



Australian Government

# TORRES STRAIT REGIONAL AUTHORITY



Mr. Jonathan Curtis  
The Secretary  
Senate Select Committee on the Administration of Indigenous Affairs  
The Senate  
Parliament House  
Canberra ACT 2601

Dear Mr. Curtis,

## **Inquiry into the Administration of Indigenous Affairs**

I am attaching a submission by the Torres Strait Regional Authority in respect of the Committee's Inquiry into the Administration of Indigenous Affairs.

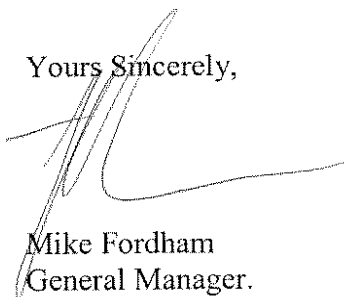
While the terms of reference for the inquiry cover two specific matters, the TSRA submission focuses on the regional dimension of the government's proposed new arrangements in Indigenous Affairs administration flowing from the decision to abolish the Aboriginal and Torres Strait Islander Commission.

The TSRA believes that a description of the operations of the TSRA as a Commonwealth Statutory Authority established under the Aboriginal and Torres Strait Islander Commission Act 1989 as a regional model may assist the committee in its consideration of future arrangements for the administration of Torres Strait Islander and Aboriginal programs and services.

The submission identifies the structural arrangements operating in the Torres Strait under the ATSIC Act and the outcomes which have flowed from them in meeting community and government objectives.

We would be pleased to provide any additional information if required.

Yours Sincerely,



Mike Fordham  
General Manager.

# **Torres Strait Regional Authority**

*Finding the Balance:  
The administration of Torres Strait Islander and Aboriginal Programs and Services*

**Submission by the Torres Strait Regional Authority to the Senate Committee on the  
Administration of Indigenous Affairs**

**July 2004**

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# Torres Strait Regional Authority

## *Finding the Balance:*

### *The administration of Torres Strait Islander and Aboriginal Programs and Services*

#### **Submission by the Torres Strait Regional Authority to the Senate Committee on the Administration of Indigenous Affairs**

## **1. EXECUTIVE SUMMARY**

### **Overview**

The Senate Committee on the Administration of Indigenous affairs has three terms of reference for its Inquiry into the Administration of Indigenous Affairs:

- (a) The provisions of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004
- (b) The proposed administration of Indigenous programs and services by mainstream departments and agencies
- (c) Related matters

This submission focuses on the regional dimension of the government's proposed new arrangements in Indigenous Affairs administration flowing from the decision to abolish the Aboriginal and Torres Strait Islander Commission (ATSIC).

To assist the committee, the submission draws on the experience of the Torres Strait Regional Authority (TSRA) in the last ten years to describe a regional model that is working.

The submission seeks to identify the structural arrangements operating in the Torres Strait under the *Aboriginal and Torres Strait Islander Commission Act 1989* and the outcomes which have flowed from them in meeting community and government objectives.

While the TSRA was established in specific regional and cultural circumstances, its operations may provide a reference point for considering future arrangements for the administration of Torres Strait Islander and Aboriginal programs and services against the background of recent policy developments.

## Summary of new arrangements

Amendments to the ATSIC Act before the Parliament propose the abolition of the Aboriginal and Torres Strait Islander Commission as a national representative body responsible for managing a share of Commonwealth funding for Aboriginal and Torres Strait Islander programs. This funding has often been described as Indigenous-specific or supplementary funding.

The TSRA's understanding of the government's current proposals for the future administration of Indigenous Affairs is to strengthen service delivery by all government agencies to Torres Strait Islander and Aboriginal people by bringing together all programs into relevant mainstream agencies and to establish indigenous coordination centres in 22 locations across rural and remote Australia. These centres administratively will lead government efforts in negotiating Regional Partnership and Shared Responsibility Agreements with Torres Strait Islander and Aboriginal communities.

Existing regional councils constituted under the ATSIC Act are to be replaced by new community and regional structures to be negotiated between the Commonwealth and the States and Territories.

Partnership agreements are intended to identify both broad and specific priorities. Shared responsibility agreements with individual communities are intended to be more issue focused.<sup>1</sup> Together they represent the framework for future arrangements.

The arrangements provide for a single shop front to integrate programs and services by mainstream agencies and to link government and communities in shared responsibility arrangements to improve the effectiveness of service delivery.

Appropriations identified for Aboriginal and Torres Strait Islander programs, in the order of \$3 billion, will continue to be quarantined within mainstream agency budgets.

Key elements of the new approach to what is called "mainstreaming" include:

- a collaborative approach across agencies
- engaging the necessary political and administrative leadership to get things done
- flexibility to recognise the diversity of circumstances in which Torres Strait Islander and Aboriginal Australians live
- effective service delivery based on these circumstances
- a focus on regional needs in remote and rural Australia

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<sup>1</sup> Senate Select Committee on the Administration of Indigenous Affairs, evidence, 29 June 2004.

- flexibility in determining appropriate regions
- strengthening the overall accountability for what government does for Torres Strait Islander and Aboriginal people
- effective engagement with local Indigenous representatives
- effective relationships with regionally based state/territory and local government staff

### **The TSRA Experience and the new arrangements**

Because of its historical development and present circumstances, the Torres Strait region can be seen as a microcosm, on a regional basis, of the issues impacting on the well being of Torres Strait Islander and Aboriginal people.

The operations of the TSRA lend weight to developing effective machinery at the regional level to enable Aboriginal and Torres Strait Islander people to participate in decision-making, determine priorities, promote coordination among all agencies responsible for the provision of services for Aboriginal and Torres Strait Islander people, and align government outputs with the expectations of communities.

The TSRA believes it is important that any new arrangements are not seen as primarily administrative solutions, satisfying the interests of government agencies. Rather in their design they should offer Aboriginal and Torres Strait Islander people meaningful opportunities to participate in and influence outcomes to give full effect to a policy of shared responsibility and mutual obligation.

Multiple interventions by government which are necessary to improve the well-being of Torres Strait Islander and Aboriginal people are best informed by the people themselves as individuals and in communities.

A recent analysis of best practice overseas suggests that progress in improving economic, social and cultural well-being is likely to be achieved where national and local priorities are fully aligned and where local partners achieve coherence in establishing their priorities and targets as a result of local leadership.<sup>2</sup>

In its dealings with 30 different government agencies in the Torres Strait, the TSRA has demonstrated that a coherent framework for coordinated service delivery involving local leadership within a regional development plan facilitates the achievement of better outcomes.

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<sup>2</sup> Audit Commission, UK, *People, places and prosperity: delivering government programs at the local level*, 2004

It is unclear at this time what the direct relationship between the proposed Indigenous Coordination Centres and any new Aboriginal and Torres Strait Islander structures will be. At present they are defined as “regional representative networks” with whom regional partnership agreements will be negotiated.

While the shape of the new regional representative networks has yet to be determined, the Prime Minister in his statement announcing the new arrangements said establishment of different mechanisms at the local level would not preclude processes whereby Indigenous people themselves will, in different areas, according to their own priorities elect bodies and people to represent them.

It is the view of the TSRA that the linkage between these networks and the Indigenous Coordination Centres is fundamental to a regional governance model if Aboriginal and Torres Strait Islander people are to have the capacity and authority to participate with government in the decision-making and resource allocation process.

Administrative arrangements which separate regional governance from the service delivery of agencies with their own outcomes are likely to be less successful than those which integrate the two. There remain a number of options as to how this connection might be achieved.

The TSRA experience is that joined up Commonwealth, State and local government representative and advisory structures, preferably linked by a broad legislative framework to consolidate the network and define roles and responsibilities, can provide an effective leadership and decision-making forum.

As a former regional council under the ATSIC Act, the TSRA believes such a model is more likely to consolidate the achievements of the past, build a sustainable future, give effect to the Council of Australian Governments (COAG) framework, strike an appropriate balance between mainstream responsibilities and accountability to Torres Strait Islander and Aboriginal people, and, in the process, achieve the outcomes desired of government and Indigenous people.

Regional entities involving Aboriginal and Torres Strait Islander leadership at the local level might ultimately provide a framework and foundation for participation in developing strategic policy settings at the national level. That is a matter for the Indigenous leadership.

## 2. KEY THEMES AND OUTCOMES OF THE TSRA EXPERIENCE

The key themes which flow from the experience of the TSRA and which may assist the committee in its deliberations are summarised below.

### Regional focus

- The importance of a regional focus in assessing need, determining priorities, and managing public investment in services for Torres Strait Islander and Aboriginal people
- The capacity of elected community representatives to come together in a direct relationship with a professional management team sensitive to their goals to determine priorities and allocate resources from a regional perspective
- The integration and coordination of government service delivery responsibilities and outcomes within regional goals determined by Torres Strait Islander and Aboriginal communities

### Governance

- The benefits of a specific legislative framework which defines institutional arrangements, identifies roles and responsibilities and determines broad outcomes
- Constitutional arrangements for the operation of a regional body which reflect the circumstances of the region, involving membership of a Commonwealth body by the Chairs of Island Community Councils elected under Queensland legislation
- Effective governance involving recognition of the roles of an elected board of Torres Strait Islander and Aboriginal people and the administration with identified representation, advocacy, program, financial, accountability and performance responsibilities
- Leadership by elected Torres Strait Islander and Aboriginal people in promoting the cultural, social and economic development of the Torres Strait

### Partnerships

- Facilitating relationships between the Commonwealth, State and local government so that all spheres of government work together to ensure the efficient and effective provision of programs and services
- The positive outcomes of coordination and partnership agreements within shared responsibility arrangements



## **Funding**

- The importance of financial leverage for Torres Strait Islander and Aboriginal people in negotiating partnerships with government and its agencies
- The need for specific community development opportunities to be identified and funded alongside and integrated with the provision of mainstream services
- Difficulties in establishing relative need between communities against the background of the overall disadvantage of Torres Strait Islander and Aboriginal people, requiring more efficient and effective service arrangements to focus and connect resources and avoid overlap and duplication

## **Service delivery**

- Recognition of the role, responsibilities and performance of mainstream agencies in delivering services for Torres Strait Islander and Aboriginal people equitably with other Australians
- Identifying capacity needs and development opportunities to add value to the delivery of mainstream services
- Finding the balance between “mainstreaming” and the capacity of elected Torres Strait Islander and Aboriginal people to influence the way services are provided and participate in their delivery.
- Promoting a “whole of government” approach to providing services and managing programs within the COAG framework
- The importance of a Commonwealth interface at the regional level capable of being extended to broader social and economic objectives

## **Community and Regional Planning**

- The complementary role of community planning and a Regional Development Plan in identifying needs, resolving competing demands, and funding priorities within a three-year budget cycle
- The potential for funding flexibility within the overall development framework involving all agencies
- Recognition within the development framework of the functions, expertise and capabilities of mainstream agencies contributing to the overall development of the Torres Strait and its people.

### 3. THE FUNCTIONAL SETTING

#### **Background to reform**

The management of Torres Strait Islander and Aboriginal programs and services as a fundamental aspect of public policy in Australia has engaged successive governments. It is an issue that continues to require resolution notwithstanding attempts to find solutions. The history of Torres Strait Islander and Aboriginal Affairs since the 1967 referendum has involved a search for appropriate instruments of political influence, advice and decision-making for Torres Strait Islander and Aboriginal people within Australia's federal system.

Three central features of the structures initiated by the Commonwealth Government since the 1970s have been:

- a) to establish an effective and efficient elected body;
- b) to align this body to Torres Strait Islander and Aboriginal community aspirations and structures; and
- c) to give Torres Strait Islander and Aboriginal people a combination of advisory and decision-making powers on policies, programs and the allocation of funds.

As Commonwealth influence has been extended within the federal system,, inter-governmental coordination and cooperation between government agencies has become a paramount consideration. This includes recognition of roles and responsibilities of mainstream agencies.

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

The Torres Strait Region can be likened to a federation of island communities. Each island community is self managing through its own community government. With Commonwealth funding, the TSRA coordinates planning and service delivery with a single integrated regional voice and works in partnership with other Government agencies.

Many communities are still at what might be called the developmental stage. They have limited internal resources and are dependent on continuing government assistance at levels established historically.

The TSRA has evolved from a regional council as part of the ATSIC structure to an independent statutory authority with powers equivalent to those of ATSIC and exercised independently in the Torres Strait. In this sense, the TSRA has been a beneficiary of the ATSIC system.

The TSRA is a statutory authority which was established in 1994 under the *Aboriginal and Torres Strait Islander Commission Act 1989* following a review of the Act. The review recognised the cultural unity of the Torres Strait and proposed the creation of a separate Torres Strait Authority with the same powers as ATSIC. Creation of the Authority was seen as a significant step towards greater autonomy for the Region.

The Authority comprises 20 elected members representing Torres Strait Islander and Aboriginal people living in the Region. The majority of its membership is derived from Island Council chairpersons elected under the *Queensland Community Services (Torres Strait) Act 1984*.

These chairpersons are also members of the Island Coordinating Council, a State instrumentality responsible for matters to do with the outer Islands. TSRA and the ICC work cooperatively together and their activities complement each other.

Of particular relevance to the TSRA has been legislative recognition of *Ailan Kastom*.

The outcome for which the TSRA is funded is:

“To achieve a better quality of life and to develop an economic base for Torres Strait Islander and Aboriginal persons living in the Torres Strait.”

The TSRA makes a contribution to this outcome through six output groups:

- (a) economic development
- (b) community development, employment and training
- (c) Native Title
- (d) social and cultural development
- (e) housing and environment health infrastructure
- (f) Policy and Information

The goals of the TSRA are to:

- Gain recognition of our rights, customs and identity as Indigenous peoples;
- Achieve a better quality of life for all people living in the Torres Strait Region;
- Develop a sustainable economic base;
- Achieve better health, and community services;
- Ensure protection of our environment; and
- Assert our native title to the lands and waters of the Torres Strait region.

The programs of the TSRA are built around the achievement of these goals. Decisions are made in the context of funding arrangements between it, the Commonwealth and State Governments, and assistance for community and local government.

TSRA's operating budget for 2004-05 is \$52 million. The aim of the budget is to ensure that the TSRA targets areas that will help the Torres Strait move progressively towards achieving a better quality of life and to develop an economic base for our people.

Major items in the budget include:

\$29.3 million	Community Development Employment Projects
\$5.3 million	The Major Infrastructure Program together with an equal contribution by the Queensland Government
\$2.3 million	Support for Sporting, Media, Legal and Social Support organisations
\$1.9 million	Economic Development
\$1.5 million	Airstrip and marine upgrade projects
\$1.3 million	Native Title
\$1.2 million	Towards operations of Island Councils
\$700,000	Sports & Recreation/Municipal Facilities

TSRA also sponsors, auspices or directs other types of funding that relates to Health, Education, etc.

For example the Queensland Government has committed \$16.2 million towards the final stage of the region's Major Infrastructure Program (MIP) which is managed by the TSRA and jointly funded by the Australian and Queensland Governments to improve environmental health standards and deliver essential services to island communities through infrastructure development.

The TSRA provides grants to each community council for operating costs, based on the size of each council. These funds complement other financial assistance and direct grants available to the councils.

A typical council receives TSRA assistance for CDEP wages and capital/recurrent costs, a contribution to operating costs, assistance with community training, broadcasting and for specific projects, such as community halls, and the establishment of community enterprise initiatives.

In addition the TSRA contributes to the operations of the Island Coordinating Council and utilises its services to coordinate major infrastructure projects, and the operations of water supplies and sewerage throughout the Islands.

Most importantly TSRA funding is often used to leverage additional, (often matched) funding from State and other Commonwealth agencies.

### **Corporate Governance**

As a corporate entity, the TSRA comprises two elements:

- The Elected Arm (or Board) and

- The Administrative Arm (employed by the Commonwealth under the Public Service Act.)

Pursuant to Section 142S of the ATSIC Act and the Minister's enabling declaration in the Gazette, the Board is comprised for the majority (17 out of 20) of the Chairpersons of the Island community councils elected under the Queensland Community Services (Torres Strait) Act.

The TSRA Administration is employed under the Commonwealth Public Service Act and answers to the General Manager (under contract with the Minister).

A Charter of Representation, Performance and Accountability has been implemented by the TSRA in the form of an agreement between the Chairman of the TSRA and the General Manager.

The purpose of the agreement is to establish the basis of the relationship between the TSRA and the General Manager and Staff in the exercise of their respective roles and responsibilities.

The TSRA sees the principles embodied in this agreement as providing the foundation of good governance of the TSRA where the elected representatives and the administration work towards the achievement of shared goals.

The agreement recognises the wish of the Government to ensure an appropriate separation between corporate policy-making by the "elected arm" and financial management by the "Administrative arm", thus removing any potential for perceived or actual conflict of interest by members.

The agreement gives formal effect to arrangements in place within the TSRA to ensure no conflict of interest situations arise between the elected arm and administrative arm and that the Administration responsibly advises and supports the members of the Authority and implements their functional priorities and strategic directions.

A Code of Conduct for TSRA Board Members has also been implemented.

### **Operational Framework**

The framework within which the TSRA operates includes:

- The objects of the ATSIC Act incorporating:
  - Maximum participation in policy formulation
  - The development of self-management and self-sufficiency
  - Economic, social and cultural development

- Coordination among Commonwealth, State, Territory and local governments without detracting from their responsibilities to provide services to Aboriginal and Torres Strait Islander people.
- *The National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal Peoples and Torres Strait Islanders* endorsed by the Council of Australian Governments on 7 December 1992.
- *The COAG Reconciliation Framework*; and
- *COAG National Framework of Principles for Delivering Services to Indigenous Australians*.

The COAG framework has promoted new approaches to the way services are delivered to Torres Strait Islander and Aboriginal communities and individuals.

The framework has several components:

- Sharing responsibility
- Harnessing the mainstream
- Streamlining service delivery
- Establishing transparency and accountability
- Developing a learning framework
- Focusing on priority areas.

Key elements of the framework involve:

- Building partnerships with indigenous communities and organisations based on shared responsibilities and mutual obligations.
- Committing to indigenous participation at all levels and a willingness to engage with representatives, adopting flexible approaches and providing adequate resources to support capacity at the local and regional levels.

Within the National Framework appropriate consultation and delivery arrangements will be agreed between the Commonwealth and individual States and Territories.<sup>3</sup>

### **Policy directions**

While the creation of the TSRA was specific to a discrete regional and cultural situation, the authority has demonstrated that establishing an effective, representative and accountable framework of governance is an integral part of service delivery, whether or not such services are delivered by government or non-government organisations.

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<sup>3</sup> COAG communiqué 25 June 2004

The establishment of the TSRA has been part of an evolutionary process towards what has been described as “greater regional autonomy.” The over-riding consideration is effective governance to ensure that Torres Strait Islander and Aboriginal people can work in meaningful partnership with government.

One of the TSRA’s advantages has been the way it integrates Commonwealth, State and local government decision-making and operates within a legislative framework which recognises *Ailan Kastom*.

The TSRA does not provide many services directly. It is a lead agency for ensuring strategic direction in the provision of services with a budget that enables it to fund organisations, including community councils, and to improve the delivery of services through agreements negotiated within its jurisdiction. Its legislative independence enables it to re-design programs to match local circumstances.

Public investment in services for Torres Strait Islanders and Aboriginal people is an important factor in fostering sustainable development in Torres Strait communities. It aims to improve the quality of lives through better access to services, achieving outcomes in key areas of need and disadvantage, promoting economic participation, and achieving critical outcomes by improving services and developing community assets and capacity, and promoting economic participation.

The positive outcomes achieved by the TSRA are the result of a convergence of effort and programs by Commonwealth, State and local government, requiring effective mechanisms of leadership and decision-making, coordination in which Torres Strait Islander and Aboriginal people can participate meaningfully, and a planning process which shapes investment.

#### 4. FINDING THE BALANCE

A fundamental aspect of the administration of Torres Strait Islander and Aboriginal programs and services has been finding the balance between the delivery of mainstream services by government agencies and specific programs for Torres Strait Islander and Aboriginal people.

The TSRA believes that finding the appropriate balance involves, on the one hand, recognition of the responsibility of government agencies to provide services for Torres Strait Islander and Aboriginal people and positioning Torres Strait Islander and Aboriginal people within an agreed accountability framework to influence the decisions about those things that matter to them. This includes the provision of adequate services and appropriate service delivery mechanism.

A range of national, regional, local and functional organisations contribute to the service and program delivery process.

Debate over this issue has led to tensions between “mainstreaming” on the one hand and the devolvement of all government programs to regional governance structures. The TSRA believes that an appropriate balance has been struck in its operations and the relationship that has developed with all spheres of government without detracting from the responsibilities of each.

It is the view of the TSRA that total mainstreaming has the potential to lose much of the momentum that has been built up in the last decade. Thus achieving an appropriate balance between mainstream delivery and Indigenous specific programs is important.

The appropriate balance, based on the TSRA experience, involves a representative leadership body being able to take a strategic approach to future needs and funding and engaging with mainstream agencies with greater credibility and the authority to do so.<sup>4</sup>

The Commonwealth Grants Commission (CGC) observed in its *Report on Indigenous Funding* that Indigenous-specific programs must compete for funding with the many mainstream services provided to the general population. This should not be the case. Aboriginal and Torres Strait Islander people should not have to advocate their case for such funding. Rather it should be based on relative need when the original allocations are being made. Notwithstanding the difficulties in determining relative need between Torres Strait Islander and Aboriginal communities, the TSRA believes there is a significant continuing role for the CGC.

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<sup>4</sup> This approach was outlined by the then Minister for Immigration, Multicultural and Indigenous Affairs, Mr. Ruddock, in his announcement of 17 April 2003 separating ATSIC’s funding and policy responsibilities.



The CGC report also observed that mainstream services are intended to support access by all Australians to the range of services it investigated – health, housing and infrastructure, education, training, and employment. It went on:

“Given the entrenched levels of disadvantage experienced by Indigenous people in all functional areas addressed by our Inquiry, it should be expected that their use of mainstream services would be at levels greater than those of non-Indigenous Australians. This is not the case. Indigenous Australians in all regions access mainstream services at very much lower rates than non-Indigenous people.”

Thus the Commission concluded that mainstream services are not meeting the needs of Indigenous people to the same extent as they meet the needs of non-Indigenous people. Further it argued that there are many sources of funds available to meet the needs of Indigenous people and allocation methods used for any one program should take account of what is happening in other programs.

The barriers to access to mainstream programs identified by the Grants Commission include the way programs are designed, how they are funded, how they are presented, and their cost to users. The failure of mainstream programs to effectively address needs of Indigenous people means that Indigenous-specific programs are expected to do more than they were designed for and, as a consequence, focus less on the disadvantaged.

There is general agreement that the greater the involvement of Aboriginal and Torres Strait Islander people in service delivery and the closer the decisions are made to the people most affected the more likely are services to be improved. A natural corollary of this is that either all services are provided through Indigenous institutions of governance or Aboriginal and Torres Strait Islander people must have a greater say over how services are designed, funded and delivered.

Given the failure of mainstream services in the past to meet the needs of Aboriginal and Torres Strait Islander people, it is appropriate that the influence of Aboriginal and Torres Strait Islander people be extended in a similar way to all agencies with mainstream responsibilities.

Such arrangements point to the need for a structural framework, embodied in legislation, to ensure Aboriginal and Torres Strait Islander people have a greater say in how all programs are delivered. In the absence of comprehensive statistical collections to inform decisions on relative need, Torres Strait Islander and Aboriginal people are the best judges of their requirements.

The TSRA experience suggests that legislation would assist the process to provide the accountability framework for partnership and service agreements of a more formal kind.

Regional planning also offers the possibility for all agency expenditures (or outputs) to be identified and incorporated in a regional budget within a single regional outcome constructed from the inputs of all agencies, but continuing to be administered by them within the prescribed regional planning framework.

The TSRA has shown how a representative body with access to its own financial leverage may influence all agencies with responsibilities towards Torres Strait Islander and Aboriginal people.

Regional budgeting offers the potential for greater flexibility in meeting a single regional outcome, in circumstances where, as the Grants Commission identified, cross-functional interactions are relevant to all the functions it examined.

There remains a clear interdependency between the outcomes of each functional program, thus reinforcing the need for joint planning and coordinating mechanisms involving service and funding agencies and Torres Strait Islander and Aboriginal people.

The experience of the TSRA is that sustainable development occurs when governments provide funds and expertise in a genuine partnership with communities, one that recognises the capacity of communities to determine their own needs and priorities and measure outcomes. The decision-making and development planning processes in the Torres Strait give weight to these considerations.

## 5. PERFORMANCE THROUGH PARTNERSHIPS

Past efforts and expenditures have significantly contributed to improved outcomes in recent years. Partnerships between Torres Strait Islander and Aboriginal communities and State and Commonwealth government agencies promise appreciable and measured improvement in the quality of our lives in the next ten years.

Governments have demonstrated increased willingness to enter into partnerships with Torres Strait Islander and Aboriginal people to get results and to return to Indigenous people responsibility for their outcomes. Indigenous communities acknowledge the need to be accountable for such assistance and to embrace new approaches to funding and governance. Institutional arrangements have been and are continuing to be strengthened to provide better results.

Partnerships and funds available from all spheres of Government have contributed to overcoming disadvantages in health, education, employment and economic development, housing, infrastructure, community development, social programs and indigenous administrative support. Making progress on all of the key indicators of need at the same time is mutually reinforcing, and leads to positive interactive outcomes.

The TSRA has built on a number of strengths developed from previous years and has taken new initiatives to enable it to become more independent and more effective as a regionally based and focused organisation with statutory powers of planning, coordination, funding and reaching agreements with other stakeholders to support it. It has been able to do this because of its legislative independence as a statutory authority.

For major funding commitments, regionally based tripartite agreements between the Commonwealth and State Governments and the Torres Strait Islander and Aboriginal community provide the best model for the identification of need and the efficient and effective use of funds on a pooled basis.

The need for funding flexibility and joint planning favours a comprehensive approach to the determination of outcomes. This takes account of the interrelatedness of activities as they impact on the well being of Indigenous communities. Improved outcomes are better achieved through the discretion inherent in a comprehensive approach, where adjustments can be made.

Increasing the financial and administrative capacity of regional governance and Torres Strait Islander and Aboriginal organisations delivering services is a fundamental aspect of capacity building. In circumstances where funding is limited, efficiency and effectiveness are assisted through coordination arrangements under the control of Torres Strait Islander and Aboriginal people.

As a lead agency in the Torres Strait, the TSRA fulfils this role with direct participation by communities and recognition by agencies implementing programs in the Torres Strait,

a recognition that increases as service providers seek to improve their own performance through negotiation and cooperative arrangements.

### **Infrastructure and health agreements**

Significant initiatives in the provision of works and services for Indigenous people in the Torres Strait have been the signing of agreements between the TSRA, and the Commonwealth and State Governments in respect of infrastructure development, housing and health. These initiatives demonstrate the value of the TSRA being able to enter into cooperative arrangements with Commonwealth and State Governments.

#### ***The Joint Torres Strait Housing and Infrastructure Agreement***

TSRA is part of the partnership framework operating under the Joint Torres Strait Housing and Infrastructure Agreement. The TSRA, the Island Coordinating Council and the Australian and Queensland governments signed the Agreement in 1999. The Agreement provides for a holistic, whole of government approach to the provision of housing and related infrastructure within the context of *Ailan Kastom* and native title rights. The Agreement provides the strategic aims and objectives for the Joint Torres Strait Housing and Infrastructure Committee (JTSHIC) and subsequent requirements for developing a strategic plan for housing and infrastructure for the region.

Under the Agreement the TSRA and partnership members are required to maximise the planning and coordination of housing and infrastructure development and to ensure that all aspects of efficiency in providing housing and infrastructure are increased. The Agreement also outlines partnership responsibility to increase housing ownership and improving environmental health.

The Agreement provided for a mid-term review of its progress and direction, which was carried out in the first half of 2002. The mid-term review demonstrated substantial progress in the areas of joint planning and coordination of existing and new infrastructure programs through the establishment and monitoring of three interdepartmental committees in the areas of major infrastructure, water related services and civil construction and training. In January 2004 the Torres Strait Housing Sub-Committee was also established under the JTSHIC.

The Joint Torres Strait Housing and Infrastructure Committee agreed to a 12-month extension of the Agreement (which ended in January 2004) with a review of the Agreement to be conducted before January 2005.

#### ***Major Infrastructure Program***

The Major Infrastructure Program is designed to meet the basic health-related infrastructure needs of the communities. In October 1998, the Queensland Government signed an agreement with the TSRA committing \$15 million towards the program.

These funds were pooled with those available from the Commonwealth Government, enabling a \$30 million program to be implemented over three years.

A further \$30 million has been committed to the third stage of the program, bringing total funding to \$100 million.

Through construction of much needed infrastructure and upgrading of existing facilities, the program will vastly improve the lifestyle, and therefore well being, of our people.

The TSRA is also addressing the water shortages experienced by the island communities for many years, through the Torres Strait Water Upgrade Project. In February 1999 tenders were let for the \$21 million second stage of the project, jointly funded by the TSRA and the Queensland Government. The project is being implemented on eight outer island communities.

In past years many island communities have run out of water supplies during the long dry seasons and councils have had to go to great expense to have water transported to their communities on barges. The facilities and systems constructed through this project will ensure communities have adequate water supplies year around.

#### ***Torres Strait Health Framework Agreement***

In February 1999 the TSRA and the Commonwealth and Queensland Governments signed an historic health agreement that committed the three parties to combining their efforts to improve the health status of Torres Strait Islanders living in the Torres Strait region. The Torres Strait Health Partnership Agreement provides the strategic commitment and direction that the partners follow. Signatories to the Agreement were the TSRA, the Department of Health and Ageing and Queensland Health.

Under the Agreement the partners agree to improve the health outcomes of residents of the Torres Strait and Northern Peninsula Area by improving access to health and health related programs and services. Through this approach the TSRA is able to address the health issues specific to the Torres Strait.

Under the Agreement partners are also responsible to maximise and enhance the planning and coordination of health service delivery, improve access to mainstream programs, increase the efficiency of partnership collaboration and stakeholder involvement and to ensure that data collection and evaluation are improved and strengthened.

A review of the Torres Strait Health Partnership Agreement is currently underway and a report will be released in September 2004.

#### **Fisheries Management**

The TSRA worked cooperatively with Australian Fisheries Management Authority (AFMA) the Department of Agriculture, Forestry and Fisheries (AFFA), and the

Queensland Fisheries Service (QFS) to develop and implement a consultative structure that allows direct involvement of Torres Strait indigenous fishermen in the decision making processes affecting all Torres Strait fisheries.

The structure involves one-elected fishermen from each Torres Strait community participating at the Torres Strait Fisheries Management Advisory forum. At this level fishermen contribute to discussions that provide advice to the Protected Zone Joint Authority (PZJA) which has responsibility for making decisions relating to fisheries management in Torres Strait.

A major achievement was to have the Chair of the TSRA officially appointed to the PZJA to share decision-making responsibilities with the Commonwealth and Queensland Government ministers for fisheries. The new structure allows Torres Strait Islanders a very strong say in the management of fisheries and is seen as a step towards their long term vision of managing and owning Torres Strait fisheries.

These changes have significantly strengthened Australian traditional inhabitants involvement in traditional and commercial fisheries management at the operational, policy and legislative levels. Compared to the previous PZJA consultative structure, Australian traditional inhabitant representation has quadrupled under the new arrangement.

## 6. COORDINATION AND INTEGRATION

Specific funding agreements in functional areas with the Queensland and Commonwealth Governments have underpinned the TSRA's approach to coordination and integration of individual programs and services in accordance with its legislation.

Because of the involvement and interaction of a number of players, there is general agreement that the delivery of services to Torres Strait Islander and Aboriginal communities needs to be based on planning, coordination and agreed strategies.

The ATSIC Act under which the TSRA is established incorporates the following provisions:

s. 142A (1) (f) empowers the Authority to advise the Minister on:

- (ii) the coordination of the activities of other Commonwealth bodies that affect Torres Strait Islanders, or Aboriginal persons, living in the Torres Strait area;

s. 142C (1) c. empowers the Authority to negotiate and cooperate with other Commonwealth bodies and with State, Territory and local government bodies; and (d) to enter into agreements with a State or Territory.

The TSRA's planning and coordination arrangements are also in accordance with the principles of the *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal Peoples and Torres Strait Islander Peoples*.

Consequently, an important outcome has been the development of bilateral agreements between Commonwealth and State/Territory Governments. Queensland has established agreements with the Commonwealth in relation to health, education and housing and infrastructure in the Torres Strait Region.

TSRA planning objectives are focused on ensuring governments are responsive to the needs and priorities established by the communities themselves and to ensure that communities have the capacity to take greater responsibility for their own development goals.

The emphasis on strategic frameworks and agreements and working in cooperation with all spheres of government result from an assessment of need and the determination of priorities through the planning process.

The *National Commitment* has continued to provide a strategic framework for the development of partnerships between government at all levels and Torres Strait Islander and Aboriginal people.

The National Commitment confirmed that the planning and provision of government programs and services to Torres Strait Islanders and Aboriginal peoples was a shared responsibility and a legitimate policy interest of all spheres of government.

The National Commitment agreed on key principles and national objectives, the roles and responsibilities of Commonwealth, State and local government, and provided a framework for bilateral agreements between governments for the delivery of specific programs and services. It has encouraged better planning, coordination and delivery of services and, more recently, pooled funding arrangements to achieve better outcomes.

In more recent times, the TSRA has come to play a significant role in the negotiations and in the distribution of supplementary funding under agreed arrangements.

The principles of the agreement have had significant outcomes in the Torres Strait.

### **Lead agency role**

The TSRA believes its lead agency role is consistent with the approaches outlined by the Management Advisory Committee (MAC) in its document *Connecting Government: Whole of government responses to Australia's priority challenges*.

The approach is inherent in what the Management Advisory Committee calls special purpose or frontier agencies with a whole of government remit outside normal departmental structures.

The MAC notes that some special purpose agencies have been created to deal with issues that are important, contentious across a range of stakeholders, and not yet mature in the way in which they are perceived by the public or managed within government. Their special status is used to symbolise a whole of government approach.

The best practice checklist<sup>5</sup> for frontier agencies includes:

- Gain a clear charter from government, preferably in legislation
- Identify the gamut of stakeholder interests which must be publicly addressed through the creation of the frontier agency
- Consider governance issues carefully, including whether authority will be shared

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<sup>5</sup> Management Advisory Committee, *Connecting Government: Whole of government responses to Australia's priority challenges*.



- Ensure the new agency encompasses all interests on the issue it is created to address
- Define which government priorities will be addressed by the frontier agency and which will not
- Define outcomes for products early
- Provide ample championship from the top

In the case of the Torres Strait, three key issues clearly emerge:

- The Torres Strait region, its people and its future must be seen in the context of a history of disadvantage. The region is remote, and falls behind mainland Australia in the standard of its housing, infrastructure, health and education facilities. In spite of this the region has retained its cultural distinctiveness.
- At the same time, the region can point to considerable achievement in improving services to and the quality of life of Torres Strait Islanders and Aboriginal people in recent years. This has come about as a result of a coordinated effort between all spheres of Government, aided by the creation of the TSRA as an instrument of that coordination and funding;
- The region has demonstrated what can be achieved through a properly resourced administration and an effective governance structure and the opportunity for the people of the Torres Strait to significantly participate in the design, delivery and evaluation of programs and services.

The provision of services must be seen in the context of what Torres Strait Islander and Aboriginal people desire for themselves. In other words, the outcomes they seek based on both statistical and qualitative assessments of need.

## 7. WHOLE OF GOVERNMENT APPROACH

Achieving a whole of government approach to service delivery is supported by the Torres Strait Development Plan.

Section 142D of the *Aboriginal and Torres Strait Islander Commission Act 1989* requires the TSRA to formulate and revise from time to time a Torres Strait Development Plan and Marine Strategy. The aim of the plan is to improve the economic, social and cultural status of Torres Strait Islanders and Aboriginal persons living in the Torres Strait area.

The plan is an essential part of the TSRA's operations, incorporating the involvement of all agencies and not just the TSRA's own programs. In this way it makes a contribution to "connecting" or "joined up" government.

There is recognition that capacity building is an important component in any plan. In the Torres Strait, the initial focus is in respect of Island Councils as an integral part of achieving the Torres Strait's development goals.

Notwithstanding that local government is a State responsibility, with Commonwealth financial assistance, the TSRA as the regional governance body supplements the operations of community local government as part of its commitment to integrated planning and service delivery, recognising the holistic nature of Indigenous development.

The regional planning framework shifts future planning and development towards a realistic appraisal of the circumstances of the Torres Strait and practical outcomes, with a focus on the circumstances and capabilities of each island community, and the provision of services by government agencies.

Essential elements of this focus include the enhancement of the internal economies of each island, investment in works and services, access to programs, the limitations and potential opportunities of economic development, and the development of individual capabilities.

The framework is built on community development plans, which are incorporated into a more comprehensive regional approach to development planning and the capacity required to achieve the TSRA's desired outcomes.

In its present form, the Development Plan describes the operations of the TSRA, sets out the vision and goals for the Torres Strait, outlines the physical and operating environment, and identifies seven key issues. These issues are:

- Health
- Housing and Infrastructure
- Economic Development
- Environment

- Culture and Society
- Education and Training
- Native Title and Greater Autonomy

### **A regionally focused organisation**

The TSRA has taken new initiatives to improve its effectiveness as a regionally based and focused organisation.

The TSRA's budget is now framed on a three-year funding cycle. While the Development Plan is not a budget, it represents a framework within which the annual budget and the three-year funding cycle are framed.

Following a review of the planning process by the Office of Evaluation and Audit (OEA), the TSRA has taken steps to introduce a more comprehensive approach to the preparation of the Development Plan and on-going monitoring of its implementation.

The OEA report observed that it would be very beneficial if the TSRA could receive a report annually on the programs, and the outcomes from them, of all Commonwealth and Queensland agencies which provide services/programs to Torres Strait Islanders, and Aboriginal persons, living in the Torres Strait area.

The benefit to the TSRA is in knowing what money is being spent in the Torres Strait, what it is being spent for and what it has achieved so that adjustments might be made.

There is general endorsement that a whole of government approach remains the best way to ensure maximum effort. Better planning, coordination and pooling of funds, inherent in the bilateral agreements promoted by the National Commitment, contribute to this efficiency and effectiveness.

Sustainable development requires integrated strategies that incorporate key economic, social, environmental and political elements. All components should be brought together in a long-term strategic approach.

Partnerships, which are an essential element in achieving the development agenda, are promoted by effective governance arrangements and build on the capacities of the individual partners. The aim of partnerships is to improve the impact of government interventions on the well being of the people.

While the requirement for a Development Plan is part of the ATSIC Act and its preparation the responsibility of the TSRA, its value also lies in identifying and incorporating the activities and projections of the various government departments operating in the Torres Strait. The need for a special capacity development program has also been identified associated with program assistance.

### **Aligning community and government outcomes**

The TSRA seeks through the planning and reporting process to better align the outcomes and outputs of Government agencies and the expectations of Torres Strait Islander and Aboriginal people in the Torres Strait to improve their well-being.

The nature and structure of governance in the Torres Strait are such that the outcomes occur at two levels:

- The region
- Individual communities

The interrelatedness of problems associated with the situation of Torres Strait Islander and Aboriginal people requires holistic solutions, and, therefore, the provision of services and funding should be on the same basis.

The issue is significant for the TSRA in linking its functions and available funds to the resources of mainstream agencies. The resulting funding mix involves:

- Housing and infrastructure
  - Primary responsibility of State and local government with the TSRA participating on the basis of agreements and pooled funding arrangements.
  - A central element is the TSRA's Housing and Infrastructure Program and the Environmental Health program.
- Health
  - A State responsibility with the Commonwealth directly funding Torres Strait Islander and Aboriginal medical services to provide primary health care.
  - Health is the subject of an agreement between the Commonwealth, State and TSRA
- Education
  - A State function, with assistance from the Commonwealth Government
- Employment and training
  - The main TSRA focus is Community Development Employment Projects, representing some 50 per cent of the TSRA's total budget.

An analysis of best practice overseas suggests that progress in improving economic, social and cultural well-being is likely to be achieved where national and local priorities are fully aligned and where local partners achieve coherence in establishing their priorities and targets as a result of local leadership.<sup>6</sup>

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<sup>6</sup> Audit Commission, UK, *People, places and prosperity: delivering government programs at the local level*, 2004

## 8. CONCLUSION

The emphasis in this submission is on the involvement of Torres Strait Islander and Aboriginal People in regional decision-making and in the delivery of programs and services within an integrated and comprehensive planning framework to improve outcomes. The two go together.

A critical element in achieving more positive outcomes has been the governance arrangements which have flowed from the creation of the Torres Strait Regional Authority. Through the TSRA as an independent statutory authority, performing in the Torres Strait functions similar to the Aboriginal and Torres Strait Islander Commission, communities, through their councils and direct representation on the authority, have been given the opportunity to improve their situation and take responsibility for their decisions.

Significant to the Torres Strait experience has been the cooperative relationships between the Commonwealth and State governments, on the one hand, and between the TSRA and local government, on the other. Integration of community government within the regional structure has been beneficial.

The TSRA's statutory role in the planning and coordination of all inputs has been instrumental in giving voice to the Torres Strait leadership and building the capacity of communities to manage their own affairs. At the core of these arrangements has been the enhancement of the quality of life through better management and delivery of community services.

If there is a model for other Indigenous communities it is that effective and legitimate regional governance arrangements are fundamental in giving Torres Strait Islander and Aboriginal people the power and resources to achieve improved outcomes on the basis of shared responsibility and mutual obligation with government.

Administrative arrangements which separate regional governance from the service delivery of agencies with their own outcomes are likely to be less successful than those which integrate the two. The nature of this integration is now to be the subject of negotiations over the next 12 months between Aboriginal and Torres Strait Islander people and the Commonwealth and State governments. Existing regional councils, due for abolition, can be expected to play a pivotal role in the outcome.

As a former regional council under the ATSIC Act, the TSRA believes the regional model is more likely to consolidate the achievements of the past, build a sustainable future, strike an appropriate balance between mainstream responsibilities and accountability to Torres Strait Islander and Aboriginal people, and, in the process, achieve the outcomes desired of government and Indigenous people.