

**Torres Strait governance structures
and the Centenary of Australian
Federation: a missed opportunity?**

W. Sanders

No. 184/1999

ISSN 1036-1774
ISBN 0 7315 2619 8

Dr Will Sanders is a Fellow at the Centre for Aboriginal Economic Policy Research, The Australian National University and in that capacity is also coordinator of the Institutions of Aboriginal Australia strand of the ANU's Reshaping Australian Institutions Project.

Series Note

The Centre for Aboriginal Economic Policy Research (CAEPR) was established in March 1990 under an agreement between The Australian National University (ANU) and the Aboriginal and Torres Strait Islander Commission (ATSIC). Since 1 January 1999, CAEPR operates as university centre and is funded by ATSIC, the Commonwealth Department of Family and Community Services and ANU. CAEPR's principal objective is to undertake high quality independent research that will assist in furthering the social and economic development and empowerment of Aboriginal and Torres Strait Islander people.

CAEPR's mission is to be a world-class centre undertaking research on indigenous economic development issues that combine academic excellence with policy relevance and realism. In Australia, CAEPR is currently the only dedicated research centre focusing on indigenous economic policy issues from a national perspective: its publications which include the CAEPR Discussion Paper series aim to broadly evaluate government policy, influence policy formulation and inform rational debate.

The Director of the Centre is responsible to the Vice-Chancellor of ANU and receives assistance in formulating the Centre's research priorities from an Advisory Committee consisting of senior academics nominated by the Vice-Chancellor and representatives nominated by ATSIC, the Department of Employment, Workplace Relations and Small Business and the Department of Family and Community Services.

CAEPR Discussion Papers are intended as one forum for the rapid dissemination of refereed papers on research that falls within the CAEPR ambit. These papers are produced for discussion and comment within the research community and indigenous affairs public policy arena. Many are subsequently published in academic journals. Publications can be purchased from:

Centre for Aboriginal Economic Policy Research
2nd Floor, J.G. Crawford Building
The Australian National University
Canberra ACT 0200
Telephone 02—6279 8211
Facsimile 02—6249 2789

Abstracts or Summaries of all CAEPR Discussion Papers can be found at the following World Wide Web address: <http://online.anu.edu/caepr/>

As with all CAEPR publications, the views expressed in this Discussion Paper are those of the author(s) and do not reflect an official CAEPR position.

Professor Jon Altman
Director, CAEPR
The Australian National University
July 1999

Table of Contents

Summary.....	v
Acknowledgments.....	v
Introduction	1
Existing governance structures	1
Processes of political change	3
The HRSCATSIA autonomy inquiry: report and reactions	4
Government response	6
Further Islander reactions	8
A missed opportunity or just bad timing?	9
Notes	11
References	12
 Figure 	
Figure 1. The Torres Strait Region.....	1
 Table 	
Table 1. Populations of Torres Strait Region, 1996	2

Summary

In his 1993 Boyer lecture, Getano Lui (Jnr) called for a change in the status of Torres Strait governance structures within the Australian federation, nominating the Centenary of Federation on January 1, 2001 as a possible time for change. In 1996, the Commonwealth Minister for Aboriginal and Torres Strait Islander Affairs initiated a Parliamentary Committee inquiry into greater autonomy for the people of Torres Strait, which reported favourably in 1997. This report was not, however, greeted all that favourably by Torres Strait Islanders and it now seems unlikely that any significantly new governance structures for Torres Strait will be in place by the Centenary of Federation. This paper attempts to explain why.

The paper begins with a review of existing Torres Strait governance structures and the processes of political change taking place within them during the 1990s. It then considers the recommendations of the Parliamentary Committee's report and reactions to those recommendations. It argues that the Parliamentary Committee made some ill-conceived and inappropriate recommendations because it did not understand processes of political change occurring in Torres Strait during the 1990s and did not come to grips with the strength and depth of Islander feelings of distinctiveness from Aboriginal Australians. It examines government responses to the Parliamentary Committee inquiry and further Islander reactions in the light of these. In its final section, the paper argues that while there have been missed opportunities along the way, the Centenary of Federation was, in fact, always an ambitious timetable for the reform of Torres Strait governance structures. There are significant unresolved issues still to be addressed among Islanders and there have, in recent years, been other more pressing issues to attend to, such as native title. The Centenary of Federation has proven to be not so much a missed opportunity for Torres Strait governance structures as just bad timing.

Acknowledgments

My greatest debt in the development of this paper is to my colleague, Bill Arthur, who introduced me to Torres Strait issues and has been an ongoing source of insight and advice. I am also indebted to members of the Torres Strait Autonomy Task Force, who invited Bill and I to attend and contribute to, their March 1999 workshop. A further debt is to George Menham, who commented on a draft of the paper. An earlier version of the paper was presented at the Pacific Islands Political Studies Association conference in Christchurch, New Zealand in December 1998. The work was partly funded by a grant from the Australian Research Council. Linda Roach and Hilary Bek assisted with editing and Jennifer Braid with layout.

Introduction

In his 1993 Boyer lecture, Getano Lui (Jnr) called for a change in the status of Torres Strait governance within the Australian federation, nominating the Centenary of Federation on January 1, 2001 as a possible time for change. Although not wanting to 'prejudge the exact relationship which may develop', Lui did point out that the Australian federation already included 'three inhabited island territories—Norfolk, Christmas, and Cocos-Keeling—each with its own tailor-made local constitution'. Surely, he continued, 'there is no reason why a Torres Strait regional government cannot be devised' (Lui 1994: 69–70).

In August 1996 the Commonwealth Minister for Aboriginal and Torres Strait Islander Affairs requested that the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (HRSCATSIA) inquire into and report on 'greater autonomy for the people of the Torres Strait'.¹ A year later, the Committee report argued strongly in favour of greater autonomy and recommended that a new governing authority, to be called the Torres Strait Regional Assembly, should be established. This recommendation did not meet with universal approval among Torres Strait Islanders. To understand why, it is necessary first to understand existing governance structures in Torres Strait and processes of political change that have been occurring in relation to those structures in recent years. Only then can one understand why a Commonwealth Parliamentary Committee report which was ostensibly in favour of greater autonomy for Torres Strait was not entirely well received. And only then, can one address the question of whether the Centenary of Federation looks like being a missed opportunity for Torres Strait governance structures.

Existing governance structures

Torres Strait currently has 18 local and two regional governance structures. Seventeen of the 18 local governance structures are Island Councils incorporated under the Queensland Parliament's *Community Services (Torres Strait) Act 1984*. These provide local governance for small, predominantly Islander communities in the 'outer' islands of Torres Strait and on the tip of Cape York (see Figure 1). Elected office on these Island Councils is only open to Islander or Aboriginal people who have 'resided continuously in the area for not less than 24 months prior to their nomination for an election'.² However, voting for councillors is open to all residents who meet the normal Queensland local government three-month residential criteria.³ The practical import of this difference between voting and office holding rights is not great as most Island Council communities have few non-indigenous residents (see Table 1).

The 18th local governance structure in Torres Strait is the Torres Shire Council (TSC) incorporated under the Queensland Parliament's more general *Local Government Act 1993*. This provides local government for three 'inner' islands, Thursday Island/Waiben, Horn Island/Ngurapai and Prince of Wales Island/Muralug, with a far more mixed Islander/non-Islander population (again see Table 1 and Figure 1).⁴ Office on, and voting for, this local governance structure is open to all people on the three islands who meet the normal Queensland local government three-month residential criteria.

Figure 1. The Torres Strait Region

Table 1. Populations of Torres Strait Region, 1996

Locality	TSI and Aboriginal (A)	Total (B)	A/B Per cent
Inner Islands			
Thursday Island/Waiben			
south side	795	1,498	53.1
north side	862	974	88.5
Horn Island/Ngurapai	274	476	57.6
Prince of Wales/Muralug ^a	35	99	35.4
TSC sub-regional sub-total	(1,966)	(3,047)	(64.5)
Hammond Island/Keriri (1 Island Council)	<u>192</u>	<u>201</u>	<u>95.5</u>
Sub-regional total	2,158	3,248	66.4
Outer Islands			
North Western group			
Boigu (1 Island Council)	227	243	93.4
Dauan (1 Island Council)	120	126	95.2
Saibai (1 Island Council)	<u>243</u>	<u>272</u>	<u>89.3</u>
Sub-regional total	590	641	92.0
Western group			
Badu (1 Island Council)	527	562	93.8
Moa (2 Island Councils)	399	443	90.1
Mabuiag (1 Island Council)	<u>174</u>	<u>180</u>	<u>96.7</u>
Sub-regional total	1,100	1,185	92.8
Central group			
Masig, Kodal/Yorke Islands (1 Island Council)	250	283	88.3
Warraber/Sue Island (1 Island Council)			
Poruma/ Coconut Island (1 Island Council)	348	391	89.0
Lama/Yam Island (1 Island Council) (estimate)	<u>150</u>	<u>150</u>	<u>100.0</u>
Sub-regional total	738	824	89.6
Eastern group			
Mer, Waier, Dowar/Murray Islands (1 Island Council)	405	414	97.8
Erub/Darnley Island (1 Island Council)	204	225	90.7
Ugar/Stephens Island (1 Island Council)	<u>86</u>	<u>92</u>	<u>93.5</u>
Sub-regional total	695	731	95.1
Cape York Islander communities			
Bamaga (1 Island Council)	609	754	80.8
Seisia (1 Island Council)	<u>117</u>	<u>184</u>	<u>63.9</u>
Sub-regional total	726	938	77.4
Regional total	6,064	7,615	79.6

Source: Australian Bureau of Statistics CDATE 1996.

Notes: a. Includes small numbers on Friday Island/Gialug as well.

Regional totals are slightly greater than the sum of localities/sub-regions due to people counted as residents of the region who could not be allocated to a locality.

The 1996 Census allowed indigenous Australians to identify as Aboriginal, Torres Strait Islander, or both. Of the 6,064 self-identifying indigenous Australians in Torres Strait region, 5,396 (89.0 per cent) identified as Torres Strait Islander, 304 (5.0 per cent) identified as Aboriginal and 364 (6.0 per cent) identified as both. In sub-regional terms, the numbers identifying as either Aboriginal or both were significantly above these averages on Horn Island/Ngurapai (8.4 per cent Aboriginal, 12.0 per cent both), on the south side of Thursday Island/Waiben (5.2 per cent Aboriginal, 13.6 per cent both) and in Kubin community on the western side of Moa Island (2.2 per cent Aboriginal, 19.4 per cent both). This reflects the fact that Ngurapai and Waiben are regarded as traditional Kaurareg Aboriginal land, not Islander land, and that Kubin was used as a resettlement location for Kaurareg Aboriginal people during the years when colonial settlement was trying to minimise the numbers of Islanders and Aborigines on Thursday Island/Waiben and to a lesser extent, Horn Island/Ngurapai.

Small numbers of people who did not identify as Torres Strait Islander and/or Aboriginal also did not positively identify themselves as non-indigenous. This not-stated number constituted 5.3 per cent in the TSC sub-region and 2.0 per cent elsewhere. If some of these are Aboriginal or Torres Strait Islander, then the percentages of total populations that are Torres Strait Islander and/or Aboriginal could increase by up to these amounts.

These two different types of local governance structures in Torres Strait can be seen as the product of the colonial encounter. Thursday Island/Waiben became the centre of colonial settlement in the region and, in 1903, Torres Shire was incorporated as a local governance structure for the non-indigenous inhabitants of that colonial centre. The Island Councils, on the other hand, were the product of the colonial settlers attempts to manage relations with the indigenous inhabitants in the surrounding region. They were structures for indigenous people and date back, in rudimentary form, as far as 1899.

In recent years, this configuration of interests and local governance structures has changed somewhat in Torres Strait, particularly in relation to Torres Shire. This will be returned to shortly. But first some background on the two regional governance structures in Torres Strait.

Both existing regional governance structures in Torres Strait are restricted to Torres Strait Islander and Aboriginal people. The first, the Island Coordinating Council (ICC), is established under the Community Services (Torres Strait) Act and comprises the Chairperson of the 17 Island Councils. It also has one member elected from the northern Tamwoy area of Thursday Island/Waiben, an area which has for 50 years or more, been reserved for Islanders, but being on Thursday Island/Waiben has not had its own Island Council. Getano Lui (Jnr), whose ideas for change to governance structures were quoted at the outset, is currently, and has for over a decade been, Chairperson of the ICC.

The second regional governance structure grew out of the Commonwealth Labor Government's attempts of the late 1980s to establish a new national representative body for indigenous Australians built up from a regional base. Torres Strait was nominated as one such region and a Torres Strait Regional Council (TSRC) was proposed within the national Aboriginal and Torres Strait Islander Commission (ATSIC). Torres Strait Islanders objected to the idea that members of this new regional council might be elected independently of Island Council elections and suggested instead that Island Council Chairpersons/ICC members should automatically be members of the new body. To this the Commonwealth agreed. But it also added two directly elected members to the TSRC to represent Torres Strait Islander and Aboriginal people living on Thursday Island/Waiben outside the Tamwoy area, and on the other two less populated inner islands without Island Councils, Horn Island/Ngurapai and Prince of Wales Island/Muralug. In 1994, this 20 member regional body gained some greater independence within the Commonwealth ATSIC system, becoming the Torres Strait Regional Authority (TSRA) (Sanders 1995). Since then the TSRA has gained a one-line budget from the Commonwealth Department of Finance and Administration and its legislation is currently in the process of being separated from the larger ATSIC Act.

Processes of political change

This sketch of existing local and regional governance structures in Torres Strait only begins the analysis. What is also needed is some sense of how these structures are operating and changing, in the 1990s. The biggest changes appear to be occurring in the TSC, but there are also changes occurring in the TSRA/ICC. I will deal with each of these in turn.

For almost four decades from 1952 to 1991, Torres Shire was run by an administrator. It did not have an elected Council of local residents, although there were some appointed advisory structures. In 1991, when an elected Council was reinstated, Torres Strait Islanders resident on the three inner islands could, for the first time, vote in TSC elections. Three Torres Strait Islander councillors were elected along with four non-Islanders, including the Chairperson. In 1994, two of the Torres Strait Islander councillors and the outgoing non-Islander Chairperson contested the new position of Mayor. One of the Islanders, Pedro Stephen, won convincingly gaining almost an absolute majority.⁵ Stephen was rejoined on the 1994 Council by the other 1991 Islander councillor, John Abednego. In 1997 Stephen again successfully contested the position of Mayor and was joined by four new Torres Strait Islander councillors among a new total of eight councillors including the Mayor. From being an enclave or bastion of non-Islander interests in

Torres Strait, Torres Shire appeared to be changing during the 1990s towards more of a balance of Islander and non-Islander interests. From March 1997, Islanders had a slight majority on the TSC, as they did in the population of the three inner islands for which it provided local governance (see Table 1).

The TSRC/TSRA and ICC also appeared to be undergoing change during this period. Getano Lui (Jnr) was the Chairperson of the 18 member ICC during the latter half of the 1980s and in early 1991, when the 20 member TSRC was established, he became Chairperson of that body as well. This dual Chair configuration continued in 1994, when the TSRC became the TSRA. However, after the March 1997 elections, Lui lost his position as Chairperson of the TSRA, though retaining the Chair of the ICC. The new Chairperson of the TSRA was John Abednego, member of the ICC and TSRA for the Tamwoy area of Thursday Island/Waiben and Torres Shire councillor from 1991 to 1997.

It is important not to read too much into the winning of these leadership positions. However, I would argue that they are symptomatic of a merging of what were, in earlier colonial times, largely separate Islander and non-Islander political domains. Islanders were restricted to the Island Council structures and the communities away from the centre of colonial settlement. Non-Islanders and the TSC occupied the centre of colonial settlement on the southern side of Thursday Island/Waiben, both politically and geographically, and very largely kept Islanders out.⁶ During the 1990s, however, this separation of political domains was breaking down. Islanders were gaining a foothold in the TSC and in the southern half of Thursday Island/Waiben. At the same time, Islander residents of Thursday Island/Waiben, Horn Island/Ngurapai and Prince of Wales Islands/Muralug were also gaining a foothold in the regional Islander- and Aboriginal-specific governance structures which had been previously focused almost entirely on the outlying communities away from the colonial centre. Hence the largely separate centre/periphery and Islander/non-Islander political domains of earlier colonial times were beginning to merge, with Islanders establishing their presence at the centre of regional settlement as well as in the outlying areas, and centrally located Islanders establishing their presence within the Islander- and Aboriginal-specific, political structures.

The HRSCATSIA autonomy inquiry: report and reactions

It was into this environment of existing governance structures and processes of political change that the HRSCATSIA autonomy inquiry was launched in 1996/97. In its report, produced in August 1997, the Committee strongly endorsed the idea of greater political autonomy for Torres Strait, alongside greater cultural and economic autonomy. However, reactions among Islanders to the Committee's support for greater political autonomy were not always positive. To understand why, it is necessary to delve a little deeper into what precisely the HRSCATSIA report recommended by way of new governance structures for Torres Strait.

The HRSCATSIA report recommended the establishment of a new regional governance structure in Torres Strait to be known as the Torres Strait Regional Assembly. This was to be a parliamentary-style body, open to *all* residents of Torres Strait as both electors and elected office holders. And it was to replace, in the HRSCATSIA report's view, the TSC, the ICC and the TSRA, but not the 17 Island Councils.

This proposal attracted a strong and swift adverse reaction from the Mayor of Torres Shire. He argued that the idea of abolishing the TSC, as the 'largest and most professionally managed' local governance structure in the region, while maintaining the 17 smaller Island Councils, was 'most outrageous' and showed 'a complete lack of understanding by these Canberra politicians about the workings of local government' in the Strait. He called on 'the residents of the Shire to let it be known that they don't want their local government services delivered to them in the future by some large bureaucracy like the proposed Regional Assembly' and he was scathing about the 'Committee's rationale' for abolishing TSC (*Torres News*, 5–11 September, 1997). This rationale had three parts. First, HRSCATSIA argued that since there was a 'geographic proximity' between

Torres Shire's sphere of operations and the 'probable physical location of the Regional Assembly ... it would simply be more efficient to allow the Regional Assembly to undertake local government functions in the shire region than to maintain two separate elected and administrative structures'. Second, it argued, 'the TSC does not represent a traditionally based and homogeneous Torres Strait Islander community in the same way as do the island councils'. And third, 'residents of the Shire would not lose political representation at the regional level if the TSC were abolished because the residents would be able to elect five of the 22 representatives proposed for the Regional Assembly' (HRSCATSIA 1997: 60 reproduced in *Torres News*, 5-11 September, 1997).

In a later newspaper article, the Mayor attacked each of these elements of the Committee's rationale. He pointed to the hypocrisy of arguing that the Regional Assembly should be open to *all* Torres Strait residents, while at the same time justifying the abolition of the Torres Shire by suggesting that it 'does not represent a traditionally based and homogenous Torres Strait Islander community' and asked is this 'a hidden political agenda to neuter the rights of non-indigenous residents of Torres Shire'. He talked of the undemocratic nature of an arrangement in which local government services would be delivered by a body in which only five of the 22 elected representatives were from the area being serviced, while the other representatives were from areas which had their own separate local governments. He talked about people in the inner islands wanting 'the same opportunity to elect their own local Council as the people of the outer islands'. And he asked where the supposed 'huge administration cost' savings were in collapsing Torres Shire into the Regional Assembly (*Torres News*, 5-11 September 1997).

Here was a Torres Strait Islander Mayor defending TSC, defending the rights of non-indigenous residents of Torres Strait and arguing for people at the regional centre of Torres Strait to be treated equally with those in the outer areas. Five years previously this could not have happened. Indeed, it may have been unthinkable. However, in 1997 its occurrence reflected the processes of political change that had been taking place in Torres Strait during the 1990s, with the gradual merging of the two former largely separate political domains. The HRSCATSIA report had failed to understand this change.

Another aspect of the HRSCATSIA report which did not elicit particularly positive reactions was its recommendations in relation to 'mainland' Torres Strait Islanders; those living outside the Strait in other areas of Queensland and the rest of Australia. Migration of Torres Strait Islanders away from the Strait has been very significant during the latter half of the 20th century. The 1996 Australian Census suggested that Islanders living outside the Strait numbered almost 32,000, compared to under 6,000 living in the Strait. HRSCATSIA had a specific term of reference to examine the 'implications' of 'greater autonomy' for these Islanders living elsewhere, including whether ATSIC or the TSRA should 'represent' their interests (see HRSCATSIA 1997: xii).

This term of reference attracted considerable interest, with many mainland Islanders making submissions. Virtually all these submissions pointed to the unsatisfactory nature of the current representative arrangement, whereby mainland Islanders were included in the ATSIC regional councils for the areas in which they resided. The favoured solution was an Australia-wide Torres Strait Islander authority/commission, taking the TSI out of ATSIC as it was catchily put (see Sanders and Arthur 1997). However, the HRSCATSIA report dismissed this possibility out of hand, arguing that the spread of Torres Strait Islanders across Australia would make it impractically expensive and a duplication of ATSIC. The report also argued that a separate commission would present problems for the 10,000 indigenous Australians who, in the 1996 Census, claimed joint Torres Strait Islander and Aboriginal heritage and that there would be tensions between mainland and homeland Torres Strait Islander interests within a separate commission (HRSCATSIA 1997: 100-6).

These were all concerns which could have been seen in a more positive light and which Torres Strait Islanders themselves did not seem to think were insurmountable (see Sanders and Arthur 1997). But instead of responding positively to the idea of an Australia-wide Torres Strait Islander commission/authority, the HRSCATSIA report suggested ways of 'improving representation' of mainland Islanders within ATSIC and of creating 'links' between homeland and

mainland Islanders without creating a separate commission/authority (HRSCATSIA 1997: 65, 107)

ATSIC had, from its inception in the late 1980s, included an appointed national Torres Strait Islander Advisory Board (TSIAB) and an Office of Torres Strait Islander Affairs (OTSIA). HRSCATSIA's suggested improvements to the representation of mainland Islanders within ATSIC included electing, rather than appointing, TSIAB members, giving TSIAB, rather than OTSIA, executive powers and making OTSIA a secretariat for TSIAB, making TSIAB's elected Chair a national ATSIC Commissioner and requiring ATSIC regional councils to include in their annual reports statements of measures taken to identify and respond to the concerns of Torres Strait Islanders within their regions (HRSCATSIA 1997: 107–12). The TSIAB Chair appointed as an ATSIC commissioner would, HRSCATSIA suggested, replace the existing ATSIC commissioner from the TSRA/Torres Strait Zone. HRSCATSIA argued that, with greater autonomy for the Torres Strait region through the proposed Assembly, the Torres Strait Zone commissioner's position within ATSIC would become somewhat redundant (HRSCATSIA 1997: 111).⁷ By way of links between mainland and homeland Islanders, HRSCATSIA suggested that the Chairman of TSIAB be granted observer status within the proposed Regional Assembly and that a Cultural Council representing both homeland and mainland Islanders be sponsored by both the proposed Regional Assembly and the enhanced TSIAB (HRSCATSIA 1997: 63–6).

Some of these suggestions, as the HRSCATSIA report noted, drew on TSIAB's own submission to the autonomy inquiry (HRSCATSIA 1997: 108; TSIAB 1997). However in September 1997, when the Chairman of HRSCATSIA travelled to Townsville to talk about the Committee's report to the annual national Torres Strait Islander workshop, his words were not particularly well received by the predominantly mainland Torres Strait Islander participants. They complained again about being separated from Islanders in the Strait under the current ATSIC (TSIAB)/TSRA arrangements and could only see greater separation under the proposed ATSIC (TSIAB)/Regional Assembly arrangement.⁸ The HRSCATSIA suggestions of a Cultural Council and of the TSIAB Chair being granted observer status in the proposed Regional Assembly were not seen as sufficient links between homeland and mainland Islanders.

The HRSCATSIA recommendations relating to mainland Islanders represent a failure to come to grips with the strength and depth of Islanders feelings of distinctiveness and separateness from Aboriginal Australians and their dissatisfaction with being placed in combined Aboriginal and Torres Strait Islander representative structures Australia-wide. The Queensland Government faced this Islander dissatisfaction with its indigenous-specific State-level structures in the early years of the 20th century and in the late 1930s established separate Aboriginal and Islander structures.

The HRSCATSIA report and recommendations appear, then, to have had two fundamental weaknesses. They did not understand the processes of political change that were already occurring within the existing local and regional governance structures in Torres Strait. And they did not respond positively to the overwhelming desire of Islanders to be represented separately from Aboriginal Australians in a distinct Torres Strait Islander structure. Hence, a report which was ostensibly in support of granting greater autonomy to 'the people of the Torres Strait' was in fact received with little Islander enthusiasm.

Government response

In June 1998, the Commonwealth Minister for Aboriginal and Torres Strait Islander Affairs issued a Government Response to the HRSCATSIA report. This was primarily a Commonwealth Government response, but also provided some comments which had been elicited from the outgoing Queensland National/Liberal Government.⁹

Both governments expressed support for moves towards greater political autonomy for Torres Strait, but both also saw a need for further 'consultation' before any changes to the

current arrangements were made (Government Response to *Torres Strait Islanders: A New Deal* 1998: 2–3).

The Commonwealth backed away, somewhat half-heartedly, from the abolition of the TSC saying that:

The government believes it is premature to consider the incorporation of the Torres Shire Council (TSC) into the proposed new body at this stage. While there are clear advantages in the amalgamation of the ICC and the TSRA, the inclusion of the TSC is more problematic. The government favours a staged approach, with the TSRA/ICC amalgamation being the first stage (subject to consultation as indicated above). The position of the TSC could be considered after the proposed new body had been operational for a time, and an assessment made of its workability (Government Response to *Torres Strait Islanders: A New Deal* 1998: 4).

The Queensland Government, on the other hand, was much more strongly against the TSC's abolition, saying that:

In relation to the proposed abolition of the TSC and assumption of its activities by the Regional Assembly, the Queensland Government would have difficulties supporting such a move. It is difficult to imagine broad support within Torres Shire for allowing a regional governing body, set up primarily to make decisions about regional issues, to have responsibility for local government functions currently provided by the TSC (Government Response to *Torres Strait Islanders: A New Deal* 1998: 5).

The Queensland Government seemed to appreciate far more acutely the problems of folding a local governance structure into a regional one. The Queensland Government was in fact even sceptical of the proposed transformation of TSRA and ICC into the Regional Assembly. While it recognised 'benefits', it also foresaw some 'difficulties':

- it is not clear how, or if, the relationship between Island Councils and the Queensland government would change. If the Assembly is to proceed, there must be early clarification of the relative status of all parties, their responsibilities, functional boundaries and interrelationships;
- it is important that if existing indigenous-specific peak organisations are replaced by an Assembly which represents all residents of the Torres Strait, indigenous residents must be confident that the new body is able to effectively represent their interests; and
- in allocating funds for specific purposes such as health care programs, the Assembly, in consultation with relevant government departments and agencies, would need to ensure consistency with the integrated service delivery approaches developed by departments such as Queensland Health (Government Response to *Torres Strait Islanders: A New Deal* 1998: 5).

This list of difficulties could be read as the Queensland Government being unnecessarily negative about the prospects and processes of change in Torres Strait governance structures. But it could also be read as the Queensland Government having a better feel than the Commonwealth Parliamentary Committee for the complexities and uncertainties of change in Torres Strait governance structures and the need to negotiate those changes carefully and thoroughly.

On the issue of mainland Islanders, the Commonwealth Government was not even prepared to go as far as the HRSCATSIA report had suggested in reforming the TSIAB within ATSIC, let alone contemplating a separate Australia-wide Islander authority/commission. The Commonwealth rejected the idea of the election of TSIAB members and argued that the 'current arrangement of ministerial appointments should be retained'. It also only 'supported in principle' the recommendation that the TSIAB Chair become a national ATSIC Commissioner, replacing the existing Commissioner for the Torres Strait Zone (Government Response to *Torres Strait Islanders: A New Deal* 1998: 19). The Queensland Government made no response on these issues, presumably feeling that mainland Torres Strait Islander representation within or outside ATSIC was a Commonwealth affair. Queensland had, as mentioned previously, learned the hard way that Islanders did not like being in combined Aboriginal/Islander structures and had abandoned these back in the 1930s.

Further Islander reactions

Early in 1999, a group of Islanders calling themselves the Torres Strait Autonomy Task Force convened a three-day public meeting at the Tamwoy community hall on Thursday Island.¹⁰ The group comprised the Chairs of the ICC and TSRA, the Mayor of TSC, youth, elders and women's representatives and a representative of the Kaurareg Aboriginal people of the southern Torres Strait. These seven, plus a number of resource people, set the objective for the workshop of arriving 'at a position, representing the majority of views, on a model of governance that will receive State and federal endorsement' (Torres Strait Autonomy Task Force 1999). This objective was endorsed by the meeting and during the three days a mainland Islanders representative was also added to the Task Force. This latter reflected the fact that a prominent mainland Islander representative gave a presentation to the meeting and that a number of Islanders living outside the Strait were present. The position arrived at during the three days was as follows:

1. The Task Force supports the formation of a central, culturally appropriate governing structure to cover all permanent residents of the Torres Strait and Torres Strait Islanders on the mainland.
2. The intention is to work towards territory status through negotiating for increased control over many existing Commonwealth and State functions.
3. The intention is to maintain all existing local government structures and their responsibilities (Torres Shire Council and 17 Island Councils) (Torres Strait Autonomy Task Force 1999).

A number of aspects of this position need to be noted and commented on.

The first notable aspect of the position is the proposed constituency of the new governing structure; all permanent Torres Strait residents and Torres Strait Islanders living elsewhere in Australia. The inclusion of all permanent Torres Strait residents is a significant accommodation of a strongly stated HRSCATSIA and Commonwealth Government view. It should also be noted that soon after the public meeting a representative of non-indigenous Torres Strait residents was coopted as a ninth member of the Autonomy Task Force, giving further evidence of the accommodation of this view. The inclusion of mainland Islanders in the Task Force's proposed constituency, however, goes directly against the HRSCATSIA and Commonwealth Government view. It returns once again to the idea of placing all Torres Strait Islanders in one combined representative structure separate from ATSIC. This is an idea that simply will not go away, despite the lack of enthusiasm for it of non-Islander committees and governments.

The second notable aspect of this position is its insistence on the retention of all existing local governance structures in the Strait. There was a very strong feeling at the public meeting that existing local governance structures did not wish to lose any of their existing autonomy as part of the move towards greater 'centralised' autonomy. The new central governing structure should increase autonomy by transferring aspects of functions currently performed by Commonwealth and State governments. This was the third notable aspect of the Task Force's position, which it captured in the idea of working towards territory status. HRSCATSIA had also made some reference to the idea of territory status, acknowledging that it was a 'legitimate and achievable goal' for which the proposed Regional Assembly could be 'easily modified in the future' when 'a greater degree of economic self-sufficiency' had been achieved (HRSCATSIA 1997: 38-9). The Task Force did not hedge in its aspiration for territory status with such provisos.

The Task Force's statement from the public meeting went on to say that it would engage in 'further consultation with the people of the Torres Strait' to further develop its position and that it would begin negotiations with the Prime Minister and the Queensland Premier with the intention of establishing this new centralised governing structure 'to coincide with the Centenary of Federation'. These too were important aspects of the Task Force's position, acknowledging that there was still more work to be done among the constituency and that there was still some interest in linking the new governance structure to the Centenary of Federation, as Lui had suggested back in 1993. However, with only 21 months from the Task Force's public meeting to the Centenary of Federation and much work still to be done among the constituency and with the

two higher levels of Australian government, some Task Force members were privately willing to admit that establishing the new governance structure to coincide with the Centenary of Federation was perhaps becoming unrealistic.¹¹

A missed opportunity or just bad timing?

Having thus laid the framework of events and debates over the last few years, I wish now to return more explicitly to the question implied in the title and subtitle. Is the Centenary of Federation proving to be a missed opportunity for the further development of Torres Strait governance structures? Much of what has been said thus far may seem to suggest that it is. I certainly don't believe that there will be anything much in place by way of new Torres Strait governance structures by the Centenary of Federation, except perhaps the legislative separation of the existing TSRA from ATSIC.¹² I also believe that there have been missed opportunities over recent years: such as HRSCATSIA making some insensitive recommendations in relation to the TSC, which then took some time for the Commonwealth Government to partially back away from; and the Commonwealth not even taking up HRSCATSIA's rather conservative recommendations relating to the reform of TSIAB and better representation of mainland Islanders within ATSIC. However, in the final analysis I do not want to argue that the Centenary of Federation is so much a missed opportunity for Torres Strait governance structures, but rather is just bad timing. Torres Strait Islanders still have much to discuss and work through in relation to new governance structures. They have, in recent times, also been preoccupied with other more pressing concerns. Some identification of these unresolved issues and other concerns may be a useful way to conclude.

Despite the clarity of the Autonomy Task Force's March 1999 statement about the constituency for the proposed new 'central, culturally appropriate, governing structure', there is in fact still considerable debate and concern among Islanders about constituency issues. What would be the criteria for non-indigenous people to establish the status of permanent Torres Strait resident? What guarantees are there that the numbers and influence of such non-indigenous permanent residents would not overrun indigenous interests in either the short or the long term? How can the ongoing specific acknowledgment of indigenous interests and rights in Torres Strait be ensured? If these issues cannot be resolved to the satisfaction of Islanders, should they draw back from the switch to a residential constituency for regional governance bodies?

There are also unresolved constituency issues relating to the relationship between Islanders living outside the Strait and homeland Islanders. How is representation of these two very different-sized groups of Islanders to be balanced and brought together in a combined representative structure? Should the representatives of each meet together or apart, or how often together and how often apart, under what conditions and to discuss what matters? Should the two types of representatives have separate corporate existences and budgets, as well as an ability to act together? Mainland Torres Strait Islanders put one alternative model to HRSCATSIA's March public meeting. This comprised two separate houses of mainland and homeland representatives with separate programs and responsibilities, but some ability to meet and act together. This alternative model was not greatly discussed by the meeting, however, and its details were not fully worked out.

Another set of constituency issues relates to sub-regional balances and mechanisms for representation within Torres Strait. Ten years ago Islanders were keen to have Island Council Chairpersons also acting as members of regional representatives bodies. In recent years however, in the light of experience, Islander sentiment seems to have moved away from this. There is now much more support for separate election to office in local and central/regional governing structures, with election to one not necessarily debarring election to the other. If this separate election approach is adopted (and HRSCATSIA and the Commonwealth Government supported it as well as emerging Islander sentiment), then sub-regional balances of representation could also be revisited. Should all Island Council areas elect one representative to the central governing structure irrespective of population size? Could Island Council areas be combined in some way as

sub-regional electoral divisions for central government representation? How much representation should there be from the more populous inner Islands in comparison to the outer islands and the Islander communities on the tip of Cape York? Should the predominantly Aboriginal communities on the tip of Cape York also be allowed representation on the new culturally appropriate, central governing structure? Apart from the apparent support for separate election of representatives on local and central governing structures, these issues have not really been opened up for discussion. They remain perhaps not so much unresolved among Islanders, as unanticipated. They are, however, still pertinent and need to be grappled with if a legitimate and enduring new central governance structure is to be put in place.

These constituency and representation issues are far from settled and agreed upon among Islanders. The difficulty that Islanders have had in raising them over recent years, let alone addressing them, suggests the Centenary of Federation timetable for a new Torres Strait governance structure was always ambitious. Some somewhat insensitive HRSCATSIA recommendations and a rather conservative Commonwealth Government response may have been unfortunate missed opportunities in their own right, but they did not cause the development of Torres Strait governance structures to miss the particular opportunity of the Centenary of Federation. Indeed, in many ways Torres Strait Islanders are still only now coming to grips with the last change in governance structures, brought about by the Hawke and Keating Commonwealth Government's pursuit of ATSIC and the TSRC/TSRA. More could probably be done within this existing framework and at this stage many Islanders may feel more comfortable with this as a developing scenario. New governance structures for Torres Strait are, realistically, still quite some time away.

One other issue, which deserves to be mentioned in any explanation of why Torres Strait has not progressed towards a new governance structure in time for the Centenary of Federation, is that of native title. After the High Court's Mabo decision in 1992, which recognised the native title of Murray Islanders in the north-east of Torres Strait, the recognition of native title elsewhere in the Strait became an important, but by no means simple, issue. Changing patterns of residence among Islanders over the last 100 years meant that native title rights would by no means be clear-cut. Islanders living in southern Torres Strait and on the tip of Cape York were under no illusion about being native title claimants where they were living. They knew they were living on traditional Aboriginal land, over which others might want to be claiming native title. Further north, there were issues to be sorted out about the rights of those currently living on Islands and the rights of those living away, either on Thursday Island, the tip of Cape York or further south. There were also issues to be sorted about 'historical' people, whose ancestors had moved or been moved to areas within recorded memory and those people whose attachment to particular areas of land went back to time immemorial. Attending to these issues took a good deal of Islanders' time and energy during the mid 1990s. Structures and processes had to be established, choices made about budgets to be deployed and the priority of cases to be progressed (Arthur 1999). It is perhaps no coincidence that in February 1999, just two weeks before the Autonomy Task Force's public meeting, native title was recognised over two more Torres Strait Islands, Saibai and Moa. This recognition followed agreements between stakeholders negotiated over two-and-a-half years under the guidance of the National Native Title Tribunal and ratified by the Federal Court of Australia. Sixty-five more native title claims in the Strait are still to be settled and will continue to consume Islanders' time and energies. However now at least, there are examples of successful settlements on which to draw. Over the years from 1992 to the present, there has only been uncertainty and an awareness of native title as a pressing central issue for Islanders. This has limited Islanders' time and ability to pay attention to other, more minor issues, such as new governance structures and the Centenary of Federation.

Having clear title to land may, of course, have ramifications for the way in which issues of governance structures are approached and resolved. The recognition of native title may give title holders some greater sense of control of their homeland region and confidence that they will be able to maintain control over new governance structures, if these are, in fact, to be open to non-indigenous permanent residents. It may turn out then to have been quite sensible to progress native title issues ahead of new governance structures. So, once again, the Centenary of

Federation may not be so much a case of a missed opportunity for Torres Strait governance structures as just bad timing. Other things needed to be attended to and more time taken in discussions.

Perhaps Getano Lui's hopes of 1993 were always ambitious. Perhaps if Torres Strait Islanders can extract some commitment from the Queensland and Commonwealth Governments to keep working on the issue of Torres Strait governance structures beyond the time of the Centenary of Federation, then that may be all they can realistically expect and hope for now. The Centenary of Federation has proven in many ways to be some years too early for Torres Strait aspirations about changing governance structures. Opportunities have been missed along the way, but in the final analysis it would seem that the Centenary of Federation was just bad timing for the reform of Torres Strait governance structures.

Notes

1. The full terms of reference were to 'inquire into and report on: 1. Whether the people of the Torres Strait would benefit from a greater degree of autonomy; 2. If so, what forms should a greater degree of autonomy take; and 3. 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 Torres Strait Regional Authority should represent the interests of such residents' (HRSCATSIA 1997: xii).
2. *Community Services (Torres Strait) Regulations 1985*, s.8(a).
3. *Community Services (Torres Strait) Act 1984–1990*, s.18.
4. One inner island, Hammond Island, is not covered by the Torres Shire and has its own Island Council. It is also like an outer island in that it has an overwhelmingly Islander population.
5. Stephen polled 552 votes, while the other two mayoral candidates polled 282 and 272 votes.
6. Arthur (1990) notes that the ICC's client base and focus of attention is on the outer islands and the Islander communities on the tip of Cape York. Beckett (1987) wrote a comprehensive account of the social, economic and political development of Torres Strait Islanders without any reference to the TSC. This suggests how separate the political domains were up to the late 1980s.
7. There was some ambiguity in the HRSCATSIA report on this last point. At one point it stated that since the proposed Regional Assembly, as a 'structure of governance', was 'not specifically for Torres Strait Islanders and Aboriginals ... it would not be appropriate for the ATSIC Act to be amended to provide for the Regional Assembly to elect one of its members to sit on the ATSIC Board of Commissioners' (HRSCATSIA 1997: 65). Elsewhere, however, the report stated that 'a member of the regional assembly could be elected to represent the region on the ATSIC Board of Commissioners' and that this would be 'a matter for the Assembly to decide' (HRSCATSIA 1997: xxii).
8. I am indebted to my colleague Bill Arthur who was present at this meeting and took notes on the interaction.
9. The Queensland State election, which returned a minority Labor Government supported by a single independent, was held on June 13, 1998.
10. The group had, in fact, been formed a year earlier at another public meeting which had attempted to respond to the HRSCATSIA report, but had been largely inactive since then.
11. My colleague Bill Arthur and I were present at the Task Force's three day public meeting and were asked to play a minor role in informing discussion.
12. Legislation establishing the TSRA separate from ATSIC was foreshadowed by Prime Minister Howard in July 1997, one month before the release of the HRSCATSIA report (see HRSCATSIA 1997: 28). A bill effecting this change had been drafted, though not entirely finalised, by early 1999.

References

- Arthur, W. 1990. *Torres Strait Development Study, 1989*, report prepared for the Island Co-ordinating Council, Australian Institute of Aboriginal Studies, Canberra.
- Arthur, W. 1999. 'Towards regionalism: a Regional Agreement in Torres Strait', in M. Edmunds (ed.) *Regional Agreements: Key Issues in Australia*, Vol. 2 Case Studies, Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.
- Beckett, J. 1987. *Torres Strait Islanders: Custom and Colonialism*, Cambridge University Press, Cambridge.
- Government Response to *Torres Strait Islanders: A New Deal* 1998. Unpublished document.
- House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (HRSCATSIA) 1997. *Torres Strait Islanders: A New Deal*, Australian Government Publishing Service, Canberra.
- Lui, G. (Jnr) 1994. 'A Torres Strait Perspective', in M. Yunupingu, D. West, I. Anderson, J. Bell, G. Lui (Jnr), H. Corbett and N. Pearson (eds) *Voices From the Land: 1993 Boyer Lectures*, ABC Books, Sydney.
- Sanders, W. 1995. 'Reshaping governance in Torres Strait: the Torres Strait Regional Authority and beyond', *Australian Journal of Political Science*, 30 (3): 500-24.
- Sanders, W. and Arthur, W.S. 1997. 'A Torres Strait Islanders Commission? Possibilities and issues', *CAEPR Discussion Paper No. 132*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.
- Torres Strait Autonomy Task Force 1999. 'Torres Strait autonomy', unpublished document.
- Torres Strait Islander Advisory Board (TSIAB) 1997. 'Unfinished business: future policy directions in Torres Strait Islander Affairs', submission to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry into greater autonomy for Torres Strait Islanders.

Centre for Aboriginal Economic Policy Research Publications

For information on earlier CAEPR Discussion Papers and Research Monographs please contact:

Publication Sales, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra, ACT, 0200, Telephone: 02-6279 8211, Facsimile: 02-6249 2789. Information on CAEPR abstracts or summaries of all CAEPR print publications and those published electronically, can be found at the following WWW address: <http://online.anu.edu.au/caepr/>

MONOGRAPH SERIES

1. *Aborigines in the Economy: A Select Annotated Bibliography of Policy-Relevant Research 1985-90*, L.M. Allen, J.C. Altman and E. Owen (with assistance from W.S. Arthur), 1991.
2. *Aboriginal Employment Equity by the Year 2000*, J.C. Altman (ed.), published for the Academy of the Social Sciences in Australia, 1991.
3. *A National Survey of Indigenous Australians: Options and Implications*, J.C. Altman (ed.), 1992.
4. *Indigenous Australians in the Economy: Abstracts of Research, 1991-92*, L.M. Roach and K.A. Probst, 1993.
5. *The Relative Economic Status of Indigenous Australians, 1986-91*, J. Taylor, 1993.
6. *Regional Change in the Economic Status of Indigenous Australians, 1986-91*, J. Taylor, 1993.
7. *Mabo and Native Title: Origins and Institutional Implications*, W. Sanders (ed.), 1994.
8. *The Housing Need of Indigenous Australians, 1991*, R. Jones, 1994.
9. *Indigenous Australians in the Economy: Abstracts of Research, 1993-94*, L.M. Roach and H.J. Bek, 1995.
10. *The Native Title Era: Emerging Issues for Research, Policy and Practice*, J. Finlayson and D.E. Smith (eds), 1995.
11. *The 1994 National Aboriginal and Torres Strait Islander Survey: Findings and Future Prospects*, J.C. Altman and J. Taylor (eds), 1996.
12. *Fighting Over Country: Anthropological Perspectives*, D.E. Smith and J. Finlayson (eds), 1997.
13. *Connections in Native Title: Genealogies, Kinship and Groups*, J.D. Finlayson, B. Rigsby and H.J. Bek (eds), 1999.
14. *Land Rights at Risk? Evaluations of the Reeves Report*, J.C. Altman, F. Morphy and T. Rowse (eds), 1999.

RECENT DISCUSSION PAPER SERIES

- 153/1998** *The continuing disadvantage of indigenous sole parents: a preliminary analysis of 1996 Census data*, A.E. Daly and D.E. Smith.
- 154/1998** *Assessing the utility of 1996 Census data on indigenous Australians*, B. Hunter.
- 155/1998** *Estimating intercensal indigenous employment change, 1991–96*, J. Taylor and M. Bell.
- 156/1998** *The relative economic status of indigenous people in the Northern Territory, 1991–96*, J. Taylor and L. Roach.
- 157/1998** *The relative economic status of indigenous people in Western Australia, 1991 and 1996*, J. Taylor.
- 158/1998** *The relative economic status of indigenous people in Tasmania, 1991 and 1996*, J. Taylor.
- 159/1998** *Labour market incentives among indigenous Australians: the cost of job loss versus the gains from employment*, B. Hunter and A.E. Daly.
- 60/1998** *The determinants of indigenous educational outcomes*, B. Hunter and R.G. Schwab.
- 161/1998** *Educational ‘failure’ and educational ‘success’ in an Aboriginal community*, R.G. Schwab.
- 162/1998** *The supply of alcohol in remote Aboriginal communities: potential policy directions from Cape York*, D.F. Martin.
- 163/1998** *Indigenous land use agreements: the opportunities, challenges and policy implications of the amended Native Title Act*, D.E. Smith.
- 164/1998** *The relative labour force status of indigenous people 1986–96: a cohort analysis*, B. Hunter and M.C. Gray.
- 165/1998** *Homelands and resource agencies since the Blanchard Report: a review of the literature and an annotated bibliography*, R. Davis and W.S. Arthur.
- 166/1998** *Parentage and indigenous population change*, A. Gray.
- 167/1998** *New and emerging challenges for Native Title Representative Bodies*, J.D. Finlayson.
- 168/1998** *Financial aspects of Aboriginal land rights in the Northern Territory*, J.C. Altman and D.P. Pollack.
- 169/1998** *The indigenous Land Corporation: a new approach to land acquisition?* J.C. Altman and D.P. Pollack.
- 170/1998** *A critical survey of indigenous education outcomes, 1986–96*, M. Gray, B. Hunter and R.G. Schwab.
- 171/1998** *Indigenous participation in health sciences education: recent trends in the higher education sector*, R.G. Schwab and I. Anderson.
- 172/1998** *The relative economic status of indigenous people in Queensland, 1991 and 1996*, J. Taylor.
- 173/1998** *The relative economic status of indigenous people in New South Wales, 1991 and 1996*, J. Taylor.
- 174/1998** *The relative economic status of indigenous people in Victoria, 1991 and 1996*, J. Taylor.
- 175/1999** *The relative economic status of indigenous people in the Australian Capital Territory, 1991 and 1996*, J. Taylor.

- 176/1999** *Indigenous self-employment: miracle cure or risky business?* B.H. Hunter.
- 177/1999** *What's new? The parliamentary Inquiry into Indigenous Business,* W.S. Arthur.
- 178/1999** *The Grameen Bank micro-credit model: lessons for Australian indigenous economic policy,* S. McDonnell.
- 179/1999** *Trends in indigenous participation in health sciences education: the vocational education and training sector, 1994–97,* R.G. Schwab and I. Anderson.
- 180/1999** *Northern Territory land rights: purpose and effectiveness,* J.D. Finlayson.
- 181/1999** *Indigenous household demography and socioeconomic status: the policy implications of 1996 Census data,* A.E. Daly and D.E. Smith.
- 182/1999** *Shoe or stew? Balancing wants and needs in indigenous households: a study of appropriate income support payments and policies for families,* J.D. Finlayson and A.J. Auld.
- 183/1999** *Income fluctuations over the lifecycle: a cohort analysis of indigenous and non-indigenous Australians, 1986–96,* B.H. Hunter and M.C. Gray.
- 184/1999** *Torres Strait governance structures and the Centenary of Australian Federation: a missed opportunity?* W. Sanders.
- 185/1999** *The Ngurratjuta Aboriginal Corporation: a model for understanding Northern Territory royalty associations,* J.C. Altman and D.E. Smith.

WORKING PAPER SERIES

Available at no cost on the WWW at: <http://online.anu.edu.au/caepr/>

- 1/1999** *Three nations, not one: indigenous and other Australian poverty,* B. Hunter.

¹The full terms of reference were to 'inquire into and report on: 1. Whether the people of the Torres Strait would benefit from a greater degree of autonomy; 2. If so, what forms should a greater degree of autonomy take; and 3. 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 Torres Strait Regional Authority should represent the interests of such residents' (HRSCATSIA 1997:xii).

²*Community Services (Torres Strait) Regulations 1985*, s.8(a).

³*Community Services (Torres Strait) Act 1984-1990*, s.18.

⁴One 'inner' island, Hammond Island, is not covered by the Torres Shire and does have its own Island Council. It is also like an outer island in that it has an overwhelmingly Islander population.

⁵Stephen polled 552 votes, while the other two mayoral candidates polled 282 and 272 votes.

⁶Arthur (1990) notes that the ICC's 'client base and focus of attention' is on the outer islands and the Islander communities on the tip of Cape York. Beckett (1987) wrote a comprehensive account of the social, economic and political development of Torres Strait Islanders without any reference to the TSC. This suggests how separate the political domains were up to the late 1980s.

⁷There was some ambiguity in the HRSCATSIA report on this last point. At one point it stated that since the proposed Regional Assembly, as a 'structure of governance', was 'not specifically for Torres Strait Islanders and Aboriginals',... 'it would not be appropriate for the ATSIC Act to be amended to provide for the Regional Assembly to elect one of its members to sit on the ATSIC Board of Commissioners' (HRSCATSIA 1997: 65). Elsewhere, however, the report stated that 'a member of the regional assembly could be elected to represent the region on the ATSIC Board of Commissioners' and that this would be 'a matter for the Assembly to decide' (HRSCATSIA 1997: xxii).

⁸I am indebted to my colleague Bill Arthur who was present at this meeting and took notes of the interaction.

⁹The Queensland State election, which returned a minority Labor government supported by a single independent was held on June 13, 1998.

¹⁰The group had in fact been formed a year earlier at another public meeting which had attempted to respond to the HRSCATSIA report, but had been largely inactive since then.

¹¹My colleague Bill Arthur and I were present at the Task Force's three day public meeting and were asked to play a minor role in informing discussion.

¹²Legislation establishing the TSRA separate from ATSIC was foreshadowed by Prime Minister Howard in July, 1997 one month before the release of the HRSCATSIA report (see HRSCATSIA 1997: 28). A bill effecting this change had been drafted, though not entirely finalised, by early 1999.