has been going on from September until now and the staff are still waiting for their entitlement—their termination pay.

So we have to go back—and I did this in my last trip last week—and say to all my people that we have gone through voluntary liquidation. The move now is to create a secretariat and they are no longer going to be Brisbane people. All of us are going to be represented on this committee. This committee will be incorporated under the Australian commission act and it will be there to serve all the Torres Strait Islanders.

Mr Chairman and members of the representative committee, do you know why we make this move? We are making this move so that you will have a clear view of Torres Strait Islanders' views—not Aboriginal and Torres Strait Islanders but Torres Strait Islanders. You will know our feelings; you will know that we have done our homework; you will know where to come to; and you will know that we are very qualified to say something on behalf of the 30,000 Torres Strait Islanders living in Australia, using the secretariat to give you the information you need.

But do not forget that we will have to take into consideration all those voices back home, to go back to our land and all those things that we hear every day. It is said to other people, but I need to talk about sending Torres Strait Islanders back home. I would support greater autonomy for Torres Strait Islanders as a whole. I am 100 per cent in support of all of that. The mechanics of all of that relies on your hand, Mr Chairman and your committee's report back to the parliament. It relies on your hand.

I have had some involvement in international seminars and conferences. I have been to places like Geneva and talked to other indigenous brothers. I have been looking at the structure of all of that and I need to do my homework. People of the Torres Strait Islands have gone over to Norfolk Island, Cook Island and all of that.

I was very interested in the Saami proposal when I was at Geneva, listening to the Saami government as they talk about their proposal and their structure. I was very interested in doing that, but of course throughout that technology of ours, so that we could see things first-hand in TV or whatever—I mean they promised faithfully that that will happen in time to come and they probably work through the Aboriginal and Torres Strait Islander international media and people will be able to see that first-hand. But nevertheless, this is forthcoming, and I am relying on all my brothers in the Torres Strait to give that information to us, and there has been a lack of that, because they are slowly coming. We know how to get the information, but there have to be a time that we come together.

I am talking about this movement to the greater autonomy, which I support 100 per cent. There has got to be a link. You are not going to move all these people from the mainland going back to Torres Strait, because people are going to remain here. I do not want to talk about permanency. I dare not use the word

'permanency' of us as resident in Australia, because I don't want you to think that because we want permanent residence, that we are only a minority group. I don't know what is going through the mind of politicians. You might turn around and say, 'You better off being with the Aboriginal and Torres Strait Island Commission. You might be better off where you are now. We'll extend certain things. We'll have amendment to the act and we'll include you. You will have a bit more better treatment.' We have had this over and over in the 10 federal ministers that we have had.

I also want to say to you that in a program last night I watched on television of the present government, there has been talk about unemployment. I am not taking you away from what I am talking about, greater autonomy. I was half asleep, but I sat up. There was a program about unemployment and all the people who are unemployed. The minister who spoke last night said, 'Well, okay, we have an employment strategy. We are interested in giving people full-time employment, not just creating things so you can have a thousand people training all over the place. There is no full-time job.' I sat up for that. Don't forget I am one person that have worked in this field of Aboriginal affairs since that department was established until now. I sat up for that, because that is a very true word.

We are going to get somewhere. This is maybe lopsided a little bit, but in the same principle of getting full-time positions, when you are dealing with greater autonomy, you've got to be dealing with the people concerned. I do not want anybody to talk for me. They don't know me as a Torres Strait Islander. From a person, from an organisation, they don't know me. I don't want you to go to any Aboriginal organisation or anybody to represent me. I don't want even the Aboriginal commission to represent me. I want an input to that. In the commission, you have a Torres Strait Islander, a commissioner, that represents Torres Strait. He does not represent people in the mainland. He is a chairman of the TSIA board.

One more thing as I come to the conclusion of my talk anyway with the representatives and through you, Mr Chair, is that when there was a movement in the Torres Strait about independence, in the time of Gerry Hand, you know who met Gerry Hand with the island head rep? Steve Mam. The people chose me from the mainland to go over and meet Gerry Hand, the federal minister. I shook his hand and invited him to the town hall. I was even excited there at the minister coming along to see us. Do you know who sat in those rooms doing a plan and put down a statement of concern? The people living on the mainland, because I led them there and to join with our brothers in the Torres Strait. That request came from Mr George Mye MBE of the Torres Strait. I led those people.

From that day until now, I have been speaking to George almost every week and there has been that consistency in our movement of talking to one another. I will support greater autonomy, if we are all involved, and you have got to tell us whether it is for the people there or for all of us. I leave that to the government. But my idea of greater autonomy, as I say, I am very excited, because greater autonomy, to say that you people no longer are just going to be respected and recognised as this small group of people, you are going to be recognised as a whole, Torres Strait Islanders.

As I sit here at the table in this chair talking to you, I begin to think, 'Well, all right, a separate commission for Torres Strait Islanders so that if it is going to be a duplicate of the present commission, at least there will be no problems because politicians already understood what the commission is all about and have already had some information with regards to the ATSIC commission.' So we ask for a separate

commission and from this separate commission—don't forget there are 30,000 of us here—there has got to be equal representation. And we don't want to have 19 commissioners in the mainland and only two from the Torres Strait because of their population. We want equal representation in that commission. And if a separate commission is going to bring us together, let it be done.

Don't make any more research because you are wasting taxpayers' money. Already people are saying, 'Go back to your land.' So is that not enough evidence of the fact that people want us to go back home? From an economic structure or an economic movement so that we do not talk about spending too much taxpayers' money again, you need to work with us. You can't be flying to Melbourne or to Sydney or to all these places. We are doing, we are involving in getting our homework done by creating a secretariat, so wherever you are you could always ask a secretariat for our votes. So we ask that a secretariat be funded. There is no money for a secretariat here. This is a new movement—there is no money for the secretariat. And this secretariat will be involved in the democratic structure of getting things done in a proper way—true representative. As we ask for a true representative back home, we ask for that sort of involvement in amongst us so that people will have a fair go, a fair say, in what they are doing.

I do not believe in that individual approach because there is too much trouble. I can count on my fingers the corporate bodies of Torres Strait Islander organisations in each of the states, and this does not cost too much money to support that so that we could have a voice, so that you will have true information. Each time that government people come to us and ask about Torres Strait Islanders, you talk to all of us and then they are always pointing—I can respect all our brothers in the strait—to them for them to give the advice. There are 30,000 of us here. In the ATSIC commission you talk about access and equity. Where is that? Where is social justice? Where is all that? And we ask that our government representative tidy up this house.

Mr Lowah—So to speak!

Mr Mam—And if you want us to do something, if you have got something in mind, tell us what you have got in mind for us in the three terms of reference and we will gladly assist you 24 hours a day. We will gladly assist you. The thing is, please, we ask you on behalf of Torres Strait Islanders—and I can tell you with my experience on behalf of Torres Strait Islanders all throughout Australia; this is the cry of Torres Strait Islanders. We have been the meat in the sandwich and we look towards your committee to make that representation to us. If we are going to end up in a separate commission, then the Torres Strait Islanders must be involved. Torres Strait Islanders in this movement of greater autonomy from the mainland must be involved all the time, otherwise there is no greater autonomy. Forget about that; we will save taxpayers their money. I will leave it to Bill.

Mr Lowah—I think in those introductory words you can hear and feel the dedication and the commitment that makes Steve regarded as one of the more illustrious leaders we have had since the days of Jack Marou when there was a strike in 1936 because of unfair treatment, because of being underpaid—working for nothing in fact. So it is just a loose terminology was used by the pearls of the day. I might add they were from the mainland—non-Torres Strait Islanders; non-indigenous. So we know perhaps a little bit more about our own history of our grandfathers leading up to the present day.

The short answer is yes, we need to have greater autonomy, for the simple fact that any government

or any tier of government cannot hold their head high, no member of parliament can hold their head high, until such time as social justice prevails. That may or may not come through overused terms such as access and equity. Certainly, that is a catalyst where social justice can be got.

For Torres Strait Islanders, greater autonomy probably means that they will have a direct say so that it affects the direct outcome of the policy or the structures or the statutes that drive legislative process in the form of an act or a proclaimed act of government at the state or federal level—certainly at the federal level as we speak here. In my opinion, as a member of this interim working party, there is no doubt in my mind that this inquiry came about because of the pressures that Torres Strait Islanders have been putting on government through ATSIC. That is why it has happened and, quite frankly, we will take a quiet bow for that.

The government is seen to be doing a good deed by spending public funds for you and your committee to go around the country to speak to these people called Torres Strait Islanders. Who are they? Who are these Torres Strait Islanders? People talk about 40,000 and 50,000 and I can tell you that Torres Strait Islanders have certainly been around that long. Not only that, they are so cosmopolitan. There are white-looking Torres Strait Islanders—whiter than you, Mr Chairman—who are proudly Torres Strait Islanders. There are Aboriginal looking Torres Strait Islanders. There are Scottish looking Torres Strait Islanders. There are Japanese and Asian Torres Strait Islanders.

We have never perhaps gone through that loop that our Aboriginal loved ones on the mainland have gone through in terms of knowing who we are and where we are. Our history has not had that same tenacious upheaval to the detriment of our loved ones on the mainland. There has been removal of our children but not to the same extent. That is why Social Justice Commissioner, Mick Dodson, had to go to the Torres Strait and witness by evidence in his hearings some of the removals. However small, it happened in the Torres Strait, but not to the same extent where it decimated the whole nation of the Torres Strait.

In fact, Mr Chairman, we are very homogeneous. We are a homogeneous society. We are governed by very strict protocols and customary law. For example, the customary adoption practices of the Torres Strait is perhaps the most unique practice that you would find anywhere else in the world and has been sanctioned as such through the leadership of Steve Mam when he tabled those in the international forums—Geneva, New Zealand and other places and in the family law courts up on the north coast in front of 300 judges only two years ago.

So this is all part of the greater autonomy process that we are coming to grips with and tabling our concerns about. If we equate greater autonomy with social justice and then this committee, in its infinite wisdom, turns around and only provides greater autonomy for the region known as the Torres Strait, then, Mr Chairman, I can tell you that is not social justice.

That goes a long way short of fulfilling the greater heights of true democracy of the Westminster system in this country, call it crown law, call it whatever kind of law. But even in customary law, you cannot disseminate and uproot the strong laws of custody and kinship of the Torres Strait by giving greater autonomy only to the region now known as the Torres Strait.

One of the other statutes or mechanics that perhaps needs to be looked at seriously when we are talking about greater autonomy is the question of native title, which my uncle Koiki Mabo proved beyond reasonable doubt by turning western law upside-down and getting rid of terra nullius. He was a visionary in his own right. That was used by the Australian government, the Queensland state government, all other state governments and the Australian public—this is part of greater autonomy—to give them the right excuse in finding out how to deal with indigenous business. Do you know what? Everybody stuffed it up, including the lawyers.

It is very simple. What Koiki Mabo said there—beyond the sacredness and the sanctimonious gesture of customary law under native title—was, ‘I am a Torres Strait Islander man. This is my law. This is how I have been able to adjust. It gave me the strength and determination to live under someone else’s law.’ We cannot lose that treasure. That is what greater autonomy means as well, because you can link that up to native title, you can link that up to customary adoption and you can link that up to land rights.

That is what the Northern Land Council Chairperson said only a month or five weeks ago in Cairns. He said, ‘Do you want to know what native title is?’—and I am not quoting him, as I do not know what his exact words were. He simply stood up in front of the floor and said, ‘You’re looking at native title.’ And that is what Koiki Mabo said—perhaps more eloquently than our brother Galarrwuy. But certainly Galarrwuy, as you know, Mr Chairman, is a very eloquent orator.

So that is looking after perhaps the real definition of ‘greater autonomy’ in all its infinite wisdom. We do not see it as some English word. We cannot see it as an English word because we are not Englishmen, and we do not come from an English speaking background. This is how intricate it is. The House of Representatives must become serious about sincerely understanding what greater autonomy is, because you are dealing with people who have a totally different vision of the world, a totally different value system. And why? Because to me greater autonomy means something different from what it means to you. That is a fact. Nobody around this table can deny that. That is why we will disagree all the time.

Where does that leave the reporting and the recommendations? Mr Chairman, how will you and your members deliberate after we have gone? How seriously will the definition of ‘greater autonomy’ be taken? It must be taken seriously because it is Torres Strait Islanders who are speaking about how passionate they feel about greater autonomy; it is about life itself. That is how serious it is. It is about the state of Queensland.

Mr Chairman and honourable members of this committee, you need to know that ‘greater autonomy’ means that Torres Strait Islanders are still suffering from diabetes myelitis, which is a debilitating and preventable disease—the key word being ‘preventable’. It is a lifestyle disease, as medical practitioners will tell you. Torres Strait Islanders are suffering from that disease 25 times the state average. That is a statistical fact, it is also a medical fact and it is also a medical statistical fact—25 times.

In 1997 Torres Strait Islanders on the mainland and in the Torres Strait region are suffering a most debilitating disease. Do you know how it is treated? I will tell you. It is treated not by the securing and self-administering of insulin. It is treated by digits being amputated—one finger, then two fingers; one toe, then five toes; then from the ankle, then from the knee up, until you have people walking, hobbling and wheeling themselves in the Torres Strait.

Who is the most eloquent, the most qualified—and the words ‘most qualified’ are like the words ‘greater autonomy’—to tell government who have the responsibility to change that situation back to front, upside down? The way it is now, Torres Strait Islanders are on the bottom of the health heap—and I am just quoting one situation. Torres Strait Islanders also pick up diabetes through diabetes retinopathy, a disease of the eyes from which they also suffer. In defence of my Aboriginal loved ones, I might say that in the state of Queensland they are not far behind, being about 20 times worse than the state average in suffering diabetes myelitis type 2.

So those kinds of statistics have to be turned around through this process of bringing about greater autonomy for Torres Strait Islanders. The national secretariat is one model that perhaps needs to link up funds to rationalise the economics of the situation. Perhaps the government has to seriously consider what they have done in Canada where, shall I say, there are unlimited Commonwealth resources and funds to bring about proper social justice to the native peoples of Canada and North America—the Blackfoot, the Crow and the Cree, et cetera.

If we are going to be consistent in our deliberations of social justice to the second minority group of this so-called great land, then we have to start acting greatly and not be driven by some mindless brainwashing exercise. But the fact of the matter is that people are suffering in this day and age and being likened to those in the Fourth World and developing nations around South-East Asia, Latin America and every state and territory on the continent of Africa. So perhaps the national secretariat is one model.

Perhaps the second model to economically rationalise is to look at a wholesome structure which would include fair and equitable representation from both the Torres Strait homeland and mainland Torres Strait. Perhaps as part of the economic rationalisation process the equation would include not so much the population distribution; we can get away with 30,000 because we are only 30,000. Let that also be a linchpin in the success of this outcome. It is 30,000 only we are dealing with here, so too much rationalisation should not be a problem in the equation.

But if you do not do that equation based on population distribution, then base it on the needs of the people. Those needs, perhaps interpreted as demands, you would find to be equitable from the Torres Strait. Forget about there only being 5,000 Torres Strait Islanders in the Torres Strait, and perhaps forget about there being roughly 25,000 on the mainland of Australia. What sort of economic rationalisation argument do we use therefore to look after the 25,000 and the 5,000 in the Torres Strait when, at the end of the day, there are still only 30,000 all up? That is the second structure.

Perhaps the third structure is to look at a separate commission. We like to think that it was our lobbying through ATSIC to various members of parliament that this inquiry came about. In the first instance, not so many months ago, we went to Canberra and deliberated in front of the then chairperson Lois O’Donoghue and her colleagues about greater autonomy, self-determining structures and processes, and what the future of greater autonomy for Torres Strait Islanders will be.

Greater autonomy must happen. If it does not, it will be to the detriment of people dying in your backyard. That is not emotional blackmail, it is a fact. I cannot say it any other way. I am speaking of people in this day and age in the territory of Australia. And remember this: the Torres Strait region, where our heart

lies and our soul is, essentially lies between two sovereign states: Port Moresby and Canberra. In terms of the bigger picture with the geography of the Torres Strait, it is close to South-East Asia and other parts of the world—and the world is a very small place indeed.

We want to be part of the future development and progress towards which this Commonwealth is going. We are likely to end up being a republic in the not too distant future. I think part of that process is to get up a victory straight away, perhaps set a precedent to say that it can work under these terms of reference. Perhaps it needs to be modified a little bit. The wording there is 'little bit'. There is an imbalance. That is why we talk very passionately, very determinedly about there needing to be a wholesome structure for both mainland Torres Strait Islanders and our loved ones in the region. Otherwise, you cannot have social justice.

The potential for us to become second class citizens in our own homeland is a real threat. There are all sorts of things to rationalise and get right in the first instance, not when the problem occurs—and that is my point. I speak on behalf of my two children, and I can see that happening. Perhaps some of our regional Torres Strait Islanders are starting to think like that, and that is a very sorry state of affairs.

But just very quickly, when I talked about native title, most or many of the people who have made their permanent residence on the mainland of Australia in their own right, as did Koiki Mabo, are also—if I can term it this way—bigger traditional landowners than the people who are living in Australia. So we have to be very careful how we—perhaps I can use the word—'tamper' with this business. We have to be very astute about this. I am simply laying down some ideas for recommendations that will bring things about straight away, instead of beating around the bush, so that—just to rationalise—you do not have to have another inquiry 12 months down the track. We should get it straight, right and correct from the first instance.

I think we also have to look very carefully at the social justice issues. We are driving that situation. We have the people's convention coming up, and we would like to see a significant number of Torres Strait Islanders present at it—but not like some token painting or wall-hanging. Some wall-hangings and paintings tell proper stories while others do not. But allow us to be part of that process, as much as we will be part of the reconciliation convention happening in May of this year at the world convention centre.

There are those kinds of things. Perhaps a memorandum of understanding or a regional agreement is another way, another structural process, that could be created to bring about some semblance, some prudence, some commonsense. We used to be Torres Strait Islanders, but only up to the last 10 years; now there are mainland Torres Strait Islanders. The English language is a very bad language. They have adopted that quite wrongfully, and they have picked up some bad habits from around the joint.

Also, I think if you bring the two parties from the mainland and the homeland together, you will get a better quality of public administration of public funding. Quite frankly, some of the reports I have read about the ICC and, even in its short time, the regional authority do not sit too rightly with me. The buck stops with the hierarchy. I am suggesting that you will get a better quality from a broader section of the Torres Strait population—and 'the broader section of the Torres Strait population' means the inclusion of all Torres Strait Islanders throughout the Commonwealth of Australia.

They are some of the things. Perhaps we could continue with some questions and answers. Some

members might want to ask questions.

CHAIR—Thank you. Members are anxious to ask questions. We have other witnesses scheduled to give evidence, and many of them have travelled and have to meet travel commitments. We do not have much more time. I propose that we finish your segment of the submissions and questions at 10.45 a.m., so we have about 30 minutes at the most. So now let us try to focus.

I will ask you some questions in an effort to clarify what I think your submission is asking for. If you keep your answers as short as possible, we can give other members the opportunity to come in too. You are saying that there is definitely a case to increase autonomy for Torres Strait Islanders.

Mr Lowah—Yes.

CHAIR—As I understand it, you say that you believe, in attempting to increase autonomy for Torres Strait Islanders, it would be a mistake if greater autonomy were only given to the people living in the Torres Strait islands.

Mr Lowah—Because that is not increasing it; you are right.

CHAIR—Yes, I am attempting to clarify it and just summarising what you are saying. You are saying that to be just, to give justice and ensure a good outcome the greater autonomy should be extended to mainland and Torres Strait island residents.

Mr Lowah—Yes.

Mr Mam—The homeland.

CHAIR—You say that you believe in doing that—that is for mainlanders and residents on Torres Strait islands—there needs to be equality of representation on whatever body or organisation is designed to give that greater autonomy. Can I ask you to clarify that point? You have mentioned that there are a large number of Torres Strait Islanders living on the mainland, many more than there are living on the islands. Yet you say that there needs to be equal representation.

Mr Lowah—Yes.

Mr Mam—Yes.

CHAIR—Can you clarify that? Do you mean proportional representation?

Mr Mam—Absolutely.

Mr Lowah—Absolutely. May I say, very quickly, there are those terrible English words again—

CHAIR—I am sorry about that.

Mr Lowah—So am I, very much so, I can tell you.

CHAIR—So you say yes.

Mr Lowah—It is proportionally, but not to be not significant, if I could use that expression.

CHAIR—So, on that basis, you say there need to be more representatives in the new model—

Mr Lowah—In this new structure.

CHAIR—From mainland Torres Strait Islanders?

Mr Lowah—Yes, which is an inclusive model.

CHAIR—Does it follow then that you are saying that decisions regarding local arrangements on the islands themselves should be dominated by Torres Strait island representatives from the mainland?

Mr Lowah—No.

Mr Mam—No.

CHAIR—So that is where I needed to clarify it. You see, you have just said something that is confusing me. Can you clarify what you mean by that?

Mr Lowah—Yes. I think what perhaps the wider community does not understand, and that we are only privy to understand and know, is that we have a way that is not written about or defined when we sit down and talk with our own kind. And that includes whether we talk about family business or about whether we want to be the first Torres Strait Islanders on the moon.

There is a way to talk about how things will be governed, if you like, without railroading. What I am talking about is that we know how to behave. In other words, we are not in the business to overtake the business of the Torres Strait region. We are just like that. It is a gentleman's agreement.

When things are going to be how things are governed in the Torres Strait we will give every support to that. We might argue a little bit—at the end of the day that is our families as well. Remember the word homogenous, Mr Chairman, because I want to say that. When they hurt—this is the spirit of the Torres Strait talking here now—in the Torres Strait they also hurt in Brisbane, Perth, Darwin and Alice Springs. So we would never, ever, on our ancestral graves, take over for the sake of greed or for the sake of political prowess. It is not in our make up.

CHAIR—Can I just give you a hypothetical example. If the Commonwealth feels that it would like to give \$10 million to help people on the Torres Strait Island address serious health issues like diabetes, do you say that a decision as to where it is spent on the islands and how, and how many staff are employed—nurses and health workers—should be made by mainland Torres Strait Islanders and Torres Strait Islanders living on

the island or do you say no, that should only be made—

Mr Lowah—Yes.

CHAIR—Yes to what?

Mr Lowah—Yes to the latter point.

CHAIR—So only by Torres Strait Islander residents?

Mr Lowah—No, to both, because that is increasing greater autonomy.

CHAIR—Do you think some of the Torres Strait Islander residents might say, ‘Hang on, we should be the ones that decide how many nurses we will have on the island, not Torres Strait Islanders on the mainland’?

Mr Lowah—They will say that. They will be supported.

Mr Mam—I am just going to the words—

CHAIR—Please, Steve. I just want to fix this up with Belza first.

Mr Mam—I am just going to the memorandum of understanding.

CHAIR—No. I want to persist with this line of questioning, if you don’t mind. It is very important. How many nurses on TI out of this \$10 million. Who decides? Who makes the final decision?

Mr Lowah—If I can answer by qualitative explanation—that is to say what I have personally experienced. It just so happens that for the past three or four years I have sat on the Torres Strait Health Council. I am aware of the intricacies of health morbidity; the morbidity rate throughout the length and breadth of the Torres Strait. Encephalitis—all those things—outbreak, malaria and still the one or two cases of leprosy in this day and age. I am aware of that. That experience, that quality, by the statutes governing this composite structure, will be objectively produced; that is to say, simple wisdom would demand that you listen to the people who live there all the time.

I would personally—this is a hypothetical answer to a hypothetical question—as a mainland delegate see the good sense in that. I know that there needs to be three qualified nurses with an enrolled nurse at Badu as opposed to two over at Murray Island in the east. Three in the west and two in the east. And similarly Boigu as to the lower western groups. I have not only the object of—

CHAIR—Belza, please understand. Please do not be offended by what I am saying. You and I will not be here forever. We will grow up in other places. What you were saying earlier is that you believe there should be roughly five times the number of Torres Strait Island representatives on the new body—

Mr Lowah—No. I have never said five times.

CHAIR—I am extrapolating it—as there would be for island representatives. There are about 6,000 people on the islands and 20,000-odd on mainland, so it follows that you would have about five reps and one. In your answer to the question before, you said you think there ought to be proportional representation. When you are gone, Belza, there will be, say, five unknown people from mainland Australia and one unknown person, maybe two on the model that you put forward, deciding where those nurses would work.

Mr Lowah—No. Totally wrong, Mr Chairman.

CHAIR—Okay, explain.

Mr Lowah—When I talk about proportion, for example, very comfortably there could be anywhere between six or seven national Torres Strait Islander delegates from each state and territory—say up to 10—that could represent mainland.

CHAIR—How many would represent the Islander people?

Mr Lowah—They have representatives from the 20 inhabitants Torres Strait Islander community.

CHAIR—So, on the future model, you say that they should have more representatives than the mainland islanders?

Mr Lowah—On that basis, that is how it appears to be.

CHAIR—Is that what you want us to consider recommending?

Mr Lowah—That is not the ideal situation.

CHAIR—We are talking man to man here. What do you want us to think about? Do you want us to give more representation to the Islander people living on the island or to the mainland people?

Mr Lowah—How willing is the government to—

CHAIR—We are not negotiating here, Belza. It is your chance to put your vision for us to think about.

Mr MAREK—As Steve said, lay the cards on the table.

Mr Lowah—That is why I want to ask that question.

CHAIR—We have an open mind. We have an inquiry—

Mr Lowah—How willing is the government to stick its neck out?

CHAIR—No, it is what you think is right. That is what we want to know.

Mr Lowah—In the first instance, the first premise of the argument is that Torres Strait Islanders on the mainland have to be represented by a delegate of a number of people, either through a process of appointment or elected by the communities. Steve could probably add to that. But there are two choices there.

If I can answer it philosophically this way: it could be 50-50, five from Torres Strait and five from the mainland, and perhaps one appointed, as governments usually do. It would probably be from the Torres Strait region. I can see the good sense in that because we are talking about Torres Strait Islander issues only.

The things that we talk about, for example, are not necessarily the public policies that the former department and ATSIC presently talk about in that sense, but everything stems from our rights as a people in terms of native title and land and sea rights. Then you have got how our health fares, housing, employment, et cetera. So we would be speaking to the converted in that 11-member representative body or that structure that governs that body—five from here, five from there, with one appointed chairperson.

CHAIR—So you think, therefore, that it should be a body that represents both mainland and homeland, that it should be equal representation from both mainland and homeland with an independent chair as an umpire? That really is the model that you seem to be putting to us, Belza.

Mr Lowah—I have said that, Mr Chairman.

CHAIR—I want to qualify it for the record. You say that the body that you prefer should have the responsibility of deciding issues that involve mainland Torres Strait Islanders and homeland Torres Strait Islanders, one body for both. Is that what you are saying?

Mr Lowah—That is an ideal situation.

CHAIR—All right.

Mr ALBANESE—My question is really for Steve. I want to go to your argument essentially that Torres Strait Islanders are discriminated against within ATSIC in terms of the regional body. You said that you are the only elected TSI person currently on the regional board. Is that right?

Mr Mam—At the moment. That is no fault of the Aboriginals, but I am the only representative there. It is no fault of them. I also spoke about the award system.

Mr ALBANESE—How many people are on the council?

Mr Mam—Twelve.

Mr ALBANESE—And what is the percentage of Torres Strait Islanders in terms of south-east Queensland making up the indigenous committee?

Mr Mam—About 2,000 Torres Strait Islanders, if I can include our children.

Mr ALBANESE—And how many indigenous people as a whole are there?

Mr Mam—About 14,000 to 15,000 indigenous people. But that is not always the record—the roll and all of that. There are a lot of missing people not getting involved. I am talking about voters. So the numbers involved need to be uplifted.

Mr ALBANESE—I am interested, particularly given your extensive background experience, in how you have been elected to those positions. You must have had the support of not just Torres Strait Islander people but also significant sections of the Aboriginal community.

Mr Mam—Because I have a relationship. In the 35 years that I mentioned I have built up a relationship—someone like Steve Mam has built up a relationship—between the Aboriginal community and the Torres Strait Islander community, and that is how we get by. There is an understanding between all of us, but money becomes the greed that separates people and I cannot stop that.

Mr ALBANESE—Let us go to that. You started on a point about \$1½ million being allocated for a building that you did not—

Mr Mam—Through land acquisition, yes.

Mr ALBANESE—But you did not proceed to say what happened.

Mr Mam—The latest commission decision on that movement is that that money is held—that money that came from land acquisition. The argument we use—and in our submission—is that through the land acquisition there are about 82 cases where land has been granted to Aboriginal people in Australia, and the bodies there through the Indigenous Land Corporation are there to serve both Aboriginals and Torres Strait Islanders and we have never really had our share of the cake. Plus there are other things that we do with the Aboriginal and Torres Strait Islander Commission, such as lobbying, and that has been my job because of numbers, and talking to the commission, and the understanding that has been reached is that money is now earmarked—I am using the word earmarked, but maybe it is not the right word to use—and that has been taken into consideration, and we are now waiting for the result of this movement of the national secretariat.

That movement is to say that if the end result of that is that we are going to build a cultural centre then we want everybody to agree. If we allow this project to happen, then it must benefit all the Torres Strait Islanders right throughout the country. That is all we say. That is our movement. We are going to get in touch with everybody, we are going to create a secretariat and we are going to go back to the commission in April or so. In the first board meeting, we are going to report back to them, and if they say yes or no that is a different thing. That is entirely up to the board of the commission.

Mr ALBANESE—But there is not a suggestion that money was allocated and then taken away?

Mr Mam—There is no suggestion that money was. Politically there have been moves to try and stop

this movement.

Mr ALBANESE—But it has not been concluded yet though, has it?

Mr Mam—It has not been concluded. We hope that the result will be that it will be handed over to the new body.

Mr ALBANESE—What would you say—I guess this question is addressed to both of you—to an argument which said that the IINA—

Mr Mam—It means we are all here. It is an organisation.

Mr ALBANESE—Right. I understand that the Torres Strait Islander corporation itself and other bodies, such as IINA, are voluntary organisations at the moment, and that they allow for autonomy in themselves of Torres Strait Islander people. What I am getting at is: do Torres Strait Islander people themselves, through organisation, without government or a committee made up of white fellas from Sydney and what-have-you telling them, know how to structure it? To what extent has that given you greater autonomy?

Mr Mam—We will be able to put together the consensus of people. Instead of government going to each of the organisations, as they talk about the waste of taxpayers' money, we will be speaking through this voice.

Mr Lowah—One voice.

Mr Mam—One voice, and all the people will be talking. There never has been a national Torres Strait Islander secretariat before. IINA has been a multi-regional organisation, and the people who started it have been in Brisbane. This is a different kettle of fish.

Mr Lowah—Greater autonomy in that situation would be enhanced by having a national secretariat voice where people are elected from the community. What is being decided up there is not much different than how the parliament structure is done. People on the ground gives people up here how to make policies and what direction to take to govern the country. Maybe we stole, but we have modified it to include some of our cultural protocols.

Mr ALBANESE—What about an argument that suggests that the Torres Strait Regional Authority represents significant autonomy already in terms of how the islands themselves are governed, allocation, et cetera?

Mr Lowah—It does for the islands. Because of my work commitments—at schools, universities, colleges and what not—I speak to doctors and lawyers about the whole gambit of issues, a whole range of issues. People are of the opinion that the Torres Strait Regional Authority, which is an ATSIC subsidiary—let that also be recorded: it is ATSIC's subsidiary. It is because the board of commission decided for the Torres Strait Regional Authority to come in existence.

We are talking about this situation where it is perhaps not dissimilar in terms of this other ideal situation. Perhaps the most popular structure is an NGO status situation, not unlike the NAILS. It would not be run like NAILS, I can tell you, quite frankly, but it is not unlike that kind of structure where people have direct access into what people say at the top.

Mr Mam—I might very quickly point out that there is a office of Torres Strait Island in Canberra. It is influenced by the Aboriginal and Torres Strait Island Commission. I also want to mention that they are a TSIAB member, the Torres Strait Island Advisory Board. They are appointed by the minister.

Mr Lowah—All ATSIC structures.

Mr Mam—They are structures of ATSIC, and the people have no say, because all the dictation comes from there—the Aboriginal and Torres Strait Island Commission.

Mr Lowah—With that situation, people need to know that they are merely, quite frankly, an advisory body. They are not policy makers.

Mr Mam—That is right, they are not policy makers. They are advisory. They are a toothless tiger.

Mr LLOYD—You talk about concern for taxpayers' money. How do you counter the argument of duplication? If you get your own authority, a lot of what you are doing will be duplicating ATSIC, and that is a concern.

Mr Mam—There is duplication every day when people are representing us because we are talking about our own thing, our own organisation, our own representation and we are talking about us as people. If other people are doing our job, there certainly would be duplication and wasting of taxpayers' money because you would have to turn to us. We have two indigenous languages and we have all these different groups of islands and different dialects which are recorded in government structure. You would be able to turn to Steve Mam and others and say, 'What does this mean?' And you will have to pay a consultant to explain the thing over and over. If you go to schools and all of that, you will have to have Torres Strait Islanders. You can talk and say all those things that are written in the book, but to get to the guts of everything it is duplication to go over again and ask a Torres Strait Islander for the second time, 'Is that true?' And that is happening right across the board in all of those areas—employment, housing, health, education and all of that—and right up to your court system.

Mr Lowah—It is also duplication, I might add, that you still have 25 times the state average of diabetes. Duplication caused that as well. You can't use it for one side of the argument, to economically rationalise that, and not see the other side of that. With regard to health, in this country Torres Strait Islanders are on the bottom of the rubbish dump! You people have got to understand that. We are dying—you have heard all those stats—by 25 times the average, of a lifestyle disease in probably the richest state in the Commonwealth—in Queensland. That is duplication, brother! You don't talk to me about duplication. That is what duplication does. Your people cutting their bloody fingers off and going around in wheelchairs.

Mr MAREK—Where would this national secretariat be established?

Mr Mam—That is not for us to say. That is to be decided by the people.

Mr MAREK—Once again then, how can you guarantee if it is set up that it will be truly representative of the people if you are saying there are 25,000 people on the mainland and only 5,000 people in the Torres Strait?

Mr Mam—Because the work is being done now by ourselves. We have gone through Queensland. A meeting is being called. A national meeting has already been earmarked for Canberra, organised by the Torres Strait—

Mr MAREK—Who is going? Is it people from the Torres Strait or is just people from the mainland?

Mr Mam—There will be representatives from the Torres Strait.

Mr MAREK—Is it the same amount of people?

Mr Mam—An equal amount of people; we have asked for that. We cannot deal with individuals, we have got to deal with the corporation. They have got to come from a corporate background so that we can talk about organisation representation and have that membership—and to be included in this discussion. We are saying that there should be equal representation. The Torres Strait Islander Advisory Board will be present and we should sort this out with them. The manager of the Office of Torres Strait Islanders will be present. We will make sure that when we move into this there will be equal representation right around.

CHAIR—That brings to an end the questions from members. Thank you very much for your attendance. It is much appreciated. We will take on board what you said. We wish you well and we will meet again.

Short adjournment

[11.00 a.m.]

Reverend Thaiday (Ted), President, Au Karem Le Torres Strait Islander Organisation, 17 Church Street, Goodna, Queensland 4300

CHAIR—I have pleasure in welcoming Reverend Ted Ruben. You prefer to be called Mr Ruben, I understand.

Mr Ruben—It makes no difference to me.

CHAIR—Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament.

The committee has a copy of your submission. Thank you very much for sending it to us. Do you have any amendments to make to the submission?

Mr Ruben—No.

CHAIR—Would you care to make some introductory remarks to the committee? Before you start, can I quickly clarify that this committee is an all-party committee of the House of Representatives, representing all the political parties. We are pursuing an inquiry which the minister, the Hon. John Herron, has asked us to examine into whether or not greater autonomy for Torres Strait Islanders is a desirable thing or not and, in considering that, whether the impact of any change should be also extended to mainland Torres Strait Islanders. So that is the gist of our inquiry. Is that clear to you, Reverend? Do you understand the inquiry that we are undertaking?

Mr Ruben—Not really.

CHAIR—Please feel free to ask any questions if you want clarification. But, in the meantime, have you got anything you would like to add to the submission you made?

Mr Ruben—All the things in the submission are all I think we have. We have nothing else besides what we have in there at the moment.

CHAIR—Perhaps I could lead off then with some questions. You have told us in your submission about the very valuable work that your organisation does for people. For example, when they go into hospital, they are picked up at the airport, taken to the hospital and taken from hospital back home or assisted to go back home. You also visit your people from the islands when they are in hospital here and I think you visit them in their homes as well where possible. That is a very important function. Can you give me an idea of how many people each year your organisation assists in this way, just approximately?

Mr Ruben—I think about 50 or 60. It has come not only from Torres Strait because we do the same

like with the Aboriginals too, from the gulf. Last time we had one from Darwin. He was supposed to come to the Charleville hospital for his kidney. Beside that we had around this area and Brisbane too from the West Moreton on the Logan side and on the south side of Brisbane where we do that same too. There are plenty more people outside there. When they have appointments to see a doctor, maybe in a dragging week they have no money—well that is what we do. You bring them to the appointment and then bring them back home. Most of them come from the airport because all of the people from Torres Strait they are not in the ambulance. When they get here they have to find their own transport to the hospital. When the taxi driver took them, drive them around and charge them too much money to pay. They cannot afford that much. That is why we formed the organisation to do that. They don't know anything about Brisbane. They don't know anything about hospitals. Sometimes they come and finish up lonely in an old people's home. That is what we do. We visit them to encourage them. Anything they want we can tell the family, like how they go, that sort of thing.

CHAIR—That is good. It is a very valuable service. Tell me, how do you get to know that a particular person is coming down from somewhere?

Mr Ruben—We write to all the hospitals from Rockhampton right up to Thursday Island. We get the liaison officers to advise us of any patients that have to come down, to notify us. Then we will go and give them a lift from the airport.

CHAIR—When you say that you also assist your Aboriginal brothers, do you do that because the Aboriginal community has asked you to do that or is it because there is not anyone doing that for Aboriginal people?

Mr Ruben—Our medical centre, one in Ipswich and one in Brisbane. The two medical centres—they are talking about a boundary. One come over the boundary to a job on that side. If from Ipswich to Brisbane, if they ring up Brisbane, they say no, that is not our boundary. If they go to Ipswich they say no, we cannot cross that. So, I am in the middle. Everything will come to me. I just go and do it.

CHAIR—I asked that question because I would have thought that the Aboriginal people would have had some people in Brisbane who would give the same type of assistance as you do. I was just a bit surprised—I am glad you do it; I think it is wonderful. I was surprised that you were doing it for Aboriginal people when there would have been other organisations, I would have thought, that would give them the same help.

Mr Ruben—When we formed this organisation I had to go through the Aboriginal organisation too. Like what I am going to do towards the government. So I say I am going to be registered as a Torres Strait Islander organisation but if any of you Aboriginals need help and I can do it, I will do it. We are the same, two indigenous of this country. I do not like to see them turned down. Whatever help I can do I do for them.

CHAIR—That is very good. I must say I think that is a very good way to do it. Can you tell me whether in your experience, Torres Strait Islander people find it difficult to get access to services because they are not Aboriginal people or do you think they have equal access?

Mr Ruben—No we have not. We find that Aboriginal brothers, this land, this country belongs to them. We come after. That is why they always are in front or on top of us. We are behind. We could not come up level with them. That is the trouble. They say that this is their land. I had a small argument with them. I said, these land rights for you people—we have supported you all the way through. The money concern does not belong to you, it belongs to everybody. I say we are not after the land but we are after the funding. We should be able to be equal in the funding when you come to us.

CHAIR—Yes, so you feel that the government money for indigenous people does not go fairly to Torres Strait Islander people?

Mr Ruben—Yes.

CHAIR—Can you give me some examples? Can you think of any examples that might illustrate where that might have occurred?

Mr Ruben—I have seen that about three times. I came to address the council, the ATSIC council, about the same thing about employing people in the organisation—I never get any reply—no reason at all. So that is what I have seen, you know, but I believe that there are some organisations behind me, but they have about six full-time employees and I went there before them. I can see the difference there—I do not know why they have to do that. Because I do the same for everyone else, not only for the Torres Strait Islanders.

CHAIR—Do you ever raise this issue and talk about your concern with members of ATSIC?

Mr Ruben—I have, that is what I am saying. I went to the ATSIC council about three times. I addressed them about the same thing.

CHAIR—I am sorry. I misunderstood you. So you have actually been to ATSIC—

Mr Ruben—Yes.

CHAIR—Three times?

Mr Ruben—Yes about three times and I did not get any reply. They didn't say anything.

CHAIR—You wrote to them, did you?

Mr Ruben—No, I went to them in the meeting. I asked them, like you know. I write to them like if I could come up to address them and they said yes, so I went there. We sat down at a table like this and I addressed them.

CHAIR—And when was the last time that you spoke to them about this problem—roughly?

Mr Ruben—Before the election last year, I think. About October, I think.

CHAIR—October last year?

Mr Ruben—Yes. But I said something to the commissioner and the chairperson too. I went and saw them a couple of times.

CHAIR—Yes.

Mr Ruben—And they say that they will put it to the council. And they had another meeting not long ago—a couple of weeks ago.

CHAIR—And the issue that you raised with them and that they said that they said they would look into was to get extra funding, was it?

Mr Ruben—Yes.

CHAIR—And that funding was for what project?

Mr Ruben—Well, the funding is for arts and crafts and for housing for Torres Strait Islanders. Anyway that is what we want the funds for—to employ people to do the work like photocopying and to do this and do that.

CHAIR—Is that for a million dollars, is it?

Mr Ruben—No, the million dollars—that is for our—

CHAIR—That is for your secretariat?

Mr Ruben—That is for building.

CHAIR—For the building?

Mr Ruben—Yes, to build a centre for Torres Strait Islanders including office facilities so we do not have to go anywhere. Anybody who wants to see us, they can call us up.

CHAIR—And you wanted \$300,000 for staff—administrator, receptionist, bookkeeper and resource officers?

Mr Ruben—Yes.

CHAIR—And would that organisation, if you had that money, provide assistance to Torres Strait Islanders only or would it give assistance to other people?

Mr Ruben—Well, give to Torres Strait Islanders.

CHAIR—Okay. Can I just change the subject a bit. In the submissions that we have had from people on the mainland and in the homeland, one of the issues that we are looking for guidance on is whether Torres

Strait Islander people living on the mainland, should be able to take part in making decisions about local issues on the islands. What do you think about that?

Mr Ruben—Well, I agree with that because—

CHAIR—You agree that they should?

Mr Ruben—Yes, because in the islands they have got different thinking from what we have down here.

CHAIR—They have different thinking?

Mr Ruben—Yes, we have asked them to come for a meeting together, to share with us their ideas, you know, otherwise. There is something they do up there—for us down here when we heard, like, it seems to be right to us. But I believe this is one thing that we should come together, and then we can sit down and talk so we know everybody's idea or something like this.

CHAIR—Can I break it into an example? If there was special money to put extra teachers, extra training, for young people on the island—say, \$10 million—do you think mainland Torres Strait Island people should be able to decide how much of that money goes to what island, or do you think it should be left to the people on the islands to work out where that money goes?

Mr Ruben—Well, if we were able to share the money, if you go direct to the island, but if it belong to the island and us on the mainland, well, we can talk about something and what we are going to do with it.

CHAIR—Yes, but if it is not to be shared with mainland training for Torres Strait Islanders, it is just to be used for young people on Torres Strait islands—take that example—do you think mainland Torres Strait Island people should have any say in how it is spent on the island?

Mr Ruben—Well, there are two things there what I think, because the other thing to look at the money line, it seems to return down here on the mainland and give to them up there on the island.

CHAIR—Yes. I did not follow your answer there. Could you just explain that a little bit more clearly for me?

Mr Ruben—Well, as I said, the money, if you give to them up there on the island, and we live down here like if we got something to say with the money—well, if the money allocated for all Torres Strait on the mainland or up on the island, well, I think we must have something to say with that money because it is between them up the island and us.

CHAIR—But if it is not, if it is just allocated for use on the island, do you think mainland Torres Strait Islanders should have a say in that?

Mr Ruben—Well, we could have a say in that because we say that is not fair because it would be

good for them and it got to be good for us too because we live down here. We are not anything else—we are still Torres Strait Islanders.

CHAIR—Alright. If \$10 million was allocated for mainland Torres Strait Island young people to get training in trades, and \$5 million was allocated to Torres Strait islands for young people to get training in trades, do you think that the people on the Torres Strait island should have any say in how the \$10 million is spent on mainland Australia for Torres Strait islands?

Mr Ruben—Well, I think you look at that way, but about a job. Like up on the island, there is not much up there. But here on the mainland you have got more opportunity for hold a job, you know. You have got engineering, you can go for it, but up on the island they have to come down south. So if that money is given to us I believe that we know what we can do here. We have got more in here than out there.

CHAIR—So you do not think the people living on the island should tell the mainland Torres Strait Islanders where to spend that money?

Mr Ruben—No.

CHAIR—But you think that the mainland Torres Strait Island people should be able to tell the island people where to spend their money?

Mr Ruben—Yes.

CHAIR—That is a bit unfair, do you think?

Mr Ruben—Yes.

CHAIR—Would you like to just explain why—

Mr Ruben—But, as I said, they have got nothing much up there. We can tell them to go and spend the money down here more better and they can come down and get a job or something.

CHAIR—Okay. I think I have gone as far as I want to go. Any questions?

Mr MAREK—I think it was the last statement that you just made that made me think. There was a statement before that there are 25,000 people down here and 5,000 people living up in the Torres Strait. Torres Strait is the origin of home, and the Torres Strait people are saying, ‘We want the assistance to be able to stay here. We continue to give a great benefit to the Australian people; we look out for everything from illegal fisheries and all those sorts of things and notify the Australian government of things that are happening at the top end of the country up there’, so it would only be right to see that they are continued to be looked after. I guess from my point of view I think that statement wins a hundred per cent.

Then they also go on to say, ‘Well, listen; if the people who have left Torres Strait and gone to the

mainland want to live in the mainland arena, then they should be looking after themselves.' That is the statement that I hear from some of the people up in Torres Strait. Whereas what you have just said now is that we should be putting more money into the mainland people from the Torres Strait islands and, if they do not want to live up there, they can come down here.

Mr Ruben—That is what I said, because everything mostly is down here. They have got fishing and all this up there, but for education, the main thing is down on the mainland. They have got a high school there but, still and all, when they finish high school, they still come up to the Administrator or whatever down here. Mostly they come down here to the mainland.

Mr ALBANESE—Could I ask, in terms of your organisation, what ongoing ties you have with the islands? Are they because people have recently come from the islands? Is there that regular exchange in terms of are people continuing to migrate from the islands? Is that continuing?

Mr Ruben—Could you repeat that, please?

Mr ALBANESE—We know that there are about 6,000 people living on the islands and about 30,000 TSI, or 20,000-odd, on mainland Australia. Is that process continuing? You have spoken about the need, or you have spoken about how on mainland Australia there are greater work opportunities and greater access for people here. Are people continuing to move down?

Mr Ruben—Not really, no. I have been on Thursday Island and Torres Strait; there is nothing much to do there. People walk around the street. But down here, you can still find something to do.

Mr ALBANESE—Does that mean that people are moving down here, though?

Mr Ruben—No, some days they come here just to look for work here. They still live on the islands, but they come here for work, but they go back for holidays and this and that.

Mr ALBANESE—How long has there been a community organised in the Brisbane or south-east Queensland region of Torres Strait Islanders? How far back does that go?

Mr Ruben—Form the organisation?

Mr ALBANESE—Yes.

Mr Ruben—We form the organisation in 1992. We have been incorporated from 1992. We did not get any funding from ATSIC until 1994.

Mr ALBANESE—But how long had Torres Strait Islanders been here as a community?

Mr Ruben—I can say from about 1960, I think. I came here in 1958 to Brisbane. Most of the other people came in the 1960s and 1970s.

Mr ALBANESE—Thank you.

CHAIR—Thank you very much, Reverend, for coming in today. We have met before, of course, and I have enjoyed every time we meet. We appreciate very much the work you do in this city for your people, and we know that it is done with a lot of compassion. Thank you for attending today.

[11.31 a.m.]

LOVEDAY, Mr Terence (Ted) David, President, Queensland Commercial Fishermen's Organisation, Suite 12/13 699A Sandgate Road, Clayfield, Queensland 4011

CHAIR—Mr Loveday is accompanied by Stephen Tapsall, who does not propose to give evidence but will sit as an adviser to Mr Loveday.

Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The committee has a copy of your organisation's submission, which we thank you very much for. It is an excellent submission. Do you have any amendments to the submission?

Mr Loveday—No.

CHAIR—Would you care to make some introductory remarks?

Mr Loveday—I would. The commercial fishing industry has operated in the Torres Straits region since the late 1950s. The principal fishery in economic terms in the Torres Straits is the prawn fishery which is valued at some \$25 million at production level—that is the value of production. The obvious economic flow-ons and multipliers, et cetera, mean that that value is significantly more by the time that it flows through into the economy. I will correct that: it is \$18 million to the prawn fishery; the overall value is \$25 million.

The other types of commercial fisheries that occur in the Torres Straits include the tropical rock lobster fishery valued at approximately \$5 million, and we also have the mackerel fishery and the pearl fishery. Those fisheries are managed under the jurisdiction of the Torres Strait Protected Zone Joint Authority and under the Torres Strait fisheries acts, both Commonwealth and state. At the moment we also have a number of longstanding fisheries that are state managed; minor fisheries, including the reef fish fishery—that is, reef fish species other than mackerel—and also some of the minor fisheries, such as trochus, beche-dermer, et cetera.

The fisheries that our organisation is principally interested in include the four fisheries managed under Torres Strait Protected Zone Joint Authority jurisdiction, being the prawn, pearl, rock lobster and mackerel, and also the reef line fishery as we have a number of operators who have been fishing in the Torres Straits for a number of years. Our organisation's membership at the moment does not cover all of the people in the other minor fisheries, such as trochus.

I guess, for the purpose of this committee, it is important to outline our general philosophy towards fisheries in the Torres Straits and our history of consultation with Torres Strait Islanders.

The QCFO is represented on the consultative groups underneath the Protected Zone Joint Authority, namely, the Torres Strait Fisheries Management Committee, and you have the Torres Strait Fishing Industry and Islander Consultative Committee. The QCFO is also on a number of working groups that examine, and

make recommendations on, management arrangements for specific fisheries.

On all of those committees, we have both fishing industry and Islander representation. I have been involved in those committees since 1989 and I certainly I believe we have built up a very constructive and cooperative relationship with the island communities in the Torres Strait and particularly through those committees when we have been looking at sustainable fisheries management arrangements.

From time to time, we do have some friction between the various island communities and the fishing industry. One area which I think committee members would be familiar with is Murray Island where we have had some potential conflicts between island individuals, I would say, more than chairmen. The past Murray Island chairman, Mr Ron Day, was certainly fairly active—that is how it appeared to us, anyway—in campaigning against commercial fishing in that region. However, we have had a good relationship with the current administration on Murray Island.

There have been some potential conflicts arising from time to time in which some of the island communities see the fishing industry is going there and taking their resources, et cetera. Our approach is always to try to have open dialogue and consultation with the island communities. On Murray Island, that has been a bit more difficult, but we have a lot of success stories in other areas of the straits.

A couple of examples I can give would be the prawn fishery. The industry has worked very hard with the island communities to put fisheries management arrangements in which not only ensure the sustainability of fishery resources in the straits, but also maintain a viable industry and accommodate, as much as possible, the aspirations of the Torres Strait Islander people in relation to these resources and also the environment in the straits.

Approximately four years ago, we had a management plan in place which included non-transferability of licences on trawlers so that the number of trawlers in the Torres Strait declined or reduced over time. That arrangement, by the way, was implemented before I got involved in the Torres Strait committees in the late 1980s. It was agreed to by the island communities and by the fishing industry. It was a negotiation process which came up with an arrangement that was agreeable to all concerned.

Unfortunately, I think it was in 1992, because of legal action by a fisherman, those arrangements were declared null and void. We had an emergency meeting in Cairns with the industry and representatives from the island communities and came up with the current management arrangements for the prawn fishery which received total support from the island communities. That is an example of where the industry really did take some tough decisions to make sure that management arrangements were in place that were sustainable and that, as much as possible, we accommodated the aspirations of the island communities.

Included in those arrangements was a system so that, for the first time, each operator was allocated a set number of fishing nights. Those nights were tradeable by people who wanted to get out of the strait and did not want to fish in it any longer, et cetera. That in itself has also significantly reduced the number of trawlers in the Torres Strait.

Overriding all of the arrangements for the Torres Strait, the fishing industry has accepted a seasonal

closure of the strait to prawn fishing in December, January and February although scientific evidence is clearly available to show that that really does not benefit the fishery. However, the Islanders have declared that they want a period of time each year when there are not any trawlers in the straits. We have simply agreed with that. We have gone along with that to make sure that we have got cooperation between us and the Islanders.

For the other important issue which I will cover in general terms, I will use the prawn fishery as an example, just to demonstrate that we have had good cooperation between the commercial fishing industry and Islanders over the years. After that, I certainly will be more than happy to answer any questions in relation to our submission.

I will outline the general approach and attitude of the fishing industry and the QCFO in relation to indigenous issues related to fishing, including native title and both commercial rights and indigenous fishing rights. Firstly, I would make the point that the commercial fishing industry has never argued, and will never argue, for exclusive access to fisheries resources. We believe that the fisheries resource, being a community owned resource, should be able to be accessed by different people—including commercial, recreational and indigenous people—for their own purposes. The underlying imperative is to ensure that the management arrangements are sustainable and that the fishing effort is sustainable.

In respect of the native title process, et cetera, we do recognise that. We recognise that as the appropriate process to sort out such issues as whether or not native title may exist over water. There has been a lot of debate over whether native title exists over water and some of that debate has led to some of the tensions around Murray Island. We believe the appropriate forum in which to resolve those sorts of issues is the native title process, in whatever form it may be at the particular time depending on the parliament and the government of the day.

We are very strongly committed to enhancing and maintaining open dialogue and constructive relationships with indigenous people, both Aborigines and Torres Strait Islanders. We are committed to enter into a process in which, as much as possible, the fishing industry can maintain a viable operation and, at the same time, respect and accommodate the aspirations and views of Aboriginal people. That becomes particularly important in the Torres Strait where a lot of our major fisheries are undertaken very close to the islands. On the mainland and along Cape York, for example, there are the different communities along the coast with which, over the last number of years, we have been endeavouring to build up stronger relationships. About three years ago, my senior vice president travelled right throughout Cape York to open up a dialogue. We have been continuing to keep a dialogue there with representative bodies, including the Cape York Land Council.

I just wanted to make that point that we are very committed to the sustainability of fisheries resources. We respect the fact that a lot more people have a right to access those resources other than commercial fisherman. We also argue very strongly that we do represent the interests of a wide range of the community. These are people who eat seafood and people who receive the economic benefits of fisheries production, right throughout the economy. To carry out our activities, we have legal fishing rights issued by the parliament through the various parts of fisheries legislation, be they state, Commonwealth or joint authority.

In the context of the terms of reference of the inquiry, one of the main concerns that we would like to discuss is the potential impact—on those fishing rights, on commercial fishermen's livelihoods and on maintaining fisheries production and supplies to the seafood marketing process, et cetera—of any type of arrangement that may grant more autonomy to the Torres Strait Islanders.

In saying that, we are certainly not arguing against that. I think that is something we will just remain silent on. There are powers that be greater than us that have to decide that matter. The critical point in whichever way this issue goes in the future is how that might impact on us and how that might impact on our rights. Having said that, I think there are a whole number of options which we could come up with which would be acceptable both to us and to the communities.

CHAIR—Thank you, Mr Loveday. That is an excellent overview and a good submission. To the best of my knowledge, we have had no substantial submissions so far, since the inquiry started last year, criticising the Queensland Commercial Fishermen's Organisation. Obviously, it is a credit to you to have that good relationship with the Torres Strait people. I am intrigued and interested to hear about the options that you might suggest to us. Would you like to outline what they might be?

Mr Loveday—The whole question of more autonomy is something that I really have not got my mind around. I think our starting point always has to be that commercial fishermen have been issued licences legally through the parliament and those licences provide a right to take fish, et cetera, for commercial purposes and to trade in fish.

Within the overall context of fisheries management, we have realised that, whilst there are a whole lot of local arrangements which need to apply to satisfy the sustainability and requirements of different fisheries' resources, fisheries management must always be taken from a regional perspective as well. Unfortunately, while we draw lines on the map, somehow we have not quite worked out how to tell the fish where those lines are and they seem to swim across them.

With respect to fisheries in particular, because of the travelling nature of fisheries resources, I think regardless of what happens with self-autonomy in Torres Strait there has to be a very strong link to the federal government and the state government in relation to fisheries management. We would see that the principal responsibility would always remain with those bodies.

CHAIR—To fragment the present legal system of supervision and licensing would, in fact, in your view put at risk the integrity of the resource and its sustainability and affect its potential good management. Is that what you are saying?

Mr Loveday—I am absolutely certain that would be the case. There are just so many examples around the world where fisheries have been managed from a myopic point of view in looking at what the immediate needs of the particular region were without taking into account the overall environmental influences and the linkages of those resources to both habitat environment and other resources in the region.

Torres Strait is a very important region, but it is still only a small picture as far as the fishery resources are concerned. At one end of the extreme would be yellowfin tuna, which exist in the Torres Strait.

There is not much of a fishery at the moment as far as the size of the fishery is concerned. It is simply one part of an overall resource which covers, basically, half of the globe. To try to manage that resource in isolation to what is happening around the globe would be a futile exercise and would achieve nothing.

Another example is our mackerel species caught in the Torres Strait. We are still trying to understand the relationships between the stocks in the Torres Strait, the stocks in the Gulf of Carpentaria and the stocks on the east coast. But, again, those sorts of relationships, as we get more understanding, are critical to be taken into account in a fisheries management regime. So the fisheries management regime has to be able to encompass the broader region.

We have a comprehensive arrangement in place between the Commonwealth and state governments called the offshore constitutional settlement whereby, through a negotiated process, the Commonwealth and state agree on the most appropriate form of jurisdiction for each fishery. Generally, that will mean that fisheries which cover more than one state or fisheries which are highly migratory will be managed by the Commonwealth—for example, tuna, the Northern Prawn Fishery, which covers an area adjacent to Queensland, Northern Territory and Western Australia. Localised species are generally managed by the state, and that is to simplify their jurisdiction.

In the Torres Strait, the jurisdiction is a bit of nightmare at the moment but we are a long way down the track of a process which has been in place for a number of years to simplify that so that, basically, all of fisheries in the Torres Strait come under the Torres Strait Fisheries Act so that we have each species under one jurisdiction. However, the important—

CHAIR—Would that mean then that the Queensland government would be the sole jurisdictional—

Mr Loveday—No, it would be the Protected Zone Joint Authority, which is the federal minister for fisheries and the state minister for fisheries.

CHAIR—That would mean the federal minister and government would have sole jurisdiction.

Mr Loveday—No. It is joint. It is federal and state.

CHAIR—At the moment.

Mr Loveday—At the moment, we have some fisheries in the Torres Strait which are managed by the commonwealth, some which are managed by the state and some which are managed by the Protected Zone Joint Authority. It is fairly confusing. This whole process is to bring all of those under the Protected Zone Joint Authority so that all of the fisheries in the Torres Strait, including those which are currently managed by the states, are managed by the Protected Zone Joint Authority. That is to simplify jurisdiction to give better management control.

CHAIR—Can I just interrupt and ask: who would run that authority, that protected zone?

Mr Loveday—The Protected Zone Joint Authority itself is the federal minister for fisheries, currently

Senator Warwick Parer, and the state minister for fisheries, the Hon. Trevor Perrett. The Protected Zone Joint Authority is a policy making body; it makes the final decisions. It is administered on a day by day basis through the Queensland Fisheries Management Authority and the Australian Fisheries Management Authority. There are different functions performed by the different management agencies.

CHAIR—What input do the Torres Strait Islander people have at the present into that set up and do you think it could be expanded?

Mr Loveday—That is a very good question and one which I am more than happy to answer. Unfortunately, we have had a few white knights in shining armour who have come along to improve the system—the proven system—over the last few years. Fortunately, the well proven system is still there, but I will answer the question anyway. Underneath the Protected Zone Joint Authority—being the two ministers—there is a Torres Strait Fisheries Management Committee. The membership of that committee includes Islanders and commercial fisherman.

CHAIR—Appointed?

Mr Loveday—Appointed by the minister, although the nominations from the commercial fishing perspective come from the QCFO and nominations from the Islanders, I think, come from the Island Coordinating Council. They are nominated by their respective groups and then the formal appointment is done by the minister. I think the number of Islanders and fishermen on that committee at the moment are three Islanders and three fishermen.

Underneath the Torres Strait Fisheries Management Committee is a committee called the Torres Strait Fishing Industry and Islander Consultative Committee, and that is quite a large committee. It has about 18 or 20 people. There are seven fishermen on that committee. There are also positions which are nominated by the respective groups and formally appointed by the minister. So we have seven commercial fishermen nominated by QCFO and we have seven Islanders nominated by the ICC. That is a committee which, over the years, some people have thought could be improved because it is a big committee, it is cumbersome.

I recall under the former government, the Department of the Prime Minister and Cabinet became involved in discussions surrounding one of the complexities around Murray Island. They came up with a recommendation that the Torres Strait Fishing Industry and Islander Consultative Committee should be broken up into four regional ones based around the islands. Not only was the fishing industry strongly opposed to that but so were the Islanders, because it is that committee which has glued all of the good relationships together over the last 10 to 15 years ever since these arrangements have been in place.

It is at that committee that representatives of the whole Torres Strait Islander community and representatives of the entire fishing industry community can get together, sit down and sort out some of the sensitive issues in relation to fisheries management and, quite often, issues which do not affect the fisheries management regime. It could be some misunderstandings between the different groups that we can actually get together and sort out in a mature way, if you like. Underneath the Torres Strait Fishing Industry and Islander Consultative Committee, there are a number of specific fishery working groups. I am more than happy to provide you with further documentation on this structure.

CHAIR—It would be helpful to us, indeed.

Mr Loveday—The other thing the committee may wish to do is to contact the Australian Fisheries Management Authority in Canberra, which can provide you with all of the detailed arrangements on this. Underneath the TSFIICC—

CHAIR—I think we will just call it the consultative committee.

Mr Loveday—are a number of fishery specific working groups, which are currently being changed to broaden the focus a bit because of these other discussions that are happening in relation to the single jurisdiction issue—

CHAIR—They are a bit like project task forces, are they?

Mr Loveday—Yes.

CHAIR—They do their job and disappear?

Mr Loveday—No. They are there all the time. They meet two or three times a year depending on the issues at hand. There is one to deal with the prawn fishery, for example, and that committee meets to discuss the detailed management arrangements in the prawn fishery, timing of closures, types of apparatus able to be used and boat replacement policies and all those sorts of things.

That committee also includes island membership, and it is our very strong desire to see that that committee and all other committees always include membership from the islander community even if they appear to be talking about nothing else but commercial fisheries arrangements. It is one way that we can keep both an understanding in the commercial fishing industry of the Islanders' aspirations and an understanding in the island community of what is actually happening in the fishing industry.

CHAIR—Is that objective achieved all the time by goodwill or is it legislated for so that it must happen, that is, the inclusion of the island people in the by-laws? How does it come about—just by goodwill and common sense or is it formalised in some way?

Mr Loveday—On the working group, I think they are just committees that are formalised through the consultative committee process—sorry, everything that is recommended at the working group or the consultative committee or the management committee eventually has to go to the PZJA for a final decision.

The working groups were initially established by the consultative committee recommending to the management committee and the management committee recommending to the PZJA that there be working groups, and the two ministers agreed and the working groups got established. It is formal to the extent that they are decisions of the ministers and decisions of the joint authority itself.

The legislated body, the body that is enshrined in legislation, is the Protected Zone Joint Authority. Whilst the legislation might make reference—my memory might fail me here—to advisory groups and

consultative groups, et cetera, I do not think it actually goes to the specifics of saying exactly how the management committee should be structured or how the consultative committee should be structured. But I think it would be a backward step if ever any of those committees' memberships were changed so that you did not have that full representation of both island communities and the industry.

CHAIR—What do the white knights argue should happen to change the model that you have just told us about?

Mr Loveday—I suppose I was being a bit blase when I said 'white knights', but the main instance I was referring to was when the Department of the Prime Minister and Cabinet about three years ago, because of some potential conflict around Murray Island, decided they had to get into the Torres Straits and sort it out. That is how it felt to us as industry—and excuse my expression. So the Department of the Prime Minister and Cabinet turned up, got involved—

CHAIR—And said, 'We know better.' It is a familiar experience.

Mr Loveday—'We know all about it. We are from the government. We are here to help.'

CHAIR—I am surprised the cheque is not in the mail.

Mr Loveday—They recommended that the consultative committee be disbanded and that it be a regionally based structure, which not only would have been in our view many times more cumbersome but also would have failed because there would not have been any forum where all of the different regions in the Torres Strait actually got together and sorted out any differences that might overlay between the different regions—again, talking from a fisheries perspective.

CHAIR—Was that recommendation labelled as an identifiable document that we could have access to?

Mr Loveday—Yes.

CHAIR—Do you know what it is called?

Mr Loveday—I do not recall at the moment, but I will find a copy of it for you and get it to you. The process, I think, was actually led by Minister Tickner at the time, who, I think, initiated the process. And then the report went to the ministers, and the ministers then referred that back to the consultative committee and the management committee for their views, and it was unanimously rejected by both the Islanders and the industry.

CHAIR—And the minister in his wisdom, or their wisdom, accepted the consultative committee's judgment?

Mr Loveday—I understand they accepted it or they let it go away.

CHAIR—Gathering dust somewhere?

Mr Loveday—Yes.

CHAIR—Just a broad question—it is probably oversimplifying it, but to try and keep it flowing in context: do the Torres Strait Islander people also share the consultative committee's strong rejection of that recommendation?

Mr Loveday—They certainly did at the time, yes, about two years ago.

CHAIR—So from your experience and as far as you are aware, the current Torres Strait Islander communities are happy with the consultative committee structures that you have told us about?

Mr Loveday—Yes, certainly, and any time there has been any suggestion that it be changed, there has been fairly strong resistance from the communities, including Getano Lui, et cetera.

CHAIR—The reason I am asking these questions is that one of our terms of reference is to see whether greater autonomy in some areas should be desirable. Obviously I am wanting to see whether there is any suggestion that there might be some greater autonomy injected into some of these processes. But from what you are telling me, it looks to be a pretty happy family.

Mr Loveday—I think it would be fair to say that the Islanders would have aspirations as to how they might improve the current process, but not throw it out, the same way as we might. But at the moment, we are happy with where it is at.

The Islanders have argued, for example, to have more control over the process, either by having a chairman or a chairman of the some of the committees, or whatever. But at the end of the day, we believe that there needs to be some independence about chairmanship of the committees, because the whole integrity of the structure relies on someone being able to keep independent and look at the integrity of each issue and help us through the process. And I would be a bit concerned, given that these are mainly fisheries management processes, and I am certainly not questioning the integrity of the Islander participants—

CHAIR—Yes, I understand that.

Mr Loveday—But I think it would compromise the process as much as it would if the industry was chairing the committee, and we do need that sort of independence.

CHAIR—Right, I understand. Did you wish to add any other comments?

Mr Loveday—One issue in particular which has been of concern to Islanders for a number of years—and you may have already had representation on it—and also has been a concern to the industry, is the apparent low level of participation in the Torres Strait prawn fishery by island people. Over the years, there have been some attempts under government programs to encourage Islander participation in the prawn fishery, for a couple of reasons. Obviously, it is one way that individual Islanders can get employment et

cetera. There are benefits both ways. At the moment, a lot of the crew from the vessels in the straits are being flown backwards and forwards from Cairns and Townsville at great expense, and also any employment from those fisheries that remains in the straits is obviously beneficial to the straits.

Out of, I guess, frustration, approximately three years ago the Torres Strait prawn fishermen, through our organisation and an organisation which we work very closely with, the Torres Strait Prawn Fishery Entitlement Holders Association, pursued a comprehensive training program for encouraging Islander participation in the Torres Strait prawn fishery. That has been a couple of years in the development, but it has had some exciting changes and then sometimes someone puts a bit of a prick in the balloon and lets it down again.

In order to develop this program, we have had extensive consultation with all of the Islander communities that are adjacent to the prawn fisheries. We have had extensive consultation with the prawn fishermen. We have got a very strong commitment from the prawn fishermen to be involved in that training program, which would include some training undertaken either through the TAFE college on TI or through the Queensland Fishing Industry Training Council, which is coordinating this at the moment. It would include fishermen taking Islander people out to train them on their vessels, et cetera.

The Torres Strait Regional Authority at one stage committed \$100,000 towards this project. The industry committed significant resources—when I say ‘significant’, I mean several hundreds of thousands of dollars of in-kind contributions—towards the program. I will clarify this. I might ask the executive officer of the Fishing Industry Training Council to forward you a note of exactly where this program is at.

CHAIR—I would appreciate that.

Mr Loveday—My understanding was that it was all ready to go but then DEET had some problems—and this is going back some time now—with the category of the people who were on the CDEP program as to whether they actually had funds that they could direct towards this project. But suffice to say, it has got very strong support from industry, very strong support from the island communities. It has not taken off yet, but it has been a couple of years in development. It is all ready to go and we are still very, very strongly committed to making that happen.

One of the reasons we are taking this approach is because in the past there have been a couple of attempts where someone has come up with a bright idea and managed to get some government money and said, ‘I am going to go to the strait and I am going to train all these Islanders and then they can all get involved in the prawn fishery.’ That lasts a couple of months and then nothing happens and a lot of money gets wasted.

We are convinced that the only way that we are going to be able to encourage a higher level of participation of Islanders in the prawn fishery is with a very close and cooperative training arrangement between the industry and the Islanders. It has to be training that the Islanders want, when they want it, how they want it, where they want it, et cetera; and training that is relevant to enabling them to become more involved in the prawn fishery. That I wanted to mention to the committee because it is something which we are very strongly committed to. It has taken a lot longer to get it off the ground than we thought, but I think

that really is the only viable answer to getting this greater participation, in particular because I think it is one of the very few projects that has ever had the support of all the relative Islander communities.

Mr ALBANESE—Can I take that to the next step. I congratulate you on your submission. I think you have a very sophisticated view of the world and of the importance of the good relationship. I am not attributing blame at all—it is historical factors—but it is unfortunate that you talk about the industry and the Islanders, because they are two separate things. That is obviously one of the things you are trying to overcome.

Why is it that it would appear from your submission and from you have said today that there does not appear to be any Islander ownership or Islander involvement, beyond individual employment, in commercial fisheries? Why is it that individual entrepreneurs or the TSRA itself, or collective organisations, have not got involved in the industry? What explains that, beyond the obvious, I guess? It would seem to me that that would be the next logical step from what you are talking about with training and providing people with employment bases.

Mr Loveday—I don't think it is from a lack of trying. I am not fully understanding of the different programs that occurred before my time, but I think some of them might have been initiated by opportunists rather than people who are actually out there trying to achieve something. We have seen a lot of money poured into vessels, training programs, which seems to end up in a few pockets and then no training getting done.

Mr ALBANESE—So there has been that sort of thing of boats being bought and—

Mr Loveday—Yes, there have been a few. I have not got all the details with me, but there has been a fairly long history. There is a boat called the *Kuzi*, I think, which was funded by Commonwealth money. It had a prawn licence on it. It was all about training Islanders. The last we saw of that was when the licence was sold, the money was put in the pocket and the boat was tied to the wharf with no licence on it and no training happening. The industry was not involved in that in any direct way at all. There might have been an individual or two involved in it who had some sort of relationship with the industry, but it was not an exercise that the industry was directly in as an industry.

The level of involvement varies from fishery to fishery. Depending on the fishery, I think there are some major cultural barriers to overcome. Tropical rock lobster is a fishery which has a significant level of Islander involvement, but it is also a fishery that the Islanders have traditionally been involved in for sustenance purposes, probably for centuries. In the 1980s there was a deliberate policy intervention implemented whereby any non-traditional inhabitant, which is the definition under the Torres Strait treaty, holding a licence could continue to hold that licence subject to a whole range of conditions. But no other non-traditional inhabitants could be issued a licence for rock lobster. At the same time, it was open entry for Islanders. In effect, what that has done is transfer the rights of that fishery over time solely to the island communities.

CHAIR—Can I interrupt, not to stop the flow but so that I understand. On page 22 of our book—I think it is page 64 of your submission—in the fourth paragraph, you say:

Since then new licences have only been issued to traditional inhabitants. The "Guide" also states that people who are not traditional inhabitants and wish to obtain a licence for a fishery in the Torres Strait must buy one of the transferable licences from an existing operator.

I just want to have that in the record.

Mr Loveday—I think you will find that there are about a dozen non-islander licences in that fishery. There is another policy in place where, if a licence package which includes a right to fish in more than one fishery—it might be mackerel, rock lobster or pearl—is transferred under that arrangement, all but one of the endorsements drop off. So, if someone is buying that licence to fish in the pearl fishery, the rock lobster one disappears and there are no new ones being issued. But the intention was to basically transfer that fishery to the Islanders. That was something agreed to by the industry at that point in time.

To try to get to the bottom of your question, even though the rock lobster fishery is, basically, except for a handful of people, an islander fishery where all the rights except for a few of them are in the hands of Islanders, I think you will probably find that most of the production is still in the non-islander area. That is not from the lack of having any opportunity to do so; it is just a cultural thing. A lot of the Islanders seem to catch a few rock lobsters when they need to and then not worry about it. We have a different philosophy where we are trying to build our business, et cetera.

In the prawn fishery—and this is just from discussions I have had with fishermen—a number of fishermen have encouraged Islanders to work on their vessels in the past and on a number of occasions that has led to, 'Look, really I don't want to do this, I don't really want to be working all night. That is not what my culture is all about. I don't want to be up all night and working out here.' I am not saying this in a manner of anyone being lazy either; I am just saying it is a cultural thing.

I think what we have to do in this program that we are talking about is try to overcome those cultural barriers, because in that fishery you only catch tiger prawns, for example, of a night time. They are buried under the sand in the day time, so you cannot just change it because you do not like working of a night time.

CHAIR—Whenever I go fishing they never bite anyway—whether it is night or day.

Mr Loveday—The other point I will make is that there have been a number of programs implemented under various regimes—state and Commonwealth—throughout the years where freezers have been built on various islands to try to encourage trade of fish through the islands, and to my understanding not one of those exercises has succeeded. It has usually ended up with a million or two dollars worth of infrastructure sitting there keeping ice cream or something—

CHAIR—Or Kentucky Fried Chicken.

Mr Loveday—Yes. A lot of it just gets down to the economic reality of it. During the Murray Island debate a couple of years ago, leading up to the 1994 local government election—because I myself think a lot of it was a political ploy by Ron Day—one of the proposals put forward by the Islanders who were trying to exclude us out of the area was, 'You can fish here all you like, but you have just got to unload your fish to

us,' because they wanted to put it through their freezer, and our response to that was, 'We are happy to unload all of our fish to you any day of the week when you pay the same price that we can get in Cairns.' That is when it gets down to economics.

But when you consider that at the moment the product is transferred either through a mother vessel or whatever or by the boat to Cairns, as opposed to going through the physical exercise of unloading them off the boat on to an island freezer and then unloading off the freezer on to another boat just to take them somewhere, and all the infrastructure that is required, it is economically behind the eight ball—there is just so much investment required.

In that Murray Island discussion in 1993 or 1994, we also offered to work with the Murray Islanders to put together a comprehensive training program for reef fishing, for mackerel fishing, et cetera—for all the different fish around Murray Island. In fact it was the same sort of concept that we got together with the prawn fishery, but that was rejected by the powers that be at the time. I think it was more politics than reality, because my fishermen tell me that if you talk to some of the local islanders they still want to get into that sort of training. I really do believe that at the end of the day the training project or training programs that will work, that will give the island people the skills and the understanding that are required to make a go of commercial fishing in the area, will be programs that are very strongly knit and result in a cooperative arrangement between the islanders, the industry and the relevant agencies that need to be involved. I do not think there have been any real efforts to try to make something like that work in the past. It is usually someone with a good idea who comes in and is going to solve all the problems and, with all the goodwill in the world, it just does not happen.

CHAIR—Do you mind if I just come in on that and then you can keep going. You say in that part I referred to:

. . . traditional inhabitants and wish to obtain a licence for a fishery in the Torres Strait must buy one of the transferable licences from an existing operator.

Would the Torres Strait Islanders have the resources to buy one of these transferable licences if they came on the market?

Mr Loveday—Are you in paragraph 4 again?

CHAIR—Yes.

Mr Loveday—This says 'People who are not traditional inhabitants'. So if you are not a traditional inhabitant you have got to buy one, but if you are a traditional inhabitant you are automatically entitled to be issued with one.

CHAIR—But there is a limit on the number of licences?

Mr Loveday—No, not for traditional inhabitants.

CHAIR—But that is just for their own personal needs?

Mr Loveday—No, for commercial purposes.

CHAIR—For commercial as well.

Mr Loveday—Commercial purpose. Any traditional inhabitant can get a licence to go and commercially catch lobster, pearls and mackerel. They cannot get a prawn licence.

CHAIR—That is the one I am confusing it with. So that does not apply to prawn?

Mr Loveday—No, but there are three prawn licences which have been made available for many, many years. For probably nearly 10 years there have been three prawn licences, which are available for any traditional inhabitant, any Islander, and strictly available to Islanders only. It is not something I can apply for or you can apply for, but islanders can apply for them. All they have got to do is demonstrate that they can utilise them. It does mean that they are going to have to come to some arrangement to get vessels, et cetera. But those licences are worth a damn lot of money now and they are sitting there—just available.

CHAIR—But they have not been taken up.

Mr Loveday—They have not been taken up.

CHAIR—How much capital would be needed—just ballpark figures—for one of them?

Mr Loveday—To put the vessel underneath it, you are probably looking at between \$250,000 and \$400,000, depending on the type of vessel that was required. Torres Strait Prawn Fishery is also fairly lucrative at the moment. It would be a good investment opportunity.

CHAIR—Provided they were trained.

Mr Loveday—Absolutely. We have been just as concerned as anyone that those licences have not been taken up because we want to see islander participation. Equally, we do not want to see what has happened in the past where someone comes in, gets issued a licence to do certain things and then just flogs it off, puts the money in the pocket and leaves the Strait again. We need to make sure that there are very tight arrangements in place so that those licences which are available for islanders stay in the hands of islanders for the benefit of islanders and stay in the Torres Strait.

CHAIR—Yes; guidelines around that.

Mr Loveday—Absolutely.

CHAIR—I think we can pick that up. We were fascinated by your submission. It is a very good one.

Mr Loveday—I would just like to reiterate that we are very committed to the belief in the processes

outlined in our submission and which I have put forward here today. Like all industries, we will have someone who might put an extreme position forward occasionally. I guess all industries, including politicians, have people who put extreme positions forward occasionally on these sorts of issues. Our policies are developed through a very comprehensive policy development process which includes representatives of all fishermen in Queensland, right along the coast. They are not policies that we make lightly and they are not policies that we are prepared to throw away lightly. We believe that there is a bright future for the fishing industry in the Torres Strait and an increasingly harmonious relationship with Torres Strait Islanders. I think there needs to be goodwill on both sides of the fence and I hope that we can keep the goodwill of the past going.

I will make a couple of points on the details of fisheries arrangements and issues such as these prawn licences. I would recommend that your committee have one of your research people talk to the Australian Fisheries Management Authority and to the Queensland Fisheries Management Authority who do the day-to-day administration of these matters. They can give you much more detail than I can provide here.

We will also endeavour to get you a copy of the Prime Minister and Cabinet report from a couple of years ago. AFMA would also be able to provide that in any case if we can't find a copy that is not written all over. We are more than happy to assist the committee in its deliberations and to provide any other further information that you may require.

CHAIR—Thank you very much. On that note, I would like to formally thank Mr Loveday and his adviser, Mr Tapsall. I wish you, your organisation and the members every success in the future. Thank you for your quality submission.

Luncheon adjournment

[13.34]

MAM, Ms Tomasina, 28 Colwel Street, Oxley, Queensland

CHAIR—Welcome. In what capacity do you appear before the committee?

Ms Mam—The capacity in which I am attending today is as a member of the Torres Strait Islander community of south-east Queensland, in particular Brisbane.

CHAIR—Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. I do not believe that you have made a written submission.

Ms Mam—No.

CHAIR—On that basis, I welcome you, Ms Mam, and invite you to put the points that you wish to put to the committee.

Ms Mam—First of all I would just like to introduce myself and perhaps give you a bit of my background as a representative of the Aboriginal Islander community here in Brisbane. Because I do not believe I know of any one of you personally or otherwise, I think it is important for you to understand where my information and where my knowledge and expertise come from.

I have an Aboriginal mother and a Torres Strait Islander father. So my involvement both in employment and in terms of my interest in Aboriginal and Torres Strait Islander affairs has really been most of my life. I have had 20 years of being employed in Aboriginal organisations and two years in working with Torres Strait Islander organisations. For the last three years I have been an ATSIC commissioner. I am the former commissioner for the south-east Queensland metropolitan zone, which is the Brisbane zone. I have held a council position for the past two terms, and unfortunately I was not elected for a third term. The information that I am presenting here today is basically from my views over the last 20 years perhaps and, more importantly, as a commissioner with ATSIC and what I observed across the board, being in that position.

I must state from the beginning that it is my intention not to bag ATSIC or badmouth ATSIC but to perhaps heighten the issues which really impact on Torres Strait Islanders. This is where my experience and my knowledge come into what I will bring to the table here today.

In relation to the first two issues in the terms of reference—whether or not the people of Torres Strait would benefit from a greater degree of autonomy and, if so, what forms a greater degree of autonomy should take—I have no doubt in my mind that Torres Strait Islanders would benefit from greater autonomy, more importantly in the Torres Strait. My understanding is that in the coalition's commitment to Torres Strait Islander issues there was support for looking at autonomy for the Torres Strait and also taking on the issues

of Torres Strait Islanders.

During the last three years I have been involved in round table discussions in terms of Torres Strait Islander issues. Whether it is this government or the previous government, to date I still feel that for Torres Strait Islanders across the board, whether they are living in the mainland or in the Torres Strait, access and equity is still an issue. I say this with regards to representation at all levels, which has always been a major concern for Torres Strait Islanders. There has always been a great concern about the lack of representation for Torres Strait Islanders, whether it be at regional councils, national delegations or international delegations.

As Torres Strait Islanders, we have experienced to some degree no representation on the ILC, the Indigenous Land Corporation, from the word go. Right from the very start the regional authority and the Torres Strait Islander Advisory Board, as I understand it, had made representations to the minister at the time in relation to the appointment of a Torres Strait Islander representative on the ILC. To date no Torres Strait Islanders have been appointed to the ILC. The programs, policies, the formation of the ILC and native title were basically as a result of the Mabo High Court decision. Regardless of that, there is still no representation and there is no access and no equity in relation to this.

I suppose from the start I should commend the minister for inquiring into the issue of greater autonomy for the Torres Strait. At the same time I believe that, if we are going to achieve anything from greater autonomy, then we really need to be heard at all levels, we really need to be represented at all levels and we need to have a voice. Until such time as we do have representation and we do have a voice on these national bodies, which are set up to represent the indigenous people of this country—and I would just like to remind the committee that there are two indigenous races in this country: Aboriginal people and Torres Strait Islander people.

I suppose in my own personal life I have always tried to balance the equation of having representation or input from both Aboriginals and Torres Strait Islanders. I find it very difficult to work any other way because of my own personal background. Perhaps not everyone shares that view. People often have different views.

There are examples of issues, including the issue of Torres Strait Islanders on the mainland. Perhaps the third point in the terms of reference would be where I would be most experienced at giving my views—that is, on Torres Strait Islanders resident outside the Torres Strait and how greater autonomy would impact on Torres Strait Islanders outside the Torres Strait area.

As I stated previously, I support the view of greater autonomy for the Torres Strait. I would see that it would be most imperative to include all Torres Strait Islanders rather than exclude certain groups, such as excluding Torres Strait Islanders on the mainland as opposed to Torres Strait Islanders in the Torres Strait zone. The ILC is just one example of where Torres Strait Islanders are not represented, although there were separate requests from the regional authority and from TSIAB, the Torres Strait Islander Advisory Board, which is an instrument of ATSIC. It is in the ATSIC Act.

During my time as an ATSIC commissioner I believe that most of the policies that government departments have throughout their departments perhaps do not reflect the uniqueness of Torres Strait Islander

people and Torres Strait Islander culture. You could look at a number of policies on Aboriginal and Torres Strait Islander affairs and it is my view that most of these policies are based really on Aboriginal issues as a whole rather than citing the uniqueness of Torres Strait Islander issues and the culture.

CHAIR—Would you mind giving some examples, as you go, of that sort of thing? You said ‘most departments’, do you mean most state departments or most state and Commonwealth departments?

Ms Mam—State and Commonwealth departments—their policies reflect that. It looks like we are addressing the issues of both Aboriginal and Torres Strait Islander people. For example, if we look at the Royal Commission on Aboriginal Deaths in Custody, although there is a small percentage of Torres Strait Islanders affected by deaths in custody, it is not really reflected in the sense that there are issues that relate particularly to Aboriginal people and issues that relate to Torres Strait Islanders. When there is a death in custody, how do the departments and individuals treat those deaths in custody—the protocols, for example?

I speak very, very openly about that as I was involved in a death in custody towards the end of last year, in October, with regard to a Torres Strait Islander in this zone. I did make a representation to the states and to Queensland Corrective Services stating my concerns about how the death in custody was actually treated. I did make representation to the general manager of that particular correctional centre to ensure that the traditional Torres Strait Islander protocols were observed before. I did not want it to be a circus; I did not want this death in custody to be treated like a circus. Most times people working within the system are either Aboriginal counsellors or non-indigenous people who may be aware of, and may have a lot of exposure to, the Aboriginal culture and the Aboriginal protocols. But, in relation to the Torres Strait protocols, which are culturally different, I believe that they needed to be carried out more appropriately. I do acknowledge that, whilst it is a death in custody—I also believe, too—cultural protocols need to be observed.

CHAIR—Were the protocols that were not observed likely to have perhaps avoided the death in custody or were they protocols dealing with the person who had passed away and the way in which they should be treated after death?

Ms Mam—I believe that this particular person, who I know of personally and I did have contact with through the Torres Strait Islander community here, in particular the top western Torres Strait Islander group of Boigu Island, should have been treated differently. Sometimes we do need to take into account that Aboriginal people, because they are Aboriginal people, need to be treated differently—for example, if we had Aboriginal people living here in Brisbane that came from north Queensland or from other areas. I believe there is a diversity with Aboriginal culture. There are also protocols within Aboriginal communities across this country that need to be observed. There is no one set protocol for Aboriginal people. It could be different as you go from state to state, even from region to region or from the traditional boundary areas.

With this Torres Strait Islander case, in particular, I believe that had Torres Strait Islander community people been involved prior to the death in custody perhaps—for example, in bringing into the system cultural programs appropriate for Torres Strait Islanders and also having Torres Strait Islander elders involved in the visiting programs—there may have been a different situation. Also, during and after the fact, there should have been certain cultural protocols carried out. At the time—through my contacting the general manager—I believe that certain protocols were observed. After that, I understand that there still needs to be a follow-up,

in terms of their cultural practices from that particular island group.

CHAIR—Did this person take his or her own life or did they die of other causes?

Ms Mam—The inquiry has not taken place yet, but we were informed that he had hung himself in the correctional centre.

CHAIR—And the case you make here is that this person, had there been Torres Strait Island counselling available, may have felt differently about their position?

Ms Mam—Yes.

CHAIR—What you are saying is that, in this particular incarceration, there was no program available for Torres Strait Island prisoners?

Ms Mam—No. There are no Torres Strait Islander programs developed throughout Queensland, or perhaps even interstate, which are uniquely designed to cater for Torres Strait Islander people within the system. I understand that one of the recommendations from the deaths in custody is that cultural programs are to be implemented for Aboriginal and Torres Strait Islander people within the corrective centres.

I suppose there is the issue of there being a minority group within that indigenous population within the correctional centres, but I do believe that you have to cater for everyone. You have to cater for Aboriginal people and you have to cater for Torres Strait Islander people, as with other races of people.

CHAIR—Had you ever taken this issue up whilst you were a commissioner with ATSIC?

Ms Mam—I did actually. I have through the state office of ATSIC.

CHAIR—Do you know what the outcome of that was?

Ms Mam—No. My term ended in December last year and I have not received any response to the action I took.

CHAIR—Would you please carry on. I did not want to interrupt you, but it was important that I got a bit of clarification on what you said there.

Ms Mam—For the past six years, I have attended the six national Torres Strait Islander seminar workshops, which have been held throughout Queensland and Sydney. Each of the seminar workshops have recommended the need for Torres Strait Islanders to be represented at all levels.

In particular, there was special mention made to representation on the ILC and representation as the Minister for Aboriginal and Torres Strait Islander Affairs is to make two appointments. I understand this is to change at the next election. The recommendations of these national seminar workshops was to ensure that Torres Strait Islanders, especially on the mainland, had a voice on the board of commissioners, and that one

of those two appointments should be a Torres Strait Islander especially appointed from the mainland.

CHAIR—That is on the ILC?

Ms Mam—On the ATSIC Board of Commissioners.

CHAIR—On ATSIC, right.

Ms Mam—There has been a recommendation from the national conference also supporting the appointment of a Torres Strait Islander to the ILC. The ILC would be reflected through the last two national Torres Strait Islander conferences. The appointment of a Torres Strait Islander commissioner on the mainland has also been recommended for the past six national Torres Strait Islander workshops.

CHAIR—So rather than rely on the ballot box and the vagaries of being elected or not, you think that the act of parliament should specify that at least two of the ATSIC board should be Torres Strait Islanders, one of which should be from the mainland and one from the islands?

Ms Mam—Yes. That was the recommendation from the national seminar workshops. It is very difficult because Torres Strait Islanders are in a minority group. Although, I must say, the 1993 elections, the second term of ATSIC, were more favourable and saw an increase in Torres Strait Islanders and also an increase in women participating for election on to the regional councils.

Unfortunately, perhaps because of the politics and a lot of other issues, as a result of the recommendation from the review committee that reviews the boundaries and the regional council elections, there was a recommendation from Aboriginal community people that attended two meetings—one at Beaudesert and one at Caloundra—that this region, which usually had one regional council, one zone, be broken up into three wards. This further disadvantaged Torres Strait Islanders in the last election.

I suppose what also reduced the numbers on this council was the reduction in numbers. We previously had 20 regional councillors for two terms. In the second term, there were five regional councillors of Torres Strait Islander descent that held positions on the second regional council.

With the reduction of numbers in this region as well as the impact of the introduction of the ward system into the south-east Queensland metropolitan zone, 12 people were elected, one of which was a Torres Strait Islander. When you look at that sort of representation, there really is not a voice for us in the regional council. Regardless of who the person is or how experienced the person is, you are still outnumbered.

CHAIR—Taking that 12-member board, one of whom was a TSI, how many do you think should be mandated for? In other words, what you are saying is that there ought to be a fixed number that are required to be from the Torres Strait Islands and a fixed number required to be of Aboriginal representation. What number do you suggest?

Ms Mam—The perfect solution would be to have equal representation of Aboriginal people and Torres Strait Islander people.

CHAIR—Do you say that in a perfect world, because you think that would remove the danger of creating divisions? Would it lessen the danger of creating divisions if they are equal? Why do you say that that is the perfect way to go?

Ms Mam—To be a regional council you are really looking at the region as a whole, and I believe that for Torres Strait Islanders to have access, to have equity, to enjoy representing the region, you would need to have at least half represented on the board.

CHAIR—Otherwise they get outvoted. Is that what you are saying?

Ms Mam—Yes. The majority rules. In my experience of two terms as a regional councillor I think it is about personalities and the politics of it. Unfortunately, those things happen.

CHAIR—Would the solution be, rather than have a combined Aboriginal and Torres Strait Island group, to have groups that are separate—one dealing only with Torres Strait Island affairs and another dealing only with Aboriginal issues? What do you think about that model?

Ms Mam—There was a call for a separate commission. There was a delegation who met with the former chairperson of ATSIC and also a delegation met with the State Advisory Committee, the SAC committee, which is made up of chairpersons and commissioners of Queensland, at the Rockhampton meeting towards the end of last year. There was a call for a separate commission because of the access and equity question and also because there is very little money in this country for indigenous affairs.

The bucket just seems to be getting smaller and smaller in terms of dollars for indigenous affairs in this country. Aboriginal people do have the right to be very protective and also to fight for every cent that they can. At the same time, we have a bucket that is there for Aboriginal and Torres Strait Islander people.

The issue of a separate commission would include that the representatives that made representation to both those meetings would be the Torres Strait Islanders on the mainland as well as in the Torres Strait region. They would be included in the Torres Strait commission, in a separate commission. The idea is to have a separate commission where people would be totally focused on Torres Strait Islander issues and improving all the social justice issues for Torres Strait Islanders specifically, and that Aboriginal people would have a commission whereby they would be totally focused on Aboriginal issues.

CHAIR—Do you think that proposal has merit or are you worried that it might unwittingly create division between indigenous people in Australia?

Ms Mam—It is about marketing, I suppose, and how you put the proposal to people in the community. First, it is not about separate services. These are some of the points that have caused a bit of hysteria amongst indigenous people in that there is a concern that it is about separate services and about deciding whether or not you are an Aboriginal person or a Torres Strait Islander person. As far as I am concerned—I know other people like me who are both: they have an Aboriginal parent and a Torres Strait Islander parent—no-one can take away the fact that I am a Torres Strait Islander person and no-one can take away the fact that I am an Aboriginal person. It is not about making people decide which side of the fence

they are going to sit, whether they are going to be an Aboriginal person or a Torres Strait person; it is about ensuring that policy is developed and implemented and will impact wholly and solely on Torres Strait Islander issues.

CHAIR—So you favour this separate commission.

Ms Mam—I favour the separate commission to ensure that there is representation, that there is a voice that could benefit Torres Strait Islanders on the mainland as well as in the Torres Strait region. Perhaps there could be an argument that because the majority of Torres Strait Islanders (26,000, 29,000 or 30,000) live on the mainland—only 5,000 or 8,000, whatever the updated figure is now, live in the Torres Strait region—the focus should really be on the mainland, mainland dominated. I believe that we should have a separate commission based not on population but on equal representation for Torres Strait Islanders living on the mainland—representatives from the mainland as well as representatives from the Torres Strait region. It is a little simpler to do it with Torres Strait Islanders rather than doing it with Aboriginal communities, because there are a number of issues involved in looking at Aboriginal people and the areas that they cover—all those sorts of things.

CHAIR—So in your experience you think that Torres Strait Island people living in the homeland would be quite comfortable with the idea of an equal number of Torres Strait Islanders living on the mainland having a say in how things are done on the islands. Do you think they would be comfortable with that or not?

Ms Mam—With any new proposal there is always going to be resistance and there are always going to be insecurities about whether or not their issues are going to be addressed adequately and whether or not there is going to be equal representation. I do know that there are views around, without going into naming names, that Torres Strait Islanders living in the Torres Strait zone cannot speak for Torres Strait Islanders living on the mainland, and vice versa. I know there would be that view. For argument's sake, there should be a balance: let us say, 10 from the mainland and 10 from the Torres Strait zone to make up a council of 20. I do not say it is the perfect solution. You would really need to be inclusive and you would really need to ensure that there was equal representation so that all the issues across the mainland and the homelands are taken into consideration.

It is not an easy question. There are a number of formulas which have been debated even throughout ATSIC. In particular with Torres Strait Islander projects, there has been—

CHAIR—Incidentally—I am not being capricious or anything—if you had that model in operation, a special authority for Torres Strait Islanders made up of equal representation from mainland and homeland, what would happen if you were an Aboriginal living in the Torres Strait Islands? How do you think your interests would be looked after, or would you say that ATSIC should continue to operate across Australia and the Torres Strait Islands with respect to Aboriginal people?

Ms Mam—I do not have the perfect, the right answers. As I say, there would need to be a lot of consultation, but I believe that as it exists now Aboriginal people living in the Torres Strait are entitled to apply for and receive funding in the same way that Torres Strait Islander organisations and individuals apply

for funding in the Torres Strait region.

CHAIR—So you would see ATSIC continuing to be responsible for Aboriginal people living on Torres Strait Islands.

Ms Mam—I would say that if there is a separate commission that the Torres Strait Islander commission would have to look at applications from Torres Strait Islander organisations and Aboriginal people would have to apply to the Aboriginal commission.

CHAIR—How much representation should the Aboriginal people have in that Torres Strait commission to ensure access and equity?

Ms Mam—It is a very hard question. I think they would have to apply for funding. It is not about excluding groups, it is about including them, and I would say that if they are resident in the Torres Strait they would have to receive whatever benefits—

CHAIR—Equal rights.

Ms Mam—Equal rights in the Torres Strait. They would have to.

CHAIR—A bit like a local government organisation. People living in a local government area traditionally have equal rights, at least in theory—I do not want to be disrespectful to local government. But that is the concept you are talking about, isn't it?

Ms Mam—Yes. You would have to include people rather than exclude—

CHAIR—So wouldn't you therefore have to give them representation?

Ms Mam—I would say you would have to—

CHAIR—At least the opportunity to stand for election.

Ms Mam—That is what I am saying, that you cannot exclude people. I am not about to say that we should exclude people. I just believe that there needs to be some sort of research done into it. I can give you another example: in the north ward of this area less than 200 people actually voted in that region to elect two people into that region. I have a very different personal view on the numbers needed to elect into any region. We had less than 200 people elect two people. In other areas there were four and six representatives to be elected to council. This is only in the particular area that I am qualified to speak on—nearly 2,000 people voted to elect six people into one particular ward.

Mr MAREK—I was going to mention a system like the gerrymander system, which we saw in Queensland. There might be 5,000 Torres Strait Islander people there but they would have the ability to vote for 10 representatives and you might have 20,000 Aboriginal people in the same area but they would still only have the ability to vote for 10 people. Currently we have a system where there are fewer Torres Strait

Islanders than there are of Aboriginal and there are obviously more Aboriginal people representing the whole group on the regional council. Would that be something that could possibly be looked at? Would it be accepted?

Ms Mam—It could be one option that could be looked at.

Mr MAREK—I have been listening to you there for a while and as you said a couple of minutes ago it is a tough question to answer because ultimately it comes back to human nature. If one group of people continually get more money than the other group of people they are not going to give that up, are they? I think a tough decision has to be made. At this particular stage that might be a system they could use.

Ms Mam—That is certainly an option that might need to be explored down the track. It is just the nature and the number system around the table. For example, the land acquisition program within ATSIC: there were 91 land acquisitions since the implementation of that particular program since 1992. Of those 91 land acquisitions there were no Torres Strait Islander organisations which received any land acquisitions.

Mr MAREK—With your involvement in it over the past is it really fair to say that ATSIC is truly representative of Torres Strait people?

Ms Mam—No, it is not. In the TSIAB structure the commissioner from the Torres Strait is also the chairperson of the Torres Strait Islander Advisory Board, which is mainland representatives. The Torres Strait commissioner is always going to be in a very awkward position in that he is expected to, and has the role and the responsibility of, representing Torres Strait Islander people and I suppose it leads to personalities and whether or not people are prepared to take that on. My experience of one commissioner who is elected to represent Aboriginal and Torres Strait Islander people is that it is very difficult being one person among 20. Unless you are very good at your lobbying it is very difficult to really—

Mr MAREK—I do not see how lobby would get over it either. You can lobby to your heart's content and if the Aboriginal people have, for want of a better word, stacked the council you are never going to get over them, are you? If you have one Torres Strait Islander in 12.

CHAIR—Before we proceed any further, I have an indication that the witness wishes to give further submissions in camera. The committee always is happy to accommodate people who wish to give all or part of their submissions in confidence, in camera. So we now will do so. Hansard will do certain things in relation to that.

Evidence was then taken in camera—

[2.33 p.m.] _____

CHAIR—With the agreement of the witness we are now back in open session, in accordance with the normal rules.

Mr LLOYD—What I am concerned about is that you mentioned that Torres Strait Islanders, particularly on the mainland, may not get fair representation on boards because you may only have one representative out of a board of 12. This case has been mentioned in other areas as well. I would like to know whether you have any specific examples you can show us where you feel that Torres Strait Islanders have not been represented or their projects have been declined when, in fact, you felt that they were fair

projects.

Ms Mam—I do know that in particular the Sydney regional council and the Townsville regional council voiced their concerns about Torres Strait Islanders living in their region and that they should be accessing funds from the Torres Strait Regional Authority. I believe that similar concern was raised by a regional council in Western Australia and I understand that these are on the regional council record.

Mr LLOYD—I was actually at the hearing in Townsville, and the matter was raised there as well. I would certainly be interested to know of any specific examples that could be provided to the committee of projects that may have been put forward in certain regions but were rejected and it was felt that they were rejected simply on the numbers and that the Torres Strait Islander people were disadvantaged. If we had those examples, it would help to illustrate a case. If there are any that could be provided to the committee at a later stage, I would be very interested in reading those.

Mr TONY SMITH—First of all, what do you understand autonomy to mean? What does this concept mean to you?

Ms Mam—I believe that autonomy for Torres Strait Islanders would mean that they would be able to determine their priorities within that region or for a particular area. They would be in control. They would be able to self-determine and self-manage in that particular area.

Mr TONY SMITH—In that sense, do you see there is a possibility of a territory of the Torres Strait, an actual territory of Australia called the Territory of the Torres Strait, which is totally self-governing? Is that the sort of thing you would be looking towards?

Ms Mam—I would see that as one option that should be explored. There are a number of options that need to be explored, and I suppose that is one that needs to be explored a bit further.

Mr TONY SMITH—That would be the ultimate autonomy in terms of the Australian Commonwealth, I suppose, would it not?

Ms Mam—Yes.

Mr TONY SMITH—In that context you have said a lot about the role of ATSIC. Obviously, if the Torres Strait were to become a territory, there would be no need for a commission, would there? It would be a self-governing territory.

Ms Mam—But then you would have the issue of the Torres Strait Islanders in Queensland, on the mainland.

Mr TONY SMITH—I was going to come to that, yes. In that respect, surely the wishes of the people who are living on the islands, the people who are in those far-flung islands, would normally have to be paramount, wouldn't they?

Ms Mam—They are issues for those people who live in the Torres Strait, who are the decision makers for that particular area and who have a responsibility to Aboriginal people and Torres Strait Islander people living in that particular area. Because I live away from the Torres Strait does not make me any less Torres Strait Islander or does not exclude me from the islands that perhaps my family background is from. It does not make me any less Torres Strait Islander than the people living in the Torres Strait. I still practise, I still speak and I still dance the Torres Strait culture.

Mr TONY SMITH—I understand that, but in terms of some form of self-governing autonomy could you understand the view that might be expressed by people living in the Torres Strait that, if you want to be part of the government of the Torres Strait, you have to go there and live there and that they should not be controlled from a distance? Do you see what I mean? There are more Torres Strait Islanders living away from the islands.

Ms Mam—But some circumstances are beyond the control of Torres Strait Islanders. They were not in control of being sent here to the mainland in the first place. For whatever historical reasons, they have been sent down here to the mainland.

Mr TONY SMITH—I presume from my discussions when we went to the Torres Strait that what Torres Strait Islanders seem to be looking for is some sort of developing economic autonomy which would do away with any handout mentality and develop an infrastructure that would create a viable economic infrastructure. In that sense, if there was work for people in the Torres Strait, I am sure a lot of Torres Strait Islanders would go back to their homes. Would you agree with that?

Ms Mam—I would say that it would be more than the employment issue. Health, housing and all the other issues do have an impact.

Mr TONY SMITH—All of that might come with a greater economic autonomy. I guess there would be a desire on the part of a lot of Torres Strait Islanders—tell me if I am wrong; I am not sure about this—to go back to the islands if they had work, infrastructure, health, housing and so forth.

Ms Mam—Those may be the issues that encourage Torres Strait Islanders to go back, but until such time as the infrastructure and all those other issues are addressed you have people who have lived down here for 20 or 30 years and perhaps want to go back but cannot go back.

Mr MAREK—With that in mind, there is not an endless bucket of money and the people of Torres Strait are saying, 'We are Torres Strait people. We live up here. We want the money up here.' If those people do not want to live in the Torres Strait and they want to live down here on the mainland with everybody else, then they have to work and survive like everybody else.

Ms Mam—Then we will still have the issues.

Mr MAREK—If you have 20,000 people down here and 5,000 people up there, you can obviously see the problems in trying to distribute the amount of money that is available for them to everybody else throughout the country?

Ms Mam—Yes, but Torres Strait Islanders living here on the mainland have a right to access funding that is available to them from government departments. If they are not accessing and not receiving equitable funding from government departments which have been established to provide funding, then you are still going to end up with the same issues.

Mr MAREK—Are you very clear that people have not been able to access funding through ATSIC?

Ms Mam—Not only ATSIC but other government departments and—

Mr MAREK—You are saying that Torres Strait Islanders cannot walk into ATSIC here and say, ‘Listen, I’m entitled to this. Can I have it?’

Ms Mam—It is not as easy as that. If it was as easy as that, I suppose we would be able to solve a lot of our problems. It is not as easy as saying, ‘We are entitled to this.’ You may be entitled to get it, but whether you get it is another question.

CHAIR—Thank you very much for giving evidence and coming along today. We appreciate it.

Ms Mam—Thank you.

[2.43 p.m.]

GOODREID, Mr Christopher, Director, Intergovernmental Relations, Department of Premier and Cabinet, Queensland, 100 George Street, Brisbane, Queensland 4000

TOOLIS, Mr Paul, Manager, Office of Aboriginal and Torres Strait Islander Affairs, Department of Families, Youth and Community Care, c/- PO Box 94, Thursday Island

WAUCHOPE, Mr James Littleton, Program Director, Office of Aboriginal and Torres Strait Islander Affairs, Department of Families, Youth and Community Care, GPO Box 806, Brisbane, Queensland

PERKINS, Mr David Lynden, Manager, Marine Parks, Coastal Management Branch, Queensland Department of Environment (Queensland Government Agency), 160 Ann Street, Brisbane, Queensland 4000

WELLARD, Mr Gregory Alvin, Acting Executive Director (Conservation), Department of Environment, 160 Ann Street, Brisbane, Queensland

BELLEAR, Mr Solomon David, Director, Aboriginal and Torres Strait Island Policy Branch, Queensland Health, Charlotte Street, Brisbane, Queensland

SCOTT, Dr John Grant, State Manager, Public Health Services, Queensland Health, PO Box 48, Brisbane, Queensland 4001

TAYLOR, Ms Geri, Director, Health Systems Strategy Branch, Queensland Health, GPO Box 48, Brisbane, Queensland 4001

BENSTED, Senior Sergeant Lilian Blach, Cultural Advisory Unit, Office of the Commissioner, Queensland Police Service, 100 Roma Street, Brisbane, Queensland

TYLER, Inspector Terence, Officer in Charge, Cultural Advisory Unit, Office of the Commissioner, Queensland Police Service, 100 Roma Street, Brisbane, Queensland

CHAIR—I welcome witnesses representing the state of Queensland. Mr Goodreid, do you have any comments to make on the capacity in which you appear?

Mr Goodreid—My role in appearing before the committee today is coordinating the particular responses that the Queensland government has provided to the committee, Mr Chairman.

CHAIR—You will introduce some members representing particular departments who will also join with you in giving evidence from time to time in the submission; is that right?

Mr Goodreid—That is correct.

CHAIR—Although the committee does not require you to give evidence under oath, I should advise you that the hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament.

The committee has a copy of a submission from the Premier, Mr Borbidge. We appreciate the submission very much. Does anyone want to make any amendment to that submission?

Mr Goodreid—No, Mr Chairman.

CHAIR—Would you care to make some introductory remarks?

Mr Goodreid—I would, Mr Chairman, if I may. The Queensland government, at the time that this inquiry commenced, was in a position where it had not had an opportunity to consider in the context of a whole of government perspective the forward direction of the Torres Strait Islanders, their region and the particular services provided to that region. That was the main reason for not having provided a comprehensive submission and perhaps stating that there should be more or less autonomy for Torres Strait Islanders. However, in the process of developing what is now a state strategic plan which incorporates aspects of economic and social development, there is clearly a focus to accommodate and to promote and progress the development of the Torres Strait region in respect of all its development, be it economic, environmental, social or otherwise.

The submission that the committee would have received is one which consolidates a raft of service provision and financial assistance in many cases to the region. I will point out that that information is not necessarily comprehensive. It was done in a very short period and represents at this stage the best efforts that we have in identifying those services and that finance that is provided by the various departments. It is possible and practical that we perhaps will be able to refine those figures in due course or provide more information as the committee sees fit.

CHAIR—Can I just interrupt on that point and accept that offer. The committee would very much like to have a comprehensive statement of services and programs and their funding if that is possible to add to the list already given to us. Do you wish any of the other officers to add any matters that they would like to add on behalf of the particular interests that they represent? They are welcome to do so.

Mr Goodreid—At this stage, no.

CHAIR—I would just like to again thank you all for attending. I would also ask you to convey to the Premier our appreciation for his cooperation and for making it possible for such a substantial number of senior servants of the state of Queensland to meet us today. I hope that we can do this in a relaxed and informal manner, although your evidence is very important to us in helping us with our determinations.

Firstly, what views do you have about the form of greater autonomy that might be possible to be developed for the people of the Torres Strait region? Do you have any views on a model, or do you feel that the present models are adequate—Commonwealth and state? We will not be hurt one bit if you wish to make

some constructive criticisms about the present Commonwealth model. We would be interested to find out.

Mr Goodreid—I could probably answer that by saying the government's present position on this is that they are looking to improve on the current model, if you want to call it a model, which is not well defined in terms of Commonwealth and/or state responsibility for Torres Strait Islanders particularly. When you take it across the range of activities that go on up there, particularly Commonwealth versus state responsibilities, it relies very heavily on individual cooperation between departments, between the agencies involved. But I think the agencies are from time to time constrained by the necessary rules that cover broader issues. If it is immigration, it is about immigration generally, not about immigration to the Torres Strait Island. I would suggest that we are not dissatisfied with the current model, but if we can improve that: reduce the duplication and overlap that might occur in some instances or deliver those particular programs in a more cost-efficient manner—more in line with what the indigenous peoples of that area require in the longer term.

CHAIR—I take it from the Premier's submission and your response—there appears to be common ground—that to increase autonomy for the Torres Strait Island people would be a good thing for them?

Mr Goodreid—That is correct.

CHAIR—Is that because you see benefits from a social and economic point of view and any other benefit?

Mr Goodreid—I think the answer to that rests in the fact that any improvement in the delivery of those services generally, whether it would apply to Torres Strait Islanders or the rest of Queensland, would be beneficial in a community sense. It has not been separately identified in that way. I think the submission that we are aware of, that the Torres Strait Regional Authority put before your committee, was one which indicated they would like to move to more autonomy in a progressive and a staged manner; one which can be managed through a process. It is not about moving from their current situation perhaps to self-government or being handed the funding that is now controlled by other agencies to do it themselves. They have already recognised that that would not be suitable. I think the answer to that is, yes, we would see that as being an improvement, but no more so than we would for the rest of Queensland.

CHAIR—I take it from that observation of yours about the Regional Authority's submission that Queensland considers that the Torres Strait Islands would not be a viable separate territory or state at this stage of their development?

Mr Goodreid—No, not in respect of what we deliver in terms of services from the state.

CHAIR—I take it that it is confirmatory that Queensland's position is that it wants to continue to maintain and develop services for all of the people of Queensland, including the Torres Strait Islanders?

Mr Goodreid—That is correct.

CHAIR—There is no indication that Queensland would be interested in withdrawing services and its responsibilities as a state in the Torres Strait Island region?

Mr Goodreid—No, they would not.

CHAIR—Can I test you on this one? One of the models that could be possibly developed in a progressive way would be the model of local government, which is already partly extended across the islands, as you know. As we all know, local government is a creature of the state. It is not a creature of anything other than the state. Do you see any potential in building the local government organisation up into a model that compares pretty well the same as any other local government body in mainland Queensland?

Mr Wauchope—I might just comment. Essentially you have two systems in the Torres Strait: the normal local government model as it applies on Thursday Island and a slightly different local government model in respect of all the outer islands. The Torres shire council is incorporated under the local government act, just as any other shire council in Queensland, whereas all the other local governments—for example, the outer islands—are incorporated under the Community Services Act, which is a slightly different act but originally based on the local government model.

CHAIR—Perhaps you might like to respond to this question with a letter to us. In relation to the powers and responsibilities of local government generally in the state of Queensland, which one of those two has all of the powers and responsibilities of a local government organisation?

Mr Wauchope—We will certainly be able to do that. I will not occupy the time of the committee talking about it now, but we did a tremendous amount of work over the last 18 months looking at the application of the Local Government Act to both Aboriginal and Torres Strait Island communities. I think we should just set that down in writing, because it would take a long time to go through it in any depth.

CHAIR—I thought it might, as a former minister for local government in another state. Could I ask you whether it is possible to give a broad answer to this question now. As a result of that intensive investigation and work extending over many months, did you come to any conclusion as to what was attractive or achievable?

Mr Wauchope—Yes, there are a number of attractive things in the Local Government Act in terms of autonomy for people in that particular area. Certainly under the Queensland Local Government Act local councils have an enormous amount of power and autonomy in what they can do. The community services acts were more restrictive, but our difficulty was—it is one that we still have to deal with—that the community councils in the Torres Strait in fact have a broader range of responsibilities in some respects than local government does. That is particularly in relation to things like community policing and island courts. They deal with things that your normal local government councils would not have to deal with. Another example would be the management of housing CDEP schemes. You have got a much broader span. So the challenge is really to say, 'Let's look at the best parts of the Local Government Act, but we can't lose sight of the other responsibilities that those councils have.' So you have got to have some sort of marriage of the two legislative regimes.

CHAIR—Is your Local Government Act one that has add-on capabilities whereby perhaps the local government model—the traditional one—could, by some certificate of the minister or cabinet, add on responsibilities or do you need a special act of parliament to add on these additional council responsibilities?

Mr Wauchope—It is probably a bit difficult for me to answer that. They reviewed the act and produced a new act in 1993. I think it does now contain a capacity to add on. I am quite happy to answer that question on notice, too, through local government.

CHAIR—All right. One of the questions that I know exercises my mind and my colleagues' minds is the difficulty of ensuring that there is equal access and equality in any future model, whether it be local government or otherwise, for people living on the Torres Strait Islands when they are not Torres Strait Islanders themselves—when they are Aboriginal people or people from other backgrounds. Would you like to comment on that difficulty that I have spoken about? Have you got any observations to make about that?

Mr Toolis—On a good many of the islands, there are non-Torres Strait Islander people who are resident there—not many, but some. There is provision in the legislation that, as long as you are on the roll, you do not need to be a Torres Strait Islander to vote in the local government elections. So, if you are of European descent or Papuan descent, you still get a vote. There is a relatively large Papuan population on some of the islands. They have been resident there for a number of decades and are accepted in that community. Sometimes there is some tension and conflict over that, but generally there is quite a number of Papuan people that have been in that area for a couple of generations.

CHAIR—Can I throw this one up to you. You do not have to answer it, because I am mindful of the fact that you are public servants and therefore you do not make policy without being asked to do so by the government. How do you think Queensland would get on if the Commonwealth was to make an equitable arrangement with the state of Queensland, with the approval of the people of the Torres Strait Islands, to hand over all of the current activities of ATSIC to a new organisation that is set up with the Queensland government and the Torres Strait Island people, such as a new local government organisation of some sort or other, so that the Commonwealth would not be directly involved any longer? The agency to deliver the services would be this new entity.

Perhaps a bit of background is that at the moment I lie awake at night looking at all of the hurdles between decision making and action that presently exist. We have got the Commonwealth, ATSIC, the states, local government, the councils, the Torres Strait Regional Authority, et cetera. How would you respond to a proposal, if it is possible to work it out, whereby the Commonwealth says, 'You take over all the ATSIC responsibilities for the Torres Strait Island people'? Have you any comments on that?

Mr Goodreid—If I can just clarify what I understand your question is, you are talking about handing over those aspects of ATSIC that are currently handled by us, but to a body of the Torres Strait Islands not set up by the state of Queensland?

CHAIR—It would be set up by the state of Queensland in partnership and administered and controlled by the Torres Strait Island organisation that the Queensland parliament establishes. The reason for me directing thoughts in this direction is to give the dollar quickly into the area rather than have it go through all the hurdles and to let more decision making take place closer to the people. That is the purpose of me putting the proposition to you. It is not a trap question.

Mr Goodreid—I understand that. Without attempting to determine what the government's policy

might be to such a proposal, from purely the bureaucratic sense one of the things that would be of real concern would be to identify what services are currently provided by the state versus the Commonwealth and how that would impact if you were to propose and set up this body.

I would suggest at the moment there is a deal of overlap and there is a deal of confusion as to ultimate responsibilities and how you perhaps deal with particular aspects of the administration of the Torres Strait Islands. I think that before even considering that you would really have to get down to weighing up the roles and responsibilities that you are actually identifying that would be passed across in giving that to a body that was semi-autonomous, if you like, because they would have that element of the Commonwealth's responsibilities but they would not have the state's.

I also believe that there are some fairly significant legal issues to be tested, namely, in areas such as who controls what area of land and water. That is very much the case at the moment where there is divided opinion on ultimately what the legal ramifications of that might be. Of course, that affects a great number of the activities we were talking about that they might therefore take over. I do not know if my colleagues have got anything to add.

Mr Wauchope—I think the only thing that I could add is that one of the issues that the committee will obviously come across is how you deal with the situation on Thursday Island vis-a-vis the outer islands and the different systems that operate. That is sure to be raised in the context of your inquiry.

I must say I have not got any answer, but it is the issue that is generally raised with me when I visit the Torres Strait and you talk to people after work—you are sitting around and this issue obviously comes up. People have great difficulty determining whether the proposal applies simply to the outer islands, whether it applies to the whole of the Torres Strait and then how you marry the different interests—that is, those on Thursday Island versus those in the outer islands. I think it is one of the things, in terms of the model that you are talking about, that you would have to confront and deal with in some equitable way.

CHAIR—Would it be appropriate, do you think, for the committee to consider making a recommendation that the concept is worthy of evaluation by a joint Commonwealth, state and Torres Strait Island project team with a view to auditing all of the programs that each arm of government is responsible for and examining the legal implications as well? Picking up your point, could they examine also the need to have inserted into such a model the means of resolving the different mission statements, if you like, of the islands themselves? Do you think that might be possible?

Mr Wauchope—That would be one way, if you like, of tackling that particular issue.

Mr Goodreid—Mr Bellear had a comment which he was going to offer in relation to your first question.

Mr Bellear—Mr Chairman, I think your last point picked it up. Queensland, at this level here actually, talked about that yesterday and the possibility of an ongoing IDC within Queensland. If the Commonwealth could get involved with that, well and good. I think your last point about a working party or an IDC is one that I believe in 1993 ATSIC tried to pursue, but the TSRA interacted before that and stopped

that. We are working on a terms of reference for that very type of thing.

CHAIR—How long before the terms of reference might be finalised and available?

Mr Bellear—Last week.

CHAIR—Last week!

Mr Bellear—We have a draft, a formal—

CHAIR—I am just wondering whether it might be appropriate for us to ask for a copy. I realise if it is still within your—

Mr Bellear—At yesterday's Queensland government get-together with Mr Goodreid, I had explained that I had already started developing some type of thing on that. I suppose I would caution that there is a big issue about the Torres Strait Islanders on the mainland.

CHAIR—I was just going to open that one. But can we agree that you will let us have the terms of reference and any information brief that you might be able to give us to show the background to the development of the terms of reference?

I just wanted to get on to this very difficult question of looking after the interests of people on the mainland as well. As you know, our terms of reference require us to have regard to the position of Torres Strait Islander people living on the mainland. Can you give us some advice on that? Would anyone like to make an observation as to how we should tackle that question? In fairness, I should say, in summation of the evidence we have taken so far, we have conflicting evidence on that. We have got conflicting advice from people who have got strong views on both sides.

Mr Goodreid—I would perhaps mention to you the basis of discussions that we had on this yesterday in particular. The concern would be that, if the committee was considering what services, what funding and what activities should be provided to Torres Strait Islanders who are not resident in the Torres Strait Islands or the immediate vicinity of those islands, you have to keep in context the perspective that, notwithstanding you have special provisions for Aboriginal and Torres Strait Islanders, any provisions there could not be seen to discriminate in a positive way if they were not resident in those islands.

In other words, if they were to access those things that were considered to be fundamental to their tradition and their culture and heritage, that is fine, but if it identified them especially, and in effect gave them within this state double advantage, we would be concerned. In other words, if you were to identify the fact that a Torres Strait Islander living in Rockhampton or in Brisbane was able to avail themselves of services which would normally be appropriately delivered in the Torres Strait Islands, then that would create some real concerns. From the government's perspective here, it is about providing services on an equal basis for these people across the state, no matter what ethnic backgrounds, indigenous backgrounds, we have.

CHAIR—Do you think that Torres Strait Islanders living on the mainland, whether they be in

Queensland, Western Australia or Northern Territory, should have a say on the decisions that are made affecting the local activities on the Torres Strait Islands, as a matter of general principle?

Mr Goodreid—I do not know that that is a question I could actually answer for you. It is a political question and one I think I would have to leave.

CHAIR—I thought you might have an easy answer for me on that.

Mr Goodreid—I would like to.

Mr MAREK—I want to follow up on a point you were just making about Torres Strait people being able to access advantages or whatever in the Torres Strait. The government has a very significant CDEP package for housing. Would it be fair to say that they should be allowed to access that here on the mainland if they want to build a little subdivision over here, or over there or over there? Should it not be thought that, if they want to access that package, it should be used up in Torres Strait, or would you think that you would possibly be able to access that and build other communities of Torres Strait people throughout the country?

Let me expand a tad further. I had a group of Torres Strait people come and see me in Rockhampton. They wanted to access CDEP and money to build a Torres Strait community in Rockhampton. If we have packages set up in the Torres Strait, would it be fair to do that in other places?

Mr Goodreid—That is a difficult question for me to answer from a public service context. I would only raise the issue with the committee that has to consider that anything that would, perhaps, identify that as being out of the ordinary and special in terms of what is provided, other than the programs that are currently provided, across a range of activities. For example, there are special conditions for Aboriginal and Torres Strait Islander health, and they are recognised as those particular issues. But, if it was to identify, in the way that you have proposed it, some particular opportunity or advantage, I do not even know that that would necessarily be for government to decide on.

We have a situation in Queensland where the full bench of the Federal Court upheld a judgment on disabled children in schools who are seen to have an advantage over able bodied children, such that we have had to both change the legislation and remove those children from the school because they are seen to have an unfair advantage. If you were to take that corollary into the possibility that you have, you pose some problems.

Mr Wauchope—Just as a point of clarification, Mr Chairman, the CDEP scheme, which is the community development employment program, is obviously an ATSIC-Commonwealth program which the state is not directly involved in.

Mr MAREK—Let us knock the CDEP off. Let us just work on the issue of housing. It is probably not a question that can be answered here. I just thought somebody might have been able to. We have housing packages that we put up into the Torres Strait obviously so that St Pauls and all those people can build houses for the people. If you have a breakaway of, say, 6,000 or 7,000 people living in Mackay or Rockhampton, and they now want to access the same money to build a village in Rockhampton—

Mr Wauchope—That would be very difficult under the current programs that we administer, because the housing in the urban areas is provided through a number of sources. But the same program, the Aboriginal rental housing program, that provides houses in the urban areas also provides housing in the Torres Strait. But people have to access them in the urban areas on the basis of need. It would be very difficult for a group to simply say, ‘We want funds to construct a separate village for Torres Strait Islanders.’

Mr MAREK—Being somewhat lacking in knowledge in relation to health, can you envisage that it would be better for the health of the Torres Strait people to give them greater autonomy?

Ms Taylor—If we are talking about the people on the islands, Queensland Health has moved quite significantly forward in developing such a model since the 1989 national Aboriginal health strategy where the current situation for health and local decision making was outlined. Over the last number of years and more recently the chair of the Torres Strait Islander Health Council is a Torres Strait Islander and, indeed, the district manager—that is, Queensland Health’s representative and manager and accountable officer on the Torres Strait Islander Health Council—is an indigenous Torres Strait Islander. He is supported in the planning, delivery, monitoring and evaluation of health services by a Torres Strait Islander based district council which is chaired by Grace Fisher, a person of some local note.

Queensland Health develops any of its health services on a model of local community consultation and community cooperation and by looking at the health services based on the profile of the needs of the people. This is very evident with Torres Strait Islanders. I can get Sol Bellear to talk about a very practical example that will give life to your lines of inquiry in regard to diabetes.

As you probably are aware, diabetes is without doubt one of the major causes of morbidity and mortality for Torres Strait Islanders based on the island and on the mainland. A very practical, very cooperative, very much local needs based and needs value based and very innovative strategy has been developed for diabetes management which is now the envy of other countries. If the Chairman agrees, I am happy to hand over to Mr Bellear to actually provide you with some more information on that.

Mr MAREK—Just before you go. Let us take it a bit further than that. Because of the structure of ATSIC and knowing that the regional council makes its decision through voting on where the funding goes and all of those sorts of things, would it be fair to say that the Torres Strait Islanders miss out over the Aboriginal people for funding for health?

Ms Taylor—I do not wish, on behalf of Queensland Health, to make an assessment on that. What I will say is that the Queensland government, through Queensland Health, allocates a recurrent budget of \$14 million for direct health services, planning and provision. At this stage there is no identified Commonwealth health vote except for one-off projects—and I would like to provide you with accurate information on that—worth about half a million dollars. The Queensland government through Queensland Health funds all the capital works, funds the recurrent needs and also meets the needs of the Papua New Guineans who actually use a lot of the health services on the Islands.

CHAIR—To complete the health side of it, I have been given a copy of an agreement on Aboriginal and Torres Strait Islander health with the Queensland minister for health, the Commonwealth minister for

health and the chairperson of the Aboriginal and Torres Strait Islander Commission dated 23 July 1996. You are familiar with that agreement?

Ms Taylor—Yes.

CHAIR—Yours has ‘draft’ on it and mine has signatures on it. I just wanted to get into our record the fact that an agreement has now been signed, the purpose of which is, as I understand it, a commitment by the Commonwealth and the state of Queensland to increase the current level of resources and commitment to improve health outcomes for Aboriginal and Torres Strait Islander people and a number of other very important objectives. Is that correct?

Ms Taylor—A point of clarification: at the present time the Commonwealth is seeking to piggyback a separate agreement for the Torres Strait Islander people onto this—

CHAIR—On to this?

Ms Taylor—A similar one.

Mr Bellear—Could I suggest that, in fact, that is the Queensland agreement. The Queensland government insisted that Health facilitate a separate agreement similar to that with the Torres Strait Islanders. That agreement is now well advanced with Commonwealth Health and the Queensland government in the community controlled sector of health.

CHAIR—For the record, I might take the opportunity of asking if this document can be included as an exhibit to show the present agreement between the Commonwealth and the state of Queensland and to note that a further agreement is being developed which will essentially replicate the provisions of this agreement, but identify the Torres Strait island community as a special target. Is that correct?

Mr Bellear—Not so much as a special target, but certainly as the other unique group of indigenous peoples within Queensland; to pick up their special needs as Torres Strait Islanders.

CHAIR—It is an agreement between the Commonwealth and the state of Queensland that is being developed?

Mr Bellear—And the community. Through that agreement, the ministers and the then chair of ATSIC wanted to have an all-encompassing document that went further than a memorandum of understanding.

CHAIR—We will not ask you to table that in due course, because we will get it from the Commonwealth. But the committee should take note of that very important development that is in progress as it will have a great deal of bearing on some of our deliberations.

Mr TONY SMITH—Is your primary concern Aboriginal and Torres Strait Islander issues? Is that what you are primarily occupied with?

Mr Goodreid—In terms of our own roles?

Mr TONY SMITH—Yes.

Mr Goodreid—No, certainly not.

Mr TONY SMITH—Is it in varying degrees?

Mr Goodreid—Varying degrees of responsibility, yes.

Mr TONY SMITH—Some more so than others?

Mr Goodreid—That is right.

Mr TONY SMITH—Who would be 90 per cent? Can I get an indication of that?

Mr Wauchope—We would.

Mr Toolis—We would.

Mr Bellear—We would.

Mr TONY SMITH—Mr Goodreid, you made a comment before about the submission from the Torres Strait Regional Authority about funding. At the island level, I think the perception is a bit different. There are a number of community leaders there who expressed the view that they would like the pressure of funding to be the same going in as what is coming out. The dilution of that pressure seems to occur through the myriad of commissions and authorities that are administering these funds, so there was a great attraction to bottom end funding at the island level.

I would like some comments in relation to a couple of areas. For example, these places have phenomenal tourist potential, yet there is absolutely no movement in that direction. This would have a great bearing on economic autonomy and several of the people expressed those views to us. I would like your comment on whether the direction in this particular area could be looking to the future, rather than what seems to be just working out services. We are looking at a very broad inquiry. We are not just looking at better services; we are looking at autonomy as part of the terms of reference. You seem to be talking a bit about improvement of services. My comment is that more than services are involved here. Secondly, in terms of health and education, a number of comments emerged.

CHAIR—Could we take the first question first. Somebody might like to respond to that.

Mr TONY SMITH—Okay.

Mr Goodreid—In response to that question, I would have to take that on notice and get back to you.

If I have painted a picture which only targets services, then I apologise. It is not designed to do that. Perhaps I am using the word 'services' too generally. There are a number of other areas which the Queensland government has a vast interest in and funds, and that is evident in the submission. There is fisheries research and maintenance of that, emergency services by way of maritime surveillance and similar issues which involve promotion and education programs as well.

But, fundamentally, I can say with some confidence that this government has not been in a position, at this stage, to formulate a policy or understand what the Torres Strait Islanders would want out of this as well. It is this government's concern that if, for example, they were to take up the issue of tourism and saw that as being a promotable industry, then clearly it would be done in close cooperation with them and their wishes.

In the past, I understand, there have been attempts to consider development of various industries up there, such as the fishing industry. But, again, it has very much rested on the involvement of the local people as to what they see as being reasonable and relevant to their culture and traditions. I could perhaps answer most specifically by saying that, if the committee has an interest in that, I can probably get some better information for you.

Mr TONY SMITH—There is also market gardening, which was a very traditional thing but has all but disappeared up there. That is another area that has just been totally neglected, it would seem, in terms of developing these islands.

Mr Wauchope—It would be fair to say that, if the Islanders really wanted to exploit tourism et cetera, you would find support for that in the Queensland government and the Commonwealth government. I think you were right when you said at the start that one of the keys to greater autonomy must be some form of economic development, which we would certainly support in whatever way we could. But, essentially, it would be driven at the community level.

History has demonstrated that solutions imposed by government, particularly in terms of economic development, simply fail. It will be either sooner or later; but, in the end, they fail. There has to be a desire at the community level to say, 'Right, as one of the components of greater autonomy, we are going to pursue the issue of economic independence.' The support will flow, but it has to start at the community level.

Mr TONY SMITH—Obviously, a concomitant of that is a better education structure for people at the community level so that they can appreciate that those sorts of potentials exist and have the skills—both entrepreneurial skills and others—to implement them. One common complaint from Darnley Island, I think, and from young fellows was that they had nothing to do. They would like to have work to do. They are looking for skilled work and they want to stay there and work. That was a common thing that was expressed.

In terms of health, one image that sticks with me was seeing a lady walking with a bottle of Coke and drinking it underneath a mango tree, with a fresh mango landing in front of her. She just walked straight past it. In terms of diabetes, and so forth, it seems that there is something terribly, horribly wrong about that. Not that I have anything against Coke. We all like it—I think most of us do.

Mr Goodreid—I will ask Dr Scott to address that issue.

Dr Scott—I will comment on a couple of issues raised there. The market gardening issue is one that we have been trying to address through the garden kai kai project, which is a recognition of a couple of issues. The first is that, nutrition-wise, there is a problem—and you have referred to that of the mangoes and the Coke. We are trying to address that issue at the moment through, firstly, a recognition of the fact that there has been a change in body morphology and that there is a significant level of diabetes amongst the Islander people. We have adapted a prevention campaign specifically for the Islander people so that they can understand that there are these issues.

We then look to address that by looking at the food supply and recognising that, at the moment, some of these decisions about using Coke and processed foods are the easy option because some of the other foods that are provided are being provided from southern ports such as Brisbane and by the time they get to the islands are of poor quality. So we are trying to address both that food supply chain and the market gardening approach at the local level.

There are a couple of issues there. There is a suggestion that there has been some habitat modification over the years on some of these islands, and where they in the past have better supported market gardening they do not as much now, so there is both an environmental modification component and also providing skills for people to learn to market garden. We actually have a project officer working there now to start—

Mr TONY SMITH—Whereabouts?

Dr Scott—They are working out of Thursday Island but they move around the outer islands with a view to trying to re-establish some of these market gardening skills through the garden kai kai project. I guess there is a two-pronged approach going on, and of course the diabetes project—Sol has a copy in respect of that—is attempting to address this as well.

Mr Bellear—As a result of that diabetes summit, which was internationally recognised, for the first time in seven or eight years the costs in the new supermarket on Thursday Island, which was the result of the food issue and the garden project, of milk and bread and other essential things have now come down—some as much as 80c.

One of the interacting issues on the diabetes and the garden kai kai projects is that a lot of the high starch and high sugar foods are now put right at the back of that supermarket and the good fresh stuff is left at the front at eye level, the way that the supermarkets on the mainland do. So it is a holistic approach that Queensland Health is promoting out there, and it is working.

Ms Taylor—Seeing you have talked about tourist potential, I think it is worth while for Dr Scott to talk about some of the public health threats that presently exist on the Torres Strait because of our international border and where the Islands are located in Australia.

Dr Scott—Yes, we are coming to terms with some of the issues that we have encountered recently. The Japanese encephalitis is an issue, and we are still trying to work out, in conjunction with university researchers, exactly how that entered in the Torres Strait and resulted in the deaths of two people. It is possible that that has come with people moving from the Papua New Guinea area across to the Torres Strait

Islands.

There are other issues associated with some of these movements and there are concerns about sexually transmitted infections, and, of course, HIV is one of those that needs to be considered. We have got dengue fever, which has surfaced up there recently, and, again, it appears as though that may have actually travelled from the Papua New Guinea area. So we have got infectious diseases which potentially can move in from the Irian Jaya and West Irian and the Papua New Guinea areas. But we should not allow that to deflect us from the fact that the majority of the burden of illness up there probably is more related to lifestyle factors, like diabetes, and perhaps also to some of the housing issues, like tuberculosis.

Mr TONY SMITH—On the kai kai project, I heard and saw no evidence of that when we were there. Do you have any details about that or anything at all that you can give us—through you, Mr Chairman—because absolutely nothing at all was said to us about that. This is the first time I have heard it mentioned.

Mr MAREK—Incidentally, that is what I quickly wanted to visit you on as you were talking. You were talking about the program. How long has it been going for?

Dr Scott—For about four or five years now.

Mr MAREK—That is the problem that you and I are working on—whether it is education, apathy or attitude. I think it might have been Lou who mentioned to me while we were leaving one of the islands that they go and buy all this stuff from the shops that are on the island. We said, ‘Listen, why don’t you buy or grow your own stuff?’ She said, ‘Well, why should we? We can go and get it from the shop here. Why should we grow it?’

They have all this land and all this island and they do not grow a thing because it is too easy just to go and get it from a shop. We talk about diabetes and these sorts of things—all the kids are just living on Milky Way bars, Crunchies and Coke. I mean, they are not getting the proper food. So, like I said, whether it comes down to education, apathy or attitude, the system we are using is not working.

CHAIR—Just for the record, we had an informal discussion with a number of people from the island, including a number of young people, and one young person, who is now a tradesman is doing a wonderful job, was telling me that he learnt to give his grandmother an injection in the abdomen when he was five years of age because of diabetes. Then we talked about his diet and I said, ‘What did you have for breakfast?’, and he said, ‘I had processed sausage for breakfast.’ I said, ‘What are you going to have for lunch?’, and it was processed something else. ‘And what are you doing tonight?’ He said, ‘We are getting a mate to bring in some Kentucky Fried Chicken.’ And I said, ‘Why don’t you fish, all those beautiful fish and all of that sort of stuff?’ And the comment he made—it is still seared into my brain—was, ‘Well, you only do that when you are poor, when you’re broke. We do that after we have spent our allowance, and usually our allowance gets us through.’

I am not saying authoritatively that that is what happens on the whole of the island, but I thought it was a very interesting insight into the cycle, that people receive allowances and support and, because they do,

they buy their provisions and they do not have to go out and grow them or fish for them, and as a result of that there seems to be a connection. You might like to make a comment on that.

Dr Scott—I think it is probably fair to say that is not just happening in the Torres Strait. There are people in Sydney and Melbourne—

CHAIR—Who has had McDonald's for lunch?

Dr Scott—I think there is an issue, as I mentioned before, that where perhaps traditionally they farmed up there, now their habitat may have changed and it may require some habitat modification to be able to move back to traditional methods. The other issue has been that this has then resulted in some of these traditional foods, when they are grown up there, at the moment still being more expensive than some of the cheaper substitutes like Irish potatoes that you can bring in from the mainland.

So I think that there are a number of issues, and Sol spoke about the holistic approach before that we need to develop. I think changing some of the behaviours and attitudes that you have spoken about is a very difficult thing which even in Western civilisation is probably going to take a generation to do. So I can only say that we have started on the process and we would not expect immediate improvements in any civilisation or culture.

CHAIR—But just to link it with the terms of reference for this inquiry, you would see those objectives enhanced if there was more autonomy?

Dr Scott—I do not think I could really comment on that.

CHAIR—You would hope that they would.

Dr Scott—I would hope.

Mr Goodreid—I would have thought the logic of that was the reverse, that more autonomy might mean that you would not necessarily be getting the expertise that you are talking about getting there to maintain those programs or any focus on those programs.

Mr MAREK—I would question that they are getting it now.

Mr Goodreid—In that sense, I raise that as a pure point of logic.

CHAIR—So what you are saying is a caveat, that if there is to be any change—which hopefully introduces greater autonomy—the change has to be a change which is a measured one which is accompanied by the appropriate training and support systems?

Mr Goodreid—Perhaps I could qualify my remarks by saying that, in relation to the Torres Strait treaty and Papua New Guinea, you have the exact situation that you are talking about there where they have more autonomy and you have exactly the same situation in that country.

CHAIR—Point taken.

Ms Taylor—By way of postscript, the health needs and the way that the Torres Strait Islander people seek food is really no different, as John Scott says, to the Western world. The nutrition status of a whole lot of Westerners, including mainland Australians, is exactly the same. We look for processed food, we look for junk food. You have said it may be more stark in the Torres Strait Islands when there is such an obvious bounty, to our eyes, but the issue is that the world has moved into obtaining food from supermarkets and shops and we have moved away from our hunter-gatherer type days. To address the nutritional problems of the Torres Strait Islanders on a basis of suggesting that, if we do this we will get this result in a short-term, I think denies the overwhelming problems that faces the Torres Strait Islanders and indeed the rest of Australia.

CHAIR—I take your point. The fact is, though, that the rest of Australia's population does not have the terrible mortality rates and instances of diabetes.

Ms Taylor—That point is taken, but 20, 30, 40 years ago we were similar. Our life expectancy is changing since the 1940s, and we would expect that after, say, 40 years of concentration on a whole lot of fronts for indigenous health, we may start to see some improvements.

CHAIR—I must say that is something that I think the evidence bears a little bit more close examination on, but I do not want to get into an argument on it. But can I just get rid of an allegation: one of the witnesses earlier on alleged that there is a shortage of insulin supplies on the islands. Is anyone able to say whether that is the case or not? Is there a shortage of insulin supplies on the islands?

Dr Scott—Can we take it on notice? I do not think it is something that any of us are aware of.

CHAIR—I will ask the secretary to let you have a copy of the particular passage of allegation.

Mr ALBANESE—My question, if I can ask you to listen for a couple of minutes and then run, is this: essentially our inquiry has heard substantial submissions which would, to put it crudely, suggest splitting ATSIC and having a separate Aboriginal commission and a separate autonomous Torres Strait Islander commission. It is fair to say an overwhelming majority of submissions from TSI people and on the islands suggested going down that autonomy road. The disagreement comes, substantially depending on whether you are in Brisbane or TI, as to the relationship between mainland Torres Strait Islanders and people actually on the islands, and the contradictions that are there, which are obvious, come out in very stark ways, I think, even today.

In terms of government departments—and this crosses the bounds from everything such as community police liaison right through to health and other issues—what would you see, particularly concentrating on the mainland, as the pros or the cons of such a division, of having Torres Strait Islanders in Brisbane accountable to or part of some Torres Strait authority of whatever form, whether it be a local government body or call it a Torres Strait Islander commission? Do you think that would be helpful or make things more difficult?

Mr Goodreid—Unfortunately, I think the question is one we would have to take on notice. I could not give an answer to that at this stage. One of the things that is certainly being discussed at government

level within Queensland is the concept: what are we dealing with? The question was raised earlier today, which Paul answered, in relation to what do non-Torres Strait Islanders do, what services can they avail themselves of, what voting rights do they have, et cetera. And it has been pointed out that if they are on the roll they get to vote and they get to participate.

I think for state governments, and not just this government but other state governments, it is more about indigenous Australians than it is about Torres Strait Islanders and Aboriginals, and I think that raises a new dimension to the proposal that you would offer to us, and I think we would have to look at it more carefully.

Mr ALBANESE—Can I perhaps also put this on notice to you: any opportunity which you would have to show or demonstrate difficulties which you perceive Torres Strait Islanders themselves have had because of their involvement with the broader ATSIC organisation, an indigenous peoples organisation, rather than with the specific TSI organisation?

Mr Goodreid—I could not answer that; I am not aware of that.

Mr ALBANESE—I expect that to be on notice rather than anything else.

Mr Wauchope—Yes.

Mr LLOYD—I want to make a couple of comments in respect of the health issue and what was mentioned earlier of the concern about good eating and health and nutrition. I have to agree with comments that have been made by the Chairman about nutritional education of many of the young people.

We have travelled fairly extensively through the islands and, whilst our very able chairman has been engrossed in meaningful conversation with the town and island leaders under the local mango or village tree, a lot of us were wandering around throughout the community. We were invited into people's homes and talked to the kids in the streets. There were kids sitting out the front of the supermarket with whom we spoke about 'good fellow Kai Kai'. We said, 'Why don't you worry about gardens?' And the comments in a number of cases were, 'The IBIS supermarket—that's my garden.' To me, with the young ones—and I know this is how it appeared to other members of the committee—there was that obvious non-interest in or non-educated attitude to healthy eating.

I agree that all Western civilisations have the same concerns. But I just feel that the problems of Western civilisation are getting into a very unique culture that is not dealing with those pressures that are being put on it as well as Western civilisation deals with them. These people do have a unique culture and they have lost, in many ways, the ability to garden and to fish—all knowledge of that. That concerns me. I do not whether you want to comment back on that.

Mr Bellear—This goes back to one of the issues that you raised, Mr Chairman, in relation to greater autonomy in the Torres Strait as such. Historically, Aboriginal people and Torres Strait Islanders experienced the change from the mission days of one day being under a mission manager and the next day the mission manager being gone. You just cannot do that to people. I think we have seen uprisings all over Africa and

Eastern Europe in relation to that sort of thing. The same issue applies here with the foods, and that. You cannot have starchy foods and all the foods which were brought in because they were cheap and had a long shelf life.

In the last 12 months, in particular, the Queensland government has started to deal with health awareness and healthy foods, and that. We expect people then to start saying, 'Lettuce is better for me than tinned beetroot,' or something like that. It is an educational issue and it will take some time.

The Queensland government cannot deliver good health to Torres Strait Island communities. It is really up to the Torres Strait Islander people. We can certainly give that education. Glossy magazines and good videos and all that are not going to do it. People have to do it themselves. I think the Queensland government, through the diabetes strategy that now has been implemented, is now doing that. More and more people are starting to learn what foods are available. The Garden Kai Kai project is a hydroponics program up there, and that is a relatively new thing throughout Aboriginal communities. There is salinity within the water whereby a lot of vegetables that can be grown on the mainland cannot be grown up there. Again, I think there is a submission before the Queensland government cabinet now with an infrastructure program looking at the issue of fresh water on the Torres Strait.

This is not something that politicians are going to get benefit out of in the short term; it is an issue that will take about 10 or 20 years to be felt. For politicians, state or Commonwealth, really all they can achieve with the people in the Torres Strait is a quick fix with immunisation and flu vaccinations, and that sort of thing. There is the rest with housing, water and sewage, and all that. There is raw sewage on some of the islands that is spilling over.

There will be no benefit from those things for about 10 or 20 years. That has been one of the issues—that issue of the political will to want to do something where you are not going to, as politicians, get any results and you will not be held up there saying, 'I did that' or 'I was part of that' within your term of government. I think that is one of the big issues.

CHAIR—The issue to solve surely is that, at the moment in 1997, there is no agreed management plan or implementation action plan to even start doing those things; or is there?

Mr Bellear—I beg to differ, and I think that the Queensland submission—

CHAIR—Where is it?

Mr Bellear—There is one that the whole of the Queensland government, through its infrastructure program, is doing. I think the Queensland submission certainly teases out exactly the business plan, and so on, for the Torres Strait health strategy that was completed in 1993. There is a business plan to that, and there is a whole of government response that will come.

Mr TONY SMITH—Just to follow that up, if I may: I agree that people have to do it themselves. But do they not have to have a reason for doing it? And is that not the role of government—to really provide a reason to get them to do those things? We have put the money in there so that they can sit down and forget

about market gardening, and that will be seen as a disaster because of the health implications. So do we not have a responsibility as government now to provide them with a reason to reinvent their fantastic culture?

Dr Scott—I think we are attempting to do that. If public health were as easy as you are making it out to be, it would make our job very simple. It would make HIV go away in the space of probably five years, because no new HIV infections would occur because people would understand the risky behaviours. It would make heart disease go away, because people would understand the need for a reasonable diet.

The fact of the matter is that that does not happen; it is not that simple. I think that is the essence of public health. I think this is the whole difficulty with what we are trying to do and why, as Sol has said, we cannot expect to see quick fixes, why we have had to put in place training programs for indigenous environmental health workers so that they can understand the need for sewerage.

Mr TONY SMITH—But you have spoken about a gardening project that has been going five years that we saw no evidence of at all. I cannot understand when you talk of 15 and 20 years, and all of these sorts of things, and we have this dormant enormous tourist potential that no-one even bothers to look at. Yet when you talk to the Islanders they say, 'Great, yes, let's do it.'

Mr Goodreid—With respect, Mr Chair, I do believe that what you have raised today is not something that we can answer or respond to. You have your perceptions, as do the people here. Mr Toolis lives and has lived there for some time. A number of the other people have lived and worked there, and their perceptions may not be what yours are in this regard.

Mr TONY SMITH—I am sorry—where does Mr Toolis live?

Mr Goodreid—On Thursday Island. I would suggest at this stage that we really cannot pursue any meaningful response to that, other than to take you back to government and take back, certainly in response to the committee's concerns, that that was the case.

But as Geri has just mentioned, we can provide you with a Torres Strait health strategy. As we have agreed to do, we can certainly identify the budgetary provisions which will show that money is being spent in those programs. Programs have to be evaluated and considered in the context of each budget, and we would likely suffer criticism from either the coordinating council or the Torres Strait Regional Authority if we were not seen to be undertaking those programs that they are party to. So the difference between what is a 'perception' and what might be an 'evaluated outcome' I think has to be tested and has to be taken back to government.

Mr LLOYD—Mr Chairman, I would just like to record that my comments were an observation of what I saw and in no way a criticism of what you are trying to do. I understand the magnitude of the problem, but I did want to record the observations that I saw and my opinions on them. I think it is useful that that be recorded, but it was not a reflection on anything that is being attempted.

I also had another question on CDEP, which Jim and Paul might be able to answer. It is in relation to looking at autonomy. In this inquiry, we have had comments from a number of Torres Strait Islander people

about the difficulty of accessing CDEP plans. We have seen evidence that some are great and some have fallen over. If we went to the idea of autonomy or some sort of structure, is it within your role to comment on whether you feel it would be better for Torres Strait Islander people if they had access directly to CDEP through a Torres Strait authority—for want of a better word?

Mr Wauchope—Perhaps I will start by commenting and Paul can add. At least in theory, it could work more simply—for want of a better description. One of the problems with CDEP has been the fact that the rules have constantly been added to over a period of time and some communities—not just in the Torres Strait but in Aboriginal communities as well—have said that the complexity of the administrative burden of the scheme almost outweighs the benefit. At least in theory, if it was provided through some different group with a different set of rules—provided those rules satisfied basic accountability requirements—the scheme might operate in a more effective way. You are right: it varies dramatically from place to place in terms of whether it is effective or not.

Mr MAREK—I would like to jump into a few topics. We spoke about housing, sewerage, water, follow-up, accountability, CDEP and so forth. In line with the trip we went on up there, we were only on each island for a few hours and in those few hours we were able to see a lot of the problems that were going on. That is why I am wondering whether many of you people have been up there yourselves and had a look. You have?

Mr Wauchope—I have just come back.

Mr MAREK—When we were on Darnley, I had a look at a house that was finished—a building worth some \$180,000. The sewerage had not been hooked up and the solar hot water system had not been finished, but it had been left as being finished. Who in the government system looks after accountability and follows these things up? We have houses that have been built up there at extreme cost and not finished, and yet they have been ticked off as being finished. That is one area. If you want to address that and then we will—

Mr Wauchope—I will deal with that very quickly. That should not happen.

Mr MAREK—It is.

Mr Wauchope—There could be a timelag between one part of the building being finished and another being connected, but, from our perspective, the end result has to be that the house is finished. It must be.

Mr MAREK—They were committed that this one was finished and had been for some time.

Mr Wauchope—Yes. But the end result of the work through our housing program or the Queensland government's housing program would be that that would be checked. That should not happen, and I will have a look at that Darnley one specifically. There is often a timelag between the completion of one part of the house and the connection of other services, but the end result cannot be that the house sits there without the other services being connected. That cannot happen.

Mr MAREK—The idea is that, if we at least air some of the problems we are seeing, maybe people can say, ‘Let us have a better look at the way we are addressing things.’ There are a considerable number of Torres Strait Island people living in Woorabinda, Rockhampton and Capricornia. Recently, the regional council of ATSIC people got together and met. Because of what they considered to be shortfalls in funding, they moved a motion to withdraw funding to the community police. Do you know if they have the ability to do that?

Insp. Tyler—Yes, I have. We have no control over the funding.

Mr MAREK—So, if in Woorabinda they now say, ‘We are not going to have any more police at Woorabinda,’ they can just pull out.

Insp. Tyler—On the Aboriginal community police, yes.

Mr Wauchope—However, through the local government funding provided by our department, which Woorabinda shares, there is provision—and always has been—for the employment of community police. But what ATSIC is saying—and they have told us that this is what they are likely to do—is that where at one stage they provided funding to increase the number of community police, they are now going to withdraw that funding. The community will face the problem of having to deal with either altering other priorities within their budget, which will be a struggle given their financial position—

Mr MAREK—I am the one who is going to have to cop the flak on this. They are going to be chafing at the bit on WIN TV about what I am doing about Woorabinda’s police. They have just decided because of a shortfall in funding that they say they are having to withdraw all the community police. It is not just going to be ATSIC, it is going to be this guy here—me—who is going to cop the flak! Do we have a set of guidelines written up that says that they cannot do that? Are there certain things that they cannot touch?

Mr Wauchope—No, there are not. The budget that we provide is provided in a way that allows the council to decide which particular functions will be carried out. In the current situation at Woorabinda, given that there is an administrator in place, we would not be agreeing to a situation where they say there will be no community police at Woorabinda. There may be a reduced number of community police when ATSIC actually tell us that they have made that decision, and then we will need to address it. But we would not agree to the administrator saying that they cannot pay for the community police. It is not tolerable.

Mr MAREK—There is a TAFE on Thursday Island—this has been great; all these great people to talk to. This is basically through the Queensland government. Are you experiencing any difficulties for students who are living in the various little communities on various islands being able to get to Thursday Island to study? Is there a problem there?

Mr Toolis—I am not representing TAFE on this but as a person that lives in the area, that is certainly an issue. It is an issue for people who come to Thursday Island for any educational thing, whether it is secondary students or people attending TAFE college. Often Torres Strait Islander people have families that they want to bring to Thursday Island, so it is not just a one-person issue, it can be a family issue—and that is a big issue on Thursday Island.

Mr MAREK—I want to paint a bit of a picture. It is like having an aircraft carrier with half a dozen submarines and a few battle ships—if you do not have the infrastructure to look after the machine it is very vulnerable.

You have a TAFE college up there on Thursday Island. Has enough thought been put into the infrastructure to be able to take the people from the various islands to the place to be able to study? I saw that problem up there. One of the islands was having trouble getting the kids to Thursday Island. It was easier to get them to Brisbane or Townsville or Cairns. They say that it is easier to ship them off somewhere else.

Mr Toolis—There is more accommodation in Cairns and Townsville and other areas than there is on Thursday Island. Certainly, there are accommodation problems in the outer Torres Strait, including Thursday Island as the service centre.

One thing I will say about TAFE that you may be interested in is that they have two mobile units which essentially deal in vocational carpentry, engineering stuff, and so on, that are now going around the outer islands. They teach people not only vocational skills but they deal in language and numeracy issues and they are very successful. Basically, people are saying that they want more of that.

Mr MAREK—Just to finish off where I was coming from when we went down so many different areas. I am just wondering whether all the government departments have come together and looked at the whole area of what needs to happen, because to me it looks as though there is no one plan for the whole thing. There is a plan for this, a plan for this and a plan for this, but the left hand does not seem to know what the right hand is doing. The holistic picture is not working. The whole program is not working. That is how I see it. That is why I am wondering whether it is possible for a group to come together and say, ‘Maybe we need to revisit the way we are operating the Torres Strait Islands.’

Mr Wauchope—I think that is actually being specifically looked at right now in terms of work being done by the Premier’s Department and others. What they call the total management plan has become the catalyst for looking at the overall planning issue. I think it is widely recognised that there is evidence of a lack of getting everybody to work together in a coordinated way.

Mr MAREK—Any ideas how long it will be before that is finished?

Mr Wauchope—I am just not sure at this stage because there are a number of complex issues that need to be worked through. It certainly is a priority, particularly I know from talking to my own minister. There is a real desire to pull things together in a more coordinated fashion. The total management plans dealt with the physical infrastructure, but they are being looked at in a broader sense to really say, how can we better plan at the community level and then have a government response that is coordinated and matches community need.

Mr TONY SMITH—I have some concerns about community police issues. In terms of the concept of autonomy—depending on my view of it and obviously the committee’s view; my view is a fairly broad one anyway and I have said that before—one thing I have noticed through my work at the bar at Cherbourg,

where I have practised quite a bit at the Murgon courts and so forth, is that the community police is a concern because of, firstly, training, and, secondly, nepotism.

As for the concept of any autonomy situation, if you are going to have police who are related to the arms of government—whatever concept of government you have—there is something terribly wrong with that. It is something that was evident in our visit to the islands—to me, anyway, I must say. I think it may have been to others, but I will speak for myself. There was not that clear separation of powers, albeit that little microcosm that we notice there. In terms of looking at the wider picture of autonomy, how are we going to address that? How are we going to manage that better?

Insp. Tyler—There has been a review of police in Aboriginal communities. It went to cabinet yesterday. It is a complete review of all the communities from Torres Strait right down to Cherbourg. A lot of the problems on community policing have been identified in that and the submission has been made to cabinet with recommendations in there. As for all the issues, I am very familiar with Cherbourg and the problems you are talking about. So we are trying to address those issues.

If you look at the Torres Strait, we have police liaison officers up there because it is a different environment. The same thing there: there is a submission to a senior officers meeting in relation to the use of police liaison officers, of which there are three on Thursday Island. We recognise the problems and all the ones you are talking about and we have been trying to address them. Because we do not have direct control over community police—we assist, we train and, in a lot of cases, we supply the uniforms for them—the turnover is very high. I would say that, if a community police officer lasts three years in Cherbourg, that is quite a long time. There is a very high turnover.

Mr TONY SMITH—That is for sure. It seems to be three years because of the change of personnel at the council level.

CHAIR—A bit like the American system—a lift from the American system.

Insp. Tyler—Yes. I have spoken to Jim Wauchope on quite a few occasions over the last few years in relation to this, and it is a very difficult area when we do not have control of the funding or the police.

Mr TONY SMITH—Has the time come to review that? Should there be some sort of control? I can recall taking a case to the court of appeal where the community police acted as basically judge, jury and executioner. Obviously, the court of appeal threw the whole case out when they saw it. It was clearly a total lack of understanding of how the system worked.

Insp. Tyler—As I said, the review has just been completed. It was forwarded to cabinet only yesterday, containing the same concerns that you have. There are recommendations in that report. Obviously that would be a government decision as to which way it wants to go.

Mr TONY SMITH—Are you, or is anyone here, prepared to express a personal view about whether there should be some control to prevent nepotism, in particular?

Mr Goodreid—Mr Chairman, through you, I would ask that they not do that.

Mr Wauchope—There is a comment that we can make. I think there was a widespread community view, in terms of community police, that the system would function better if the community police were under the control of the police rather than the council. That view has changed over the years because if you went back six or seven years—or perhaps even a bit further—you would have found a very different view of the council with it saying: ‘No, we want to control the police.’ But I think that view has shifted quite dramatically.

CHAIR—I will ask some questions on the environmental issues, and I notice that time is moving on, too. I understand the community councils, 17 of them, actually are the agencies under the environmental protection laws of Queensland and, as such, have very substantial responsibilities, including the responsibility of allocating funding that comes through the Commonwealth and the state in some places for environmental works.

I know that this might sound somewhat contradictory of the objectives to see what greater autonomy can be conveyed, but do you have any view that it is not desirable to disperse the authority for environmental protection supervision and administration among so many separate bodies because of the fragile nature of the islands? Would it not be better to at least centralise those controls into, say, the Torres Strait Regional Authority or something like that?

Mr Wellard—Without being specific, because our aim is to foster good environmental management and that can be done in many ways, there are certainly economies of scale in a situation like this. If you do centralise funding in, for instance, a local government model over the whole of the Straits—you could get priorities organised and actually target adequate quantities of money to difficult projects around the straits as a whole.

You could also do it the other way and allocate funding to individual councils, allowing them to establish their own priorities within their own areas. The ultimate aim would be to get the best environmental management. It would be a personal view as to which would be better but, of course, the model of a single level government would have some attraction with the economies of scale, provided that you could get good representation in the decision-making process.

CHAIR—Thank you. Are there any other questions?

Mr TONY SMITH—One on the environment. In terms of the marine side of things, I also take the view that our Torres Strait Islander people should be more involved in such things, particularly if one looks ahead to the possibility of oil spills and so forth by shipping. Is there any move to try to train some of the Torres Strait Islander people in those areas?

Mr Perkins—On conservation and environmental things in Torres Strait generally, we have tended as a department to go slow in our interactions because we recognise that the Islanders will want to do things their way. Certainly, in terms of involvement in their own patch at island level and in how we manage some of the broader issues—in Western terms, what we would call, conservation or environmental management—

we realise all that needs to be re-interpreted culturally by the Islanders.

There have been some good initiatives in recent years. We have been doing a joint state-Commonwealth study for the last two years, trying to find out what are the conservation values of Torres Strait. We have treated that quite deliberately as a joint project between ourselves and the Islanders, with them controlling a large part of that study. That has been well received.

We have within the study framework a deliberate component of training and skills transfer so that eventually they can be managing the values of the Torres Strait in the way they want to with local skills and with local employment. So, in principle, we are very much approaching the Torres Strait with that in mind.

Mr TONY SMITH—Obviously that would take into account perhaps future exploitation—having people coming in and trying to persuade them to grant licences and to exploit the area. All that goes with it, does it?

Mr Perkins—Yes. If we can get a group of islanders who have their own set of skills in terms of how they manage their resources and how they manage their environment, that will lead to things like good ecotourism opportunities that maintain the things that people are coming to see, better skills for fisheries management at the local level and a whole lot of spin-offs that will progressively grow as they get their own ideas together on how they want those things to happen.

CHAIR—I have appreciated very much the assistance you have given us and the way in which you have given your submissions. Can I also indicate that the Premier did say in his letter that he hoped there would be ongoing consultation on this issue. The committee would welcome very much the members of the Public Service of Queensland, or any other nominee of the Premier, joining us at any time for further discussions. We are proposing to revisit the Torres Strait Islands on 7, 8 and 9 May. We have not got a final program, but we intend to go back. We told the people we would go back and swap notes with them on things we have heard around Australia and also try to focus some of the discussions a bit more onto some of the programs and ask them how they think they could perhaps improve some of the programs, where they would like to have more say and that sort of thing.

I just wanted to indicate to you that there is a general invitation, if any of you wish, to join us during those discussions. You are very welcome to do that. May I also indicate that, as chairman, I would be happy to come back to Queensland, either with the committee or on my own, if you wanted any further discussions on any other detailed matters.

It would help us a lot if the further submissions or material that we discussed this afternoon could be sent to us as urgently as possible so that we can get it together before we go back to the Torres Strait Islands. That would be very helpful to us.

Mr MAREK—Can we also have a copy of the project policy for the Garden Kai Kai project?

CHAIR—Yes.

Mr MAREK—I wish to table this fisheries policy paper No. 3, *Native title claims and Aboriginal and Torres Strait Islander fisheries*.

CHAIR—The documents tabled by the Queensland commercial fishermen's organisation are accepted as an exhibit and received as evidence to the inquiry. I now thank everyone for their attendance here today and especially Hansard for their miracle work down the end. How they will sort this one out, I do not know, but I am sure they will. I will call on Mr Smith to move that the committee authorises publication of the evidence received today, except for the small part from one witness which was in camera. I declare this meeting closed.

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 evidence given before it at public hearing this day.

Committee adjourned at 4.20 p.m.