

Chapter 6

The Inquiry: Torres Strait

The Commonwealth Aboriginal and Torres Strait Islander Commission (ATSIC) was created under the *Aboriginal and Torres Strait Islander Commission Act 1989* and as noted in Chapter 1, the base of the ATSIC structure was its 36 regional councils. One of these regional councils was created for all of Torres Strait, the Torres Strait Regional Council (TSRC). This created a Commonwealth regional body that sat alongside Queensland's ICC (see Chapter 4). ATSIC regional councils were also combined to form ATSIC zones with each zone providing a commissioner to represent it in Canberra. Notably, the Torres Strait was also made a zone as well as a region and so had its own commissioner, only the State of Tasmania was treated in the same way. Therefore the ATSIC structure further designated the Torres Strait as a particularly defined region.

In 1994, following a Commonwealth review of the ATSIC structure, the TSRC was upgraded to the status of a regional authority: the Torres Strait Regional Authority (TSRA) (Sanders 1995b). The TSRA was given powers similar to those of ATSIC itself, that is, of a Commission (Arthur 1999a: 69; Sanders 1994). It was the only such regional authority to be created in Australia and within ATSIC. However, though a regional body, the TSRA in fact represents only the interests of Indigenous people in Torres Strait.

As we noted in Chapter 4 Islanders have made claims for forms of greater autonomy for some time. In 1996, and following meetings with the chairman of the TSRA, the Australian Prime Minister committed his Liberal-National Country Party Coalition Government to giving greater autonomy to the region by the year 2000. As a result the Commonwealth Minister for Aboriginal and Torres Strait Islander Affairs directed a House of representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (HORSCATSIA) to inquire into the question of greater autonomy for Torres Strait Islanders. The Committee's terms of references instructed it to consider:

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 the Torres Strait Regional Authority should represent the interests of such residents (HORSCATSIA 1997: xii).

The Inquiry called for written submissions from the public and also held a series of hearings across the country. Evidence was taken from Indigenous individuals and organisations in Torres Strait; from all three levels of government (Commonwealth, Queensland and Torres Shire); from Islanders on the mainland; and from the body representing the Queensland commercial fishing industry.¹

In August 1997, the HORSCATSIA released its findings in a report entitled *Torres Strait Islanders: A New Deal* (HORSCATSIA 1997) (hereafter referred to as the Report). The Report suggested what form greater autonomy might take, the benefits that could accrue from greater autonomy, and the moves considered necessary to achieve this autonomy. The Report drew responses from government and from Indigenous people.

Using evidence taken by the Inquiry, this chapter of the thesis investigates what form of autonomy the various parties appeared to aspire to. The chapter looks at the evidence from Indigenous people, the non-Indigenous residents of Torres Strait, the Commonwealth and the Queensland Governments and the Torres Shire. I also note how Islanders' aspirations do or do not relate to the models already identified in Chapter 3. My analysis of the evidence follows the general structure of the thesis, which is to identify the political and the economic elements of autonomy and how people legitimise their case for these.

Political autonomy, Indigenous views

Autonomy as sovereign independence

As noted in Chapter 4, the TUP called for full independence for Torres Strait in the 1970s. As also noted in Chapters 4 and 5, the marine strike and border issue were factors in this move. However, such feelings were also stimulated by the decolonisation that was taking place elsewhere. Samoa, Tonga and Fiji had all been granted full

nationhood, causing one Saibai councilor to ponder whether all Pacific territories, including Torres Strait, would achieve the same status in due course (Beckett 1987: 102, 209). Islanders also observed decolonisation more locally when Papua New Guinea was granted independence in 1975. Beckett proposes that this political change came as a shock to Islanders who had considered that Papua New Guinea was less advanced or 'civilised' than Torres Strait, and this caused them to wonder if they were not beginning to 'lag behind' (Beckett 1987).

The next and most recent push for establishing the Strait as a sovereign nation was in the late 1980s. As noted in Chapter 4, a meeting on Thursday Island resolved to call for independence with the ICC stating that:

The Island Co-ordinating Council reconfirms its long standing resolution to claim sovereignty over the land, sea and air in the Torres Strait (O'Rourke 1988).

The ICC then laid out its requirements for this. These included it taking over the functions, staff and funding of the Commonwealth's DAA and ADC and for all of the resulting funds to be through direct grants to the ICC from Treasury without involving other departments. They also demanded the removal of the then DAA manager from the agency and from the Strait (O'Rourke 1988). This latter aspect can be compared with Islanders' successful move to oust the Queensland Protector (O'Leary) in the 1930s. Following Beckett (1987) I contend that this is a reflection of the fact that Islanders felt their regional administrators particularly overbearing because they treated the region as a fiefdom, as noted in Chapter 4. In turn I would argue that this administrative approach derives in part from an aspect of the region's 'blue-water' separation (see Chapter 5). That is to say, a region that is physically separated from its mainland is more likely to be treated as a fiefdom by its administrators than is one that is connected to a mainland. Some of the ICC's demands had been met by the time of the Inquiry, firstly with the advent of the TSRA and then with the provision of direct grants from Treasury (see below). However, this and the demands for the transfer of power from the DAA and ADC to the ICC are matters more associated with an Indigenous-specific political regional autonomy, than with sovereignty.

¹Some details of the Inquiry's submissions, hearings and the subsequent meetings that go to form the basis of this chapter are in Appendix D.

The ICC also said in 1988 that in taking over the DAA and ADC it should be funded to a level that would allow it to 'effectively control the affairs of the Torres Straits'. The ICC also demanded the right to raise its own revenue 'as would a State or Territory'. It included in this: imposing a tonnage levy on all shipping and a royalty on any minerals found, issuing all fishing licenses and company leases, charging for airline rights, and collecting fees from radio and television licenses. These issues can be related more to a form of regional economic autonomy that is not Indigenous-specific.

The ICC also wanted all existing crown land and leases on these to be vested in the ICC for the benefit of Torres Strait Islanders, and for all of the islands currently administered by the Torres Shire to be recognised by all governments as an integral part of the Torres Strait. Including all islands as part of Torres Strait seemed to be aimed at breaking down the Inner/Outer-Island distinction which, as I have already noted, equates with non-Islander/Islander domains. Taken together, these demands suggest a form of regionalism and of Islander sovereignty.

However other claims that were part of the same 1988 process suggest either other agendas or some ambiguity about the meaning of sovereignty. For instance, the ICC demanded that under sovereignty, all of the social welfare transfers and the provision of services would continue to be provided by Australia. In addition they wanted an inter-island shipping service that provided a service equivalent to that offered on the mainland, and for all islands to have electricity, sanitation, sealed airstrips and roads and proper jetties or wharves (O'Rourke 1988). These demands would suggest a continuing connection with Australia.

In fact, submissions to the Inquiry and subsequent hearings stressed that these earlier calls for independence should not be taken at face value but should rather be seen as an expression of Islanders' frustration with the level of services provided to the Strait and, as a strategy to gain the attention of the Commonwealth Government to have these services improved. For instance at the Inquiry hearing on Saibai Island the chairman pointed out that

a few years ago there had been talk in the islands about seceding from Australia and creating a separate nation in the Torres Strait ... this was just a way to get the government in Canberra to take notice of Islanders and their point of view (Hansard 1996, Saibai Island).

Similarly, at the Inquiry hearing on Murray Island the Inquiry was reminded that although there had been calls for Torres Strait independence this should not be taken

as an indication that Torres Strait intended to break away; it was more an outpouring of people's frustrations – frustrations about housing, roads, sanitation and health (Hansard 1996, Murray Island).

This mirrors Kehoe-Forutan's analysis, noted in Chapter 4, which suggested that the calls for independence in the late 1980s should be viewed as a reflection of Islanders' dissatisfaction with government policy and administration (Kehoe-Forutan 1988: 19). In any event, the Inquiry was able to note that 'nobody giving evidence to the Committee sought the establishment of a separate nation state for the Torres Strait region' (HORSCATSIA 1997: 38).

The fact that Islanders did not push for independence when given the opportunity may result from their experience of the PNG case. For example, the free movement arrangements of the Treaty discussed in Chapter 5 have allowed Islanders to observe first hand the lack of economic progress in Papua New Guinea since independence. Thus, they can consider that their standard of living might drop if they followed a similar path (Arthur 1992b; 1997b; 1998c; 1999a). A prominent and senior female Islander spokesperson indicated to the Ninth National Workshop on Thursday Island in 1999 that she had been willing to forgo her welfare entitlements in 1988 if it had meant becoming politically independent (notes from the Ninth National Workshop, October 1999). It is less clear that this would be the general approach now. This senior woman had been brought up in a different era before the welfare system became as widespread (see Chapter 4). Indeed by 1989 some younger people were expressing concern that any push for independence might endanger their welfare benefits (Arthur 1990).

In addition, as noted above, Islanders have tended to use calls for independence to complain – often with justification – of the level of services in the Strait. In doing this they have made explicit or implicit comparisons between the standard of their services and those on the Australian mainland. At the 1997 National Workshop one representative stated that what was needed was 'funding for infrastructure not just autonomy, but to get to mainland standards' (Notes from the Seventh National Workshop, September 1997) This form of comparison is easier to make if the Strait is part of Australia than it would be if it were independent. As shown in Chapter 3,

following complaints from Christmas Islanders about the level of their services, the Commonwealth Grants Commission was instructed to determine if these services were comparable with those in a similar location on the mainland (Commonwealth Grants Commission 1995). It was no doubt easier for Christmas Islanders to argue for such a comparison as an external territory of Australia than it would have been if they had been citizens of an independent nation.

Autonomy as self-government

Islanders have also in the past, made the more modest demand of self-government. One of the earliest bids that can be said to equate to this was in 1944 when a Murray Island councilor presented a Minister of the Queensland Government with a petition asking for the Strait to have some degree of self-control under the Commonwealth (Beckett 1987: 61-62). Similar aspirations were expressed in the 1970s when negotiations about Papua New Guinean independence were taking place. At that time it was felt that Islanders wanted an autonomous Torres Strait Territory within the Commonwealth (Rowse 1998: 7). Such a Territory, administered by a Council composed of the island chairmen, was seen as a possibility at that time (Rowse 1998: 6). The self-government theme continued and in 1996 the TSRA stated that:

... without a form of regional self-government, a settlement of our aspirations will not be conclusive ... The TSRA will continue to examine models for a form of self-government in the Torres Strait ... (TSRA 1996: 2 in Arthur 1997b).

A form or model of regional self-government that has been advocated most often by Islander leaders is one similar to that in Australia's external territories - particularly those of Norfolk, Christmas and Cocos (Keeling) Islands (Lui 1994: 70 in Sanders 2000). And this was reiterated to the Inquiry (HORSCATSIA Sub 40, TSIAB). However, as we have seen in Chapter 3, the form of political autonomy provided in these models does not include any particular concessions to Indigenous culture or cultural appropriateness. Nor need they, as the Indigenous/non-Indigenous political divide is not an issue in Australia's external territories (Chapter 3).

Early submissions and hearings to the Inquiry made little reference to the desire for autonomy as a self-governing territory. The possibility of territorial status for the Strait was raised in one mainland submission and at one mainland hearing (HORSCATSIA Sub 10, Akee; Hansard 1997, Saam Kerem). It was also raised by only Murray Island in

Torres Strait (HORSCATSIA Sub 9, Murray Island; Hansard 1996, Murray Island).² It was not until a public hearing held on Thursday Island close to the end of the Inquiry process, that the notion of territorial status for Torres Strait was proposed in any forceful way. However, once raised, it was quickly taken up by several of those at the hearing. The chair of the TSRA first introduced the issue stating that it was the TSRA's continuing intention to look at the possibility of establishing a territory (of Australia) (Hansard 1997, Thursday Island). The concept was then adopted by the mayor of Torres Shire – a Torres Strait Islander – who moved a motion that this aspiration be specifically addressed by the Inquiry (Hansard 1997, Thursday Island). The chair of the ICC was not initially supportive of the territorial approach, or for adopting any prescribed model from the Pacific, arguing that any structure for the Strait should be unique to its circumstances. However, later in the hearing he also endorsed the proposal (Hansard 1997, Thursday Island). At the same hearing others also supported the idea but took the opportunity to reaffirm that this should not be taken as indicating that they wished to separate from Australia *or* from Queensland (Hansard 1997, Thursday Island).

In general then, none of the Islander evidence to the Inquiry advocated sovereign independence and only some proposed self-government as a form of autonomy. This may have been due to some insecurity or concern on the part of Islanders as to the reception that such a claim might get from government. For example, during a hearing on Thursday Island, the former chair of the TSRA stated that, although in the past he had proposed the concept of self-government, others had advised him to drop this approach in case it antagonised the Commonwealth (Hansard 1997, Thursday Island). A similar concern was voiced by the Islander mayor of Torres Shire; when forming Islander responses to the Inquiry's final report he was keen to ensure that they did not put any suggestions to the government that might be construed as 'outrageous or silly' (notes from a meeting on autonomy, Thursday Island, 6 August 1999). Islander leaders have also advocated a staged or cautious approach to self-government and this may have influenced their overall approach to the Inquiry. In this way, Islanders may have been overly conservative in their approach to the Inquiry. The mayor has also suggested to me that Islanders had not heard of the word 'autonomy' before the Inquiry, and that

² As in other places, I note here that it was the people of the eastern islands that made this point most strongly.

they had been more used to words like independence, sovereignty and self-government and that the new word 'autonomy' tended to confuse many of them.

Competing units in political regional autonomy

Island versus region

Several Islander submissions to the Inquiry suggested that autonomy might apply to units other than the whole region. For example, in their submission, Darnley (Erub) Island (an eastern island) proposed self-government for itself within the greater Australian community (HORSCATSIA Sub 5, Erub Island). At its hearing it also argued for the autonomy of each island stating that prior to colonisation each island had been a 'sovereign entity' - a status which it claimed had never been relinquished (Hansard 1996, Erub Island). It argued against the universal notion of 'region' saying that in former days the world was the island and the language group, and that Torres Strait as a region really had no meaning as a single entity (Hansard 1996, Erub Island). This reflects a position taken by the chairman of Erub Island in 1986 when he claimed that, though Islanders from elsewhere might reside on Thursday Island, they should not be represented by any political body there, but by one centred on their home island (Kehoe-Forutan 1988: 13). However, this was somewhat contradictory to the approach taken when the Erub chair told the Inquiry that Islanders had begun to act regionally back in 1937 when, following the 1936 maritime strike, the island councilors gathered on Yorke Island to discuss the outcomes of the strike (see Chapter 4) (Hansard 1996, Erub Island). Others proposed to the Inquiry that they began to act regionally in 1943 when a regional conference some 37 island councilors voted collectively to try to get rid of the then Queensland departmental superintendent (HORSCATSIA Sub 3, Au Karem Le).

The feeling for island autonomy and the fear of losing this to a regional body has been noted in the past. A member of the Inquiry informed his parliamentary colleagues that as a former Queensland Minister for Indigenous affairs, he had been responsible for establishing the ICC. He noted that at that time the Island Councils stressed that they did not want the ICC to take any of the control that they already enjoyed at the island level (Hansard 1997, Katter). This confirms the point made in Chapter 4 that these councils stated in 1990 that they felt that the ICC was empowered to make certain decisions at the regional level but not to be involved in the day-to-day control of their

Fig. 6-1. An example of an island banner, c. 1990s.

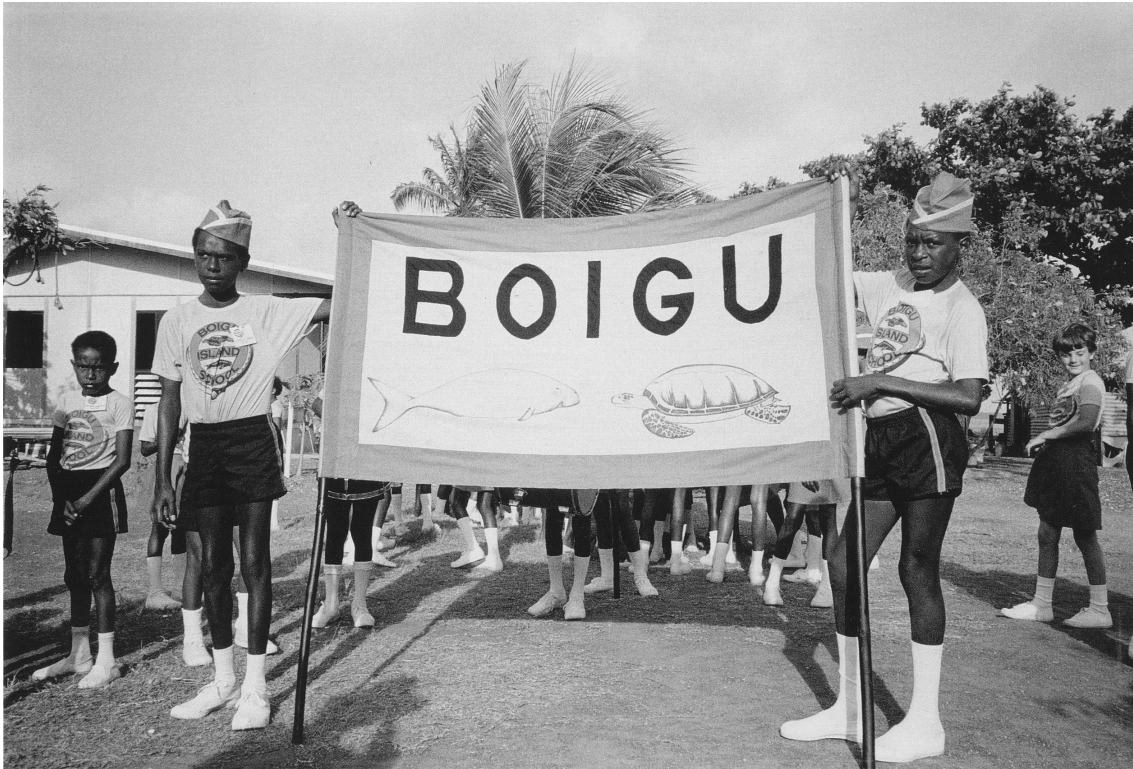


Fig. 6-2. A window decoration on Thursday Island embracing unity and diversity, 2002.



respective islands (Arthur 1990). This apparent tension between the autonomy of islands and regional structures can be seen in evidence to the Inquiry from Erub Island:

...the TSRA and ICC are pan organisations but their representativeness is limited to that given to them by the regions and autonomous communities (HORSCATSIA Sub 5, Erub Island).

Advocates and operators of a more regional approach, such as the TSRA, took some trouble in their submissions to assure their constituents that regionalism need not and would not jeopardise island autonomy. The TSRA argued that any proposed model of regional autonomy should be viewed as a 'confederation of Island Councils' in which Councils would make their own decisions at the community level while it (the TSRA or some equivalent body) would represent the whole region. The suggestion by the TSRA was that this approach was sanctioned culturally by *Ailan Kastom* (HORSCATSIA Sub 17, TSRA).

On the other hand, there is evidence of Islanders comfortably accommodating dual island and regional identities. It is common for Islanders to wear a variety of T-shirts carrying logos and messages extolling the virtues of their island's school, football team or some special event (Fig. 6.1) and signs at island airstrips may carry a motif or island logo. Island allegiance is also demonstrated in such annual events as the 'Island of Origin' football match (a mirror of the 'State of Origin' rugby matches held on the Australian mainland). It is also common for people to refer to themselves variously as 'Saibai Island Man' or 'Badu Island Man.' However, these allegiances also sit alongside more regional or universal ones. People commonly wear clothing which includes the colours and motif of the Torres Strait Islander flag and these colours can also be included in work uniforms. The notion of unity and diversity between the region and the islands is summed up to an extent by Fig. 6.2 which is a decoration for the window of an organisation on Thursday Island.

However, island level autonomy may be driven by more than feelings of identity. Those at the island level appear suspicious of those in control of resources at the regional level. Island submissions to the Inquiry questioned the equity of the distribution of government funding by the ICC and TSRA to each island, with some submissions suggesting that a feature of autonomy should be the channeling of funds from the government directly to each island (HORSCATSIA Sub 5, Erub Island; Sub 8,

Kaurareg/Horn Island; Sub 9, Murray Island; Sub 10, Akee; Sub 22, Saam Kerem; Hansard 1996, Seisia Island Council, Moa Island, Erub Island, Murray Island). This is something of a recurring theme in Islander affairs, and it can be characterised as their suspicion of the ‘middle-man’ as discussed in Chapter 4. In this case the middle-man would be the regional body, standing between the island and the government.

Sub-region versus region

Several submissions suggested that autonomy be based around sub-regions of the Strait. It was proposed for example that any future regional body should be made up of elected representatives drawn from five sub-regions within the Strait, as shown in Table 6.1 (HORSCATSIA Sub 5, Erub Island; HORSCATSIA Sub 16, Murray Island; HORSCATSIA Sub 10, Akee). The submissions which took this sub-regional approach were from the Eastern Islanders in the Strait, from an Eastern Island mainlander, and from a mainlander who had retired to his Eastern Island homeland. Erub Island legitimised this stance by stating that the five sub-regions:

represent political and geographic regions, based on culture and tradition representing federations of internally autonomous communities (HORSCATSIA Sub 5, Erub Island).

Table 6.1 Example of proposed sub-regions

Proposed sub-regions	Islands, communities
1. Maiem	Mer, Waier, Dower, Erub, Ugar
2. Maluilgal	Badu, Moa, Mabuig
3. Kulkalag	Yorke, Poruma, Warraber, Lam
4. Gudhamuilgal	Saibai, Dauan, Boigu
5. Kaurareg	Waiben, Keriri, Ngurapai, Muralug, Gialug
Undesignated (1)	Seisia, Bamaga

Source: (HORSCATSIA Sub 5, Erub Island).

Notes 1. The submission failed to include these two island communities in the scheme.

This five-part sub-regional structure is reflected elsewhere in Islander cultural and political life. It is apparent in the rationale for the design of the Torres Strait Islander flag (See Fig 5.1) and in Chapter 4 I noted that the ICC divides the Strait into similar regions for administrative purposes. There are other historical precedents for a sub-regional approach. As shown in Fig 4.1 the Torres Light Infantry in WWII was composed of companies drawn from four sub-regions across the Strait (Sharp 1993:

219) and the Islander Advisory Council, the first recognised regional body, was made up of representatives taken from three sub-regions (see Chapter 4) (Beckett 1987: 191).

As noted in Chapter 4, Beckett makes the point that being further from the lucrative lobster grounds than the other island groups, Eastern Islanders adopted political activity and migration to advance their individual autonomy and political ‘freedom’ during the 1950s and 1960s (Chapter 4). The submissions to the Inquiry suggest that Mainlanders from the Eastern Islands feel they have fulfilled this political role more than Homelanders have. For instance, one submission argued that it was the Mainlanders who had been instrumental in halting both the proposed changes to the border in the 1970s, and in having the concept of Native Title recognised (HORSCATSIA Sub 10, Akee). Eastern Islanders are to some degree justified on both of these counts as they were active in the border issue (Chapter 4) and Eddie Mabo, the successful initiator of Native Title, was a Mainlander of Eastern Island descent (Beckett 1994). These same submissions suggest a dissatisfaction with the form of regionalism practiced by the TSRA and the ICC. They claim for example, that the ICC did not support Mabo in his quest for native title and that the TSRA has not helped Mainlanders with land or funding matters because they are prejudiced against them (HORSCATSIA Sub 5, Erub Island; Sub 10, Akee). These same submissions complain that the TSRA is too bureaucratic and too close to the Commonwealth Government, noting that:

the TSRA ignores our real aspirations in favour of program management; the TSRA is an inward looking bureaucracy; the TSRA is too much like a clique; the TSRA cannot distribute funds as this will annoy *its members* (HORSCATSIA Sub 5 and Sub 26, Erub Island; Hansard 1996, Erub Island) (emphasis added).

It is true that the ICC and TSRA are made up of the chairs of the island councils, and have no representation from the mainland, however they have no real responsibility for distributing funds to mainlanders (see Chapter 7). As noted in Chapters 2 and 4, the ICC and the TSRA are not fully non-government organisations, as they are established under Queensland and Commonwealth legislation respectively and the sub-regional view of autonomy may be a reaction by the more politically active Eastern and mainland groups against the government-backed regional organisations of the TSRA and ICC. Alternatively, the sub-regional approach may reflect what appears to be a typically Melanesian or island-based suspicion of centralism (see Larmour and Qalo 1985). The generally uncertain or multi-layered nature of the unit of political autonomy

in the Strait, is illustrated in the submission from Murray Island Council in which they proposed that autonomy should cover all of the Strait, if this is not possible then it should be for the Eastern Islands and if not the Eastern Islands then just for Mer itself (HORSCATSIA Sub 9, Murray Island).

The above examples indicate that the notion of region and of regional unity for political purposes had not, at the time of the Inquiry, been fully resolved in Torres Strait. I have argued in Chapter 5 that there are factors that help form Torres Strait into a region. However, the Strait also suffers from the potential of fragmentation found in other archipelagoes such as Indonesia and the Solomon Islands, resulting in a tension between regional unity and separation. The tension between regionalism and localism has been noted elsewhere with respect to the island nations of the Pacific and to mainland communities in other parts of Indigenous Australia (Larmour and Qalo 1985; Martin 1997).

Culture in regional autonomy

Hannum and Lillich (1988) propose that one form of autonomy can be 'cultural autonomy' and they give as an example the Aland Islands where the Indigenous people have the power to control the use of their Indigenous language. As discussed in Chapter 3, some Pacific governments include culturally defined bodies within their structures and I have classified this as a form of cultural bicameralism (Chapter 1). By this I do not mean the form of bicameralism that exists in the Australian parliament between lower and upper houses. In that form of bicameralism the delegates have the same democratic status and do not have any privileged expertise. The notion of cultural bicameralism rather proposes that representatives are elected or chosen on the basis of their special status or expertise in cultural matters so as to give some input to government based on that status or expertise. I would argue that this is a form of cultural autonomy.

The Queensland legislation applying to Islanders at the community level already includes some concessions to Islander culture. The *Torres Strait Islanders Act 1939* that delegated to Island Councils the functions of local government indicated that it could be formed in accordance with island customs and practices (Sharp 1993: 214). Also, the Queensland *Community Services (Torres Strait) Act 1984* allows island councils to

make by-laws, control community police and hold community courts. In 1999 following lobbying from its council, the Queensland Government allowed Saibai Island to adopt a system for its council elections that reflected that island's tradition. In this new system the representatives eligible for election to council must be drawn from its major clans with each clan ensured of representation on the council. In addition, the system dictates that the role of chair of the island council must be rotated between the clans. This is similar to strategies discussed in Chapter 3 that are used to meet cultural imperatives in systems of government in the Pacific. However the system is not problem-free. The skills base in Torres Strait is not high and it is common for chairs of island councils to be re-elected over a number of years, thus retaining some skilled people in the post. In 2004 the outgoing, and long-standing, chair of Saibai (who could no longer be chair under the new rotating principle) lobbied the Queensland Government to be retained in some way as an advisor to the chair. Therefore, it is not yet clear if this culturally-based system will survive. No other island in Torres Strait has followed the Saibai example.

Saibai is an Outer Island in the Islander domain. Incorporating a cultural element in a regional government system – across the Inner and Outer Island domains – is more complicated. In 1996, the TSRA proposed that any form of regional self-government would have to be culturally appropriate, by conforming to the requirements of *Ailan Kastom*, the body of customs which gives Islanders their inspiration and strength' and it reiterated this condition to the Inquiry (TSRA 1996: 2; HORSCATSIA Sub 17, TSRA). What the expression 'culturally appropriate' actually means and what the requirements of *Ailan Kastom* might be, have never been clearly stated. However, other submissions to the Inquiry suggested that self-government could be made culturally appropriate by including a culturally defined body that would operate in conjunction with any democratically elected assembly. For instance, the Kaurareg Land Council and the Darnley Island Council proposed that there be a 'council of elders' to consider an elected body's decisions on land, culture and language (HORSCATSIA Sub 8, Kaurareg/Horn Island; Hansard 1996, Kaurareg; HORSCATSIA Sub 26, Erub Island). The TSIAB also suggested that such a council might operate as a house of review rather like the House of Arikis in the Cook Islands, and as discussed in Chapter 3 (Hansard 1997, TSIAB).

At a regional level the elected chairs of the island councils automatically become members of the ICC and TSRA. According to the TSRA, this follows the dictates of *Ailan Kastom* by allowing one person to speak for one community (HORSCATSIA Sub 17, TSRA). However, this form of representation is now criticised by some who favour separate elections for island and for regional representatives (Sanders 2004). In any event, the cultural features noted above have been limited mostly to the Outer Islands (the Islander domain) and have not applied to mainstream local government on the Inner Islands (the non-Islander domain). Adding a council of elders to oversee, even in an advisory capacity, the work of an elected fully regional body would introduce a form of cultural bicameralism over the whole region (the Islander and non-Islander domains). This raises the issue of the possibility or preparedness of people to incorporate Indigenous and non-Indigenous values in one regional system. Some consideration has already been given to this. For example, it has been suggested that a member of the Torres Shire be included in the TSRA. However, in its submission to the Inquiry the TSRA said that it would only support such a move if this representative was the present Mayor (an Islander) or another member of the Shire as long as they were also Torres Strait Islander (HORSCATSIA Sub 17, TSRA).

The above suggests some ambivalence for a regional system of government that would include all residents. Incorporating a cultural element into a regional body could be a way to allow it to represent all residents. This could be through a regional body elected by all residents attached to a parallel institution that deals with cultural affairs. In fact, as shown below, such a device was proposed in the Inquiry's final Report. However, the TSRA's statement that it would only favour representation from the Shire (the non-Islander domain) if the representative was an Islander suggests that it is some way from embracing the idea of Islanders and non-Islanders on one representative regional body. The proposals to the Inquiry from Islanders for forms of autonomy to be culturally appropriate tend to refer to a form of political autonomy for Islanders, and not for everyone in the region. I will return to this point again. Suffice to say here that this is an issue not encountered in the Pacific. There the forms of bicameralism are to give cultural effect to (Indigenous) government, not as a means of including Indigenous and non-Indigenous people in one system of government (see Chapter 3).

Accommodating other Indigenous groups

As I have noted in previous chapters, Islanders are not the only Indigenous groups in or near Torres Strait and the following section discusses these with respect to regional autonomy.

The Kaurareg

As noted in Chapters 2 and 4, the Inner Islands are the traditional home of the Kaurareg. The aspiration of the Kaurareg is to achieve greater autonomy at the community level and also to become part of any system of regional governance that comes into being. Despite the fact that they are the traditional owners of the Inner Islands the Kaurareg have been largely marginalised and excluded from the regional picture in the past, leading them to claim that they lost their original autonomy to a greater extent than did their 'Islander brothers' (HORSCATSIA Sub 8, Kaurareg/Horn Island; Hansard 1996, Kaurareg; Sanders and Arthur 1997: 7). Several factors have contributed to this marginalisation. One is the size of the Kaurareg population: in 1997 they themselves estimated there were only 50 adult Kaurareg on Horne Island and some 450 on the mainland (HORSCATSIA Sub 8, Kaurareg/Horn Island). Another factor is that, unlike most of those who identify as Torres Strait Islanders, the Kaurareg were dislocated from their home on the Inner Islands. They were removed from their traditional lands in the Muralug group (Inner Islands) first to Hammond Island, then to Moa Island (Sharp 1993: 138).

When I was a little girl we moved from POW (Prince of Wales Island) to Hammond Island ... When I was 13 years old (in 1922), some dinghies arrived to take us to Moa Island. There were 5 old men and policemen with guns telling us to jump up in the dinghies ... On the way to Moa Island we all looked back and started crying because we had left our home. I turned to my mother and said I shall remember this and when I get married I shall return home ... (Mrs E Newie, Muralug Tribal Corporation meeting Horn Island 1990: 7).

After changes to the Queensland legislation in 1965 the Kaurareg were able to return from Moa to Horne Island where they established the Ngurapai Community (HORSCATSIA Sub 8, Kaurareg/Horn Island; Sharp 1993: 138, 140; Beckett 1987; Arthur 1990). However, the Ngurapai Community on Horne Island is not on Deed of Grant in Trust Land (DOGIT) land and therefore they could not be given the same local government status as the Outer Island Councils under the *Community Services (Torres*

Strait) Act 1984. This led the Kaurareg to complain to the Inquiry that although they 'owned' the biggest island in the Strait (Prince of Wales) they have no Island Council (HORSCATSIA Sub 8, Kaurareg/Horn Island).³ One result of this is that the Kaurareg were never included in the membership of the ICC because this is made up of the chairpersons of the community councils. The knock-on effect of this is that Kaurareg were also excluded from any regional consultations between the ICC, the Queensland and the Commonwealth Governments and also from participation on the Torres Strait Protected Zone Joint Authority (PZJA) - the body which jointly manages the regions fisheries and the Treaty (Arthur 1999a).⁴

Islander organisations have tended to not view the Kaurareg as part of the Islander domain. In the 1990s the Kaurareg approached the ICC for assistance in obtaining land on Horne Island but were told that Horne and the other Inner Islands were outside the ICC's geographic area of responsibility and the ICC advised them that they should seek help from the Aboriginal Coordination Council (ACC), the mainland equivalent of the ICC (Arthur 1990). At the time of the Inquiry, the chair of the TSRA was still suggesting that Kaurareg should discuss their land matters with Torres Shire rather than the TSRA (Hansard 1997, Thursday Island). Traditionally, the Kaurareg islands appear to have been on the 'border' of the Aboriginal mainland and the outer Torres Strait (Sharp 1992; Moore 1972; Haddon 1935a) and so Kaurareg could possibly have identified either as Aboriginal people or as Islanders. Indeed, a prominent Kaurareg leader announced to the Inquiry that although his ancestry was Aboriginal, Torres Strait Islander, Papua New Guinean, and ni-Vanuatu, he had 'chosen' to identify as Kaurareg (Hansard 1997, Thursday Island). On the other hand, and by their own admission, the Kaurareg had also in the past identified as Aboriginal (HORSCATSIA Sub 8, Kaurareg/Horn Island) and this may have influenced the ICC's earlier approach to them. The possibility of the mixed heritage of the Kaurareg has some history. Early visitors named the people on Prince of Wales as the 'Kowraregas', and in the late 19th century Haddon hesitated to call them either entirely 'Papuan' or entirely 'Australians' 'so complete is the fusion between the two' (Haddon 1935a). Haddon noted that the people

³As explained in Chapter 2, under the Queensland legislation, only communities on land designated as Deed of Grant in Trust can be made community local governments.

⁴As noted in Chapter 4, Indigenous representation on the PZJA is also drawn primarily from the membership of the ICC (see PZJA 1995: 46-47).

of Prince of Wales Island, ranked themselves (socially) with Islanders with whom they had 'friendly relations' (Haddon 1935b).

Following the ICC's advice to them in the 1990s, the Kaurareg became affiliates of the AAC and as a result their land and Native Title matters have been handled not by the ICC or TSRA but by the Cape York Land Council (CYLC) (HORSCATSIA Sub 8, Kaurareg/Horn Island). Both the ACC and the CYLC are located in Cairns. This has resulted in the somewhat extraordinary situation of traditional owners of the Inner Islands having their land and other matters dealt with, not by organisations on Thursday Island in sight of them, but by ones some 800 kilometers to the south. This orientation has tended to reinforce the exclusion of the Kaurareg from the Islander domain. We should also remember that historically, the colonial regime of the Queensland Government limited this Islander domain very much to the Outer Islands whereas the Kaurareg are Inner Islanders (Chapter 4). However, there are now signs that the Kaurareg are being incorporated into a new regionalism (Arthur 1999a). In 1991, Commonwealth legislation provided for Horne Island to elect a representative to the TSRA and a Kaurareg leader was successful.⁵ Then, in the mid 1990s when the Kaurareg made Native Title applications over some of the Inner Islands, the TSRA invited the Kaurareg to be members of a proposed regional Native Title Committee (Arthur 1999a).

The Kaurareg's approach to autonomy and the Inquiry was to argue for their full incorporation into regional affairs. Their aspirations were to achieve the same status as other Island Councils and to be part of any structure of regional governance (Hansard 1997, Thursday Island). Their push for regional incorporation gained support from Torres Strait Islanders. The Kaurareg were acknowledged publicly as the traditional owners of the Inner Islands or Muralug group in submissions to the Inquiry, and at meetings held on Thursday Island during and after the Inquiry, there were invariably public affirmations by non-Kaurareg to this effect (HORSCATSIA Sub 9, Murray Island; Hansard 1997, Thursday Island). Islander submissions conceded that regional bodies such as the TSRA had largely ignored the Kaurareg in the past but that they should now be included in any regional governance structures (HORSCATSIA Sub 10,

⁵ However, this is de facto representation as it is to provide representation from Horne Island, not from the Kaurareg.

Akee; Sub 5, Erub Island; Sub 16, Murray Island). A statement by a prominent Islander leader made at the Ninth National Workshop captures the change in approach to the Kaurareg and the acceptance of the *realpolitik* of the situation with respect to the position of the Kaurareg:

We must acknowledge that they were chased away but that they are now back. All the infrastructure is on their land, we must acknowledge them (notes from the Ninth National Workshop, October 1999).

And, at a governance conference in April 2002 the Chair of the TSRA stated specifically that regarding autonomy the TSRA wanted a memorandum of understanding with non-Indigenous residents that would also incorporate the Kaurareg.

Prior to the Inquiry and Native Title, the Kaurareg's traditional affiliations with the Inner Islands coupled with their small numbers and their history of dislocation, tended to exclude them from forms of Indigenous regionalism, which were very much oriented on the Outer Islands. The Kaurareg Native Title applications over the Inner Islands and the process of the Inquiry, which extended regional considerations over both the Inner and the Outer Islands, seem to have acted to raise the status of the Kaurareg in the regional political scene, to reincorporate them and legitimise their aspirations to be players in regional autonomy. As a post-script however, we should note that the Kaurareg do not feel that this has yet happened. In 2004 a cultural centre and museum was completed on Thursday Island named *Gab Titui*. This is a demonstration of Islander identity in the Kaurareg heartland, built with TSRA (Commonwealth) funds. At the opening ceremony a group of Kaurareg held a mini-demonstration and made a speech complaining that the name (*Gab Titui*) was Islander not Kaurareg and reminding Islanders that the museum was on Kaurareg land. In an article in the Torres News (21-17 April 2004) covering this aspect of the opening and headlined 'We want respect: Kaurareg', the group demanded greater recognition in accord with their status as the traditional owners of the Inner Islands. Therefore, although the Inquiry and Native Title appear to have raised the profile of the Kaurareg in the region, their position within any form of regional autonomy is still unclear.

Aboriginal people on the 'Cape'

The Inquiry took evidence from the three Aboriginal communities on Cape York that are contiguous with the Torres Strait region, namely Injinoo, Umagico and New

Mapoon. All three communities stressed that although up to fifty per cent of their populations might identify as Torres Strait Islanders, and that there is a high degree of intermarriage between them and Aboriginal people, the communities were 'Aboriginal' and as such they were represented by the ACC and the then ATSIC, and not by the TSRA (Hansard 1996, Injinoo; Arthur 1997b). They further stated that, in the event that Islanders gained some greater level of autonomy, they would wish to continue to be represented by the ACC and by ATSIC. They felt that as they identified 'Aboriginals' these bodies were in a better position to respond to their needs (Hansard 1996, Injinoo). When asked by the committee if there was any possibility that the two groups could share a future, the deputy chair of one of the Aboriginal communities replied:

Not if I can help it. The Torres Strait Islands have different needs and look on the people of the Cape as mainlanders. If they had autonomy, they would see to their needs first. A community such as Injinoo would be outvoted (Hansard 1996, Injinoo).

Therefore, these contiguous Aboriginal communities appeared to feel that they would actually lose some autonomy if they were included with Islanders in one autonomy package. The Aboriginal community of Injinoo suggested that they had already lost some economic autonomy to Islanders. They informed the Inquiry that they were in dispute with the TSRA over its boundaries, which they felt were too close to the community's shores. They claimed that Islander fishing boats worked close to the Injinoo shoreline and that in the current circumstances, they had no authority to evict them. Injinoo wanted to be able to exercise more rights over what it saw as its waters so that they could expand their fishing industry and stimulate their own economic development (Hansard 1996, Injinoo).

The extent of the political and cultural separation between the two groups is also reflected in their approach to the use of some services. A member of Injinoo community stated to the Inquiry that:

Aboriginals and the Torres Strait Islanders are two totally different cultures ... the nearest hospital was at Bamaga, but Aboriginal people preferred to go to Cairns, where they were among their own people (Hansard 1996, Injinoo).

Bamaga (an Islander community) is seven kilometers to the east of Injinoo, whereas as noted earlier, Cairns is some 800 kilometers to the south.

The three Aboriginal communities contiguous with Torres Strait clearly place themselves in an Aboriginal, rather than an Islander domain. These Aboriginal communities tend to express a desire to be separate from Islanders in much the same way as mainland Islanders express the wish to be separate from Aboriginal people, as I will discuss in Chapter 7. Aboriginal people, at least those near the Strait, view Islander autonomy as a threat to their own autonomy reflecting a tension that has existed for some time between the two groups (Arthur 1990; 1997b). Clearly they would not see themselves as part of any greater Islander political autonomy. This could be a significant issue in future considerations of regional autonomy, principally because, as explained in Chapter 2, the two Islander communities of Seisia and Bamaga are contiguous with the three Aboriginal communities on the Cape. Seisia and Bamaga are presently part of the ICC and TSRA and so the administrative region of Torres Strait from an Islander standpoint, includes two Islander communities situated on land excised from the Cape. It is unclear how this apparent anomaly might be accommodated if there was some greater form of regional autonomy. However, it does seem the case that extending the Torres Strait so that it also encompassed the three Aboriginal communities would not be an option.

The PNG element

As noted in Chapter 5 the open border creates a special relationship between the Strait and PNG, and it is appropriate to note this when considering autonomy for Torres Strait or Torres Strait Islanders. Though PNG might have felt that the location of the border was a compromise it may now find some satisfaction with the present arrangements (Arthur 1999a; Rowse 1998: 25). In 1998, the PNG Assistant High Commissioner pointed out that when Queensland annexed the islands in 1879 it did so under a 'divine authority' which PNG was then in no position to refute or obstruct (notes from 'Policing the Open Border', seminar, Australian Defence Studies Centre, Canberra, February 1998). However, as noted in Chapter 5 he also added that the Articles of the Treaty, which allow for the sharing of the marine resources and the free movement of nationals, has since established a balance of competing interests.

As noted in Chapter 5 Islanders have concerns over the present arrangements of the open border with PNG and some of these were expressed to the Inquiry. Islanders

repeated their fear that contact with people from Western Province increased the chance of introducing diseases and pests which are prevalent there but are absent in the Strait, such as Japanese Encephalitis, spiraling whitefly, the Asian honey bee and the papaya fruit fly (HORSCATSIA Sub 17, TSRA). They also noted that traditional visits increased the potential for illegal fishing and for the trade in drugs and guns. They characterised the Strait as the 'front line' and 'back door' to Australia, and as a 'buffer zone' between the two countries (HORSCATSIA Sub 17, TSRA; Hansard 1996, Saibai Island). [Islanders were not alone in claiming this status for the Strait. Torres Shire also informed the Inquiry that not only was it the northernmost such local government in Australia, it was the only one which abuts an international border (Hansard 1996, Torres Shire Council).] Islanders argued that the characteristics of the border meant that they were playing an important role in the protection of Australia and used this to argue that they should therefore have more say in regional decision-making (HORSCATSIA Sub 17, TSRA). On the other hand, in pointing out their special circumstances Islanders also called for increased Commonwealth assistance to police the border (HORSCATSIA Sub 17, TSRA).

Though the position of the PNG Government was not directly sought by the Inquiry, it is possible that the granting of certain forms of autonomy in Torres Strait might warrant renegotiating the Treaty. When discussing the relationship with PNG the former ATSIC Commissioner for the Strait and chair of an Outer Island, specified to the Inquiry that Islanders, the TSRA and the ICC would not want to table the Treaty again, as it might destroy some of the privileges that it already provides to them (Hansard 1997, TSIAB). In addition, it is likely PNG would fear any form of regional autonomy that might result in Torres Strait being separated from Australia or Queensland. It is more likely they would favour maintaining the status quo which allows PNG citizens to access aspects of the Australian economic system and its services, as discussed in Chapter 5. Thus the border and the Treaty arrangements are additional factors for traditional inhabitants to consider within the notion of regional autonomy. The border and the Treaty arrangements also have a bearing on governmental approaches to autonomy and these are discussed in a later section of this chapter.

Although the foregoing sections of this chapter indicate some significant claims by Islanders for a form of regional political autonomy, the scope of this and who it might

involve was not altogether clear. In the main, the lack of clarity reflected a tension between notions of regional autonomy and autonomy at other levels below that of the region. In addition, the sections reveal that there is some uncertainty as to who might be included in a form of regional political autonomy, and especially whether it would apply only to Indigenous people or to all residents.

Inter-Indigenous corporate autonomy: Aborigines

Earlier in this chapter I noted that culture may play a part in the structures and procedures of political regional autonomy. Culture can also be a way of legitimising other forms of autonomy (Keesing and Tonkinson 1982; Tully 1995: 1-8). Inside Torres Strait, Islanders make the point that they are a separate ‘group’ with a distinct culture (HORSCATSIA Sub 32, ATSIIC). This allows them to classify the Strait as a ‘cultural region’ and to legitimise claims for a political separation between themselves and Aboriginal people (HORSCATSIA Sub 40, TSIAB).

Most commonly, Islanders expressed to the Inquiry their aspiration for greater autonomy in terms of establishing their own national statutory organisation separate from the then ATSIIC. In 21 of the 35 pieces of evidence (60 per cent of cases) Islanders called for their own statutory body separate from Aboriginal people⁶ (HORSCATSIA Sub 17, TSRA). This approach to greater autonomy was put almost equally by Islanders in the Strait and on the mainland, and in most instances, the suggestion was that a new and separate body would oversee Torres Strait Islander affairs (but only Torres Strait Islander affairs) in both locations. Calling for their own Indigenous body represents a desire by Islanders to be autonomous from Aboriginal people and can be characterised as a form of inter-Indigenous corporate autonomy.

Islander perceptions of the difference between themselves and Aborigines is not new and as noted already in Chapter 4, in different periods Queensland legislation has either combined or separated the two groups. However, it is at the Commonwealth level that Islanders now most often express the desire to be identified separately. When the Commonwealth Government entered Indigenous affairs following the 1967 referendum,

⁶ These figures differ slightly from those in Sanders and Arthur (1997: 1) due to the fact that their work was carried out before the Inquiry was completed.

it made little distinction between Islanders and Aborigines in its principal Indigenous legislation and institutions. For example, there was no particular distinction made between the two groups within the DAA and the ADC. The same can be said of the National Aboriginal Consultative Committee and its successor the National Aboriginal Conference (NAC) set up in the same period. This is not to say that Islanders were excluded from these bodies. For instance, in 1982 an Islander was the chair of the NAC in Queensland and another was a Commissioner of the ADC (Beckett 1987: 170-200). However the Commonwealth largely considered Torres Strait Islanders and Aborigines as one group of Indigenous people.⁷ The formation of ATSIC signified a move towards recognising Islanders as a separate and distinctive Indigenous group. Unlike in the former DAA, NAC and ADC, Islanders and Aborigines were both named separately in ATSIC. Submissions to the Inquiry did not however find this a satisfactory change:

Everything that the Islander people has been landed with nationally has always been with aboriginal dominance ... in spite of earnest pleadings by Islander people to go separately after the NAC days, they got landed with ATSIC, a change in name only (sic) (HORSCATSIA Sub 15, Erub Island).

However, as noted at the beginning of this chapter, the Torres Strait was given the status of both an ATSIC region and an ATSIC zone, and to powers similar to that of a Commission. This was unique within the ATSIC structure, and represented a significant concession to the distinctive interests of Islanders (Sanders 1994: 4). Thirdly, the ATSIC legislation set up an Office of Torres Strait Islander Affairs (OTSIA) and a Torres Strait Advisory Board (TSIAB) specifically to oversee Islander issues within ATSIC and to provide advice on these issues directly to the Minister for Aboriginal and Torres Strait Islander Affairs – there were no similar structures for Aboriginal people. It should be noted however that the powers of these bodies were limited. TSIAB was only an advisory body and OTSIA was given no discretionary budget to fund Islander projects (Sanders and Arthur 1997). In any event, these arrangements left Islanders within ATSIC and have fallen short of Islander aspirations which include a further separation from Aboriginal people. This was reaffirmed to the Inquiry by the Islander mayor of Torres Shire when he stated that:

In 1987, the then minister for Aboriginal affairs, Gerry Hand, was presented with 11 grievances by the Torres Strait Islanders' representative. One of these grievances stated the recommendation of a separate

⁷ Since 1971, the Australian Bureau of Statistics has gradually made a distinction between Torres Strait Islanders and Aboriginal people in its publications (see Treadgold 1974; Arthur 1997a).

commission ... This is still a major aspiration commonly upheld today, from politicians to grassroots people. Torres Strait Islanders still feel that they are a minority within a minority and seek a commission separate from ATSIC (Hansard 1996, Thursday Island).

Cultural legitimisers

At one level, Torres Strait Islanders expressed the desire to be viewed independently of Aborigines in cultural terms. They say they wanted:

...to manage own affairs, make decisions that affect their lives and maintain their culture, identity, values and traditions as a *separate race* of Australian people (emphasis added) (HORSCATSIA Sub 17, TSRA).

Similarly, the TSIAB argued for an overall definitional distinction between Islanders and Aboriginal people based on the distinctive Islander culture of *Ailan Kastom* (HORSCATSIA Sub 40, TSIAB).

This could be interpreted as a form of cultural autonomy (Hannum and Lillich 1988). However, it can also be seen as an example of culture being used to legitimise other forms of autonomy (Tully 1995; Keesing and Tonkinson 1982; Linnekin 1992). Islanders argued they should be given political separation from Aboriginal people because they are a distinct cultural group. In doing this they use the term *Ailan Kastom*. In the Pacific the concept and the term *Kastom* were often used during the struggle against colonial rule (Linnekin 1990; Keesing and Tonkinson 1982). There, people self-consciously highlighted cultural difference as a political strategy in the process of gaining autonomy from colonial powers (Linnekin 1990; 1992: 253). In Australia Islanders use 'culture' and the term *Ailan Kastom* in a very similar way and to legitimise the distinction between themselves and Aborigines as two separate Indigenous groups within the same nation. However, it has been noted that culture and tradition, far from being old and static, are dynamic and evolving concepts, leading some to propose that culture and traditions are being continually 'invented' (Hobsbawm and Ranger 1992; Arthur 2004). It has been suggested that *Ailan Kastom* may not be as widespread a concept in the Strait as many public documents indicate (Peterson pers. comm.) and it is certainly a term imported there from the South Pacific along with many other cultural traits (see Chapter 4). Nonetheless, the important factor here is that the cultural practices in Torres Strait do form something of a whole, and these and the use of the collective term *Ailan Kastom* allows Islanders to legitimise a fairly clear distinction between themselves and Aboriginal people.

The figures used to estimate the Indigenous population are derived from the five yearly censuses conducted by the ABS. In these censuses people are asked to indicate if they are Indigenous - more accurately they are asked to indicate if they are of Indigenous ancestry. Until the 1996 census, people could say if they were Aboriginal or Torres Strait Islander. In 1996, they were given a third option - Aboriginal *and* Torres Strait Islander (Appendix B). This created another category of Indigenous person that has been referred to as the 'boths'. The option to identify as both in the 1996 Census had been proposed by OTSIA who were responding to requests from Islanders on the mainland who were in, or the product of, mixed Aboriginal/Islander marriages. This issue was also raised with the Inquiry when some mainlanders objected to any suggestion that, for the purposes of political representation, they would have to choose between being either only an Aboriginal person or only a Torres Strait Islander person (Hansard 1997, Thursday Island).

One outcome of creating the third category has been to increase the number of people identifying as Torres Strait Islander (Arthur 2000). However, another outcome is that it diminishes to some degree the notion that Islanders are, as quoted above, 'a separate race of Australian people'. That is, it reduces the ability to argue for autonomy from Aboriginal people, based on cultural difference. Dual identification is extremely limited in Torres Strait, as one might expect as the Strait is the 'homeland' of Islanders. The issue of dual identification looms larger on the mainland amongst the *diaspora* of the migrants and the descendants of migrants, again as one might expect. While only 6 per cent of people in the Strait identified as both Aboriginal and Torres Strait Islander, 26 per cent did so on the mainland (Arthur 2000). The issue of autonomy for Islanders on the mainland (Mainlanders) as it emerged from the Inquiry is discussed in Chapter 7.

The notion of political autonomy from Aboriginal people was put to the Inquiry by many Islanders. As shown in Chapter 4, this has been a long-standing issue. With the advent of the TSRA and the separation of its budget from that of ATSIC's, this political autonomy would seem well developed. It can be said to represent a form corporate autonomy (autonomy for a people), in this case between two Indigenous people in the same nation-state.

Political autonomy: government views

The Commonwealth Government

The fact that the Commonwealth initiated an Inquiry into greater autonomy suggests some degree of support for the concept. No such other government investigation has been carried out for Indigenous people in any other part of the country. Indeed, the Inquiry in Torres Strait took place at a time when Commonwealth-Aboriginal relations over matters such as reconciliation and land rights were lukewarm to say the least and when the Commonwealth was reducing its commitment to the principles of self-determination (Dodson and Pritchard 1998). Commonwealth interest in Torres Strait affairs is evident in ways other than the Inquiry. For example, the Strait has received an unusually high number of visits from Prime Ministers, Ministers of Foreign Affairs and Ministers of Aboriginal and Torres Strait Islander Affairs. Indeed, the Commonwealth Minister for Aboriginal and Torres Strait Islander Affairs who initiated the Inquiry, had by late 1999, visited Torres Strait a total of 13 times, a point Islanders viewed as evidence of the Commonwealth's commitment to them (notes from the Ninth National Workshop, October 1999).

It is possible to see this apparent level of interest and support from the Commonwealth as a reflection of the Islander political style. An appreciation of the Islander style was alluded to during a visit by the then Liberal-Coalition Minister for Aboriginal and Torres Strait Islander affairs to Thursday Island in late 1999. In welcoming the Minister, the chair of the TSRA stated that in Torres Strait, Islanders would work with any colour of political party and invited the Minister to join them in the process of negotiating increased autonomy (notes from the Ninth National Workshop, October 1999). The Minister commended this approach indicating that the Commonwealth appreciated it. The Minister went on to compare the Islander style with that of Aboriginal people who he implied, would engage with left-wing but not right-wing governments (notes from the Ninth National Workshop, October 1999).⁸ Beckett (1987)

⁸The Commonwealth Government was a Liberal-Country Party coalition. In contrast to his statements about Islander political style, the Minister described a recent vote of no-confidence in him by ATSIC, his own bureaucracy at the time, as 'crazy' (notes from the Ninth National Workshop, October 1999).

has also alluded to this issue, indicating that while Aboriginal groups have generally adopted a confrontationist approach, Islanders tend to engage governments in a process of negotiation. At the same time Beckett (1987) has also proposed that Islanders have achieved various gains for Torres Strait through a form of political action in which they play off the Queensland and Commonwealth Governments against each other. In any event, the Commonwealth appeared to favour at least some form of autonomy for Islanders; the submission to the Inquiry from the Attorney General (and Minister for Justice) stated that:

If greater administrative autonomy is thought to be desirable, this could be achieved through alterations to the arrangements for the delivery of programs and services, for example, by delegation of powers and functions to local authorities and local officials. Funds for Commonwealth programs could also be appropriated to local bodies, such as the TSRA. It would of course be necessary to ensure that any new arrangements were non-discriminatory (HORSCATSIA Sub 28, Attorney-General).

However, in the same submission, the Commonwealth Attorney General goes on to say that he would not at this stage ‘...favour any alteration to the constitutional position of the Torres Strait as part of Australia’ (HORSCATSIA Sub 28, Attorney-General).

The Attorney-General seemed on the one hand to favour some increased local autonomy but also aimed to protect Australia's sovereign control over the Strait. Other submissions from the Commonwealth also stressed the need for the Commonwealth to retain a high degree of control in the region. Following my approach in Chapter 5, I argue that this is because Torres Strait is a border region. This desire to retain control of the border is evidenced in the submissions made to the Inquiry by the Commonwealth departments that are involved in matters associated with the Treaty. These include the Department of Foreign Affairs and Trade (DFAT); the Australian Quarantine and Inspection Service (AQIS); the Department of Defence; the Department of Immigration and Multicultural Affairs (DIMA); the Commonwealth Scientific and Industrial Research Organisation Division of Fisheries; Ausaid; the Australian Customs Service; the Australian Federal Police; the Australian Fish Management Authority; and Coastwatch (HORSCATSIA Sub 42, DFAT).

The Treaty is the ultimate and primary responsibility of the DFAT. The Department's evidence to the Inquiry suggested that it was comfortable with the notion of Islander autonomy as this might apply to such matters as the Indigenous-specific budget and the Department's staffing, but made it clear that it was opposed to any form of autonomy

that would lessen its own control over Treaty matters (HORSCATSIA Sub 42, DFAT). As I have already noted there is a sense in some quarters that PNG feels that Australia got the better of the deal over the Treaty, especially with regard to access to reefs for commercial fishing, and that it might therefore welcome the opportunity to re-negotiate the Treaty. The Commonwealth is nervous about any form of autonomy that might open the door to such renegotiations (Arthur 1997b: 15; 1999a: 61-62).

The Commonwealth's approach to regional autonomy is also influenced by its concern to ensure that the Strait provides an efficient quarantine buffer between PNG and the mainland. As noted above, there exists the danger of introducing exotic pests from PNG and so, to protect the mainland, AQIS manage Torres Strait as a designated quarantine zone (see Fig. 5.4). AQIS argued to the Inquiry that although their operations were already staffed entirely by Islanders, the zone is of such national importance that its final control should remain with Canberra (HORSCATSIA Sub 14, AQIS). Similarly, the Commonwealth is concerned to prevent the transfer of exotic diseases from Papua New Guinea to the mainland. Thus, while the Commonwealth appeared to support the notion of Islander control over health issues, it suggested that this would be conditional on a management regime that would prevent the spread of exotic pests and diseases to the south (HORSCATSIA Sub 13, Minister for Aboriginal and Torres Strait Islander Affairs).

Commonwealth perceptions of autonomy for the Strait were also influenced by concerns that the region is a point of high risk for illegal entry to Australia. The arrangements which allow free movement of nationals within the Protected Zone increase the risk of the illegal entry of Papuans to Australia and, in addition, illegal Indonesian fishers and other nationals are increasingly apprehended in the region (McFarlane 1998: 2). Such matters are the responsibility of DIMA. Though the Department has moved to Islanderise its local staff both on Thursday Island and on the Outer Islands, its evidence to the Inquiry suggests that it would be unlikely to support devolving any further responsibility for such matters to the region (Hansard 1997, DIMA). Coastal security also has a bearing on the Commonwealth's approach to regional autonomy. Australia's coastal areas are managed under a system of zoning which include the Australian Exclusive Economic Zone, the Australian Fishing Zone and the Territorial Sea. Coastal surveillance is carried out under a Coastwatch Civil

Surveillance Program which is a sub-program of the Australian Customs service. Presently the program is managed and controlled from Canberra. The Australian Defence Force was keen for this to remain the case and argued to the Inquiry that Islander autonomy should be limited to participation at the relevant meetings (HORSCATSIA Sub 23, Australian Defence Force).

As noted in Chapter 3, strategic concerns can influence government approaches to autonomy (Hannum and Lillich 1988). As a border region, the Strait potentially has strategic implications for the Commonwealth. In 1990 the Department of Defence commissioned a review of the strategic significance of the Torres Strait which concluded that this was negligible (Babbage 1990). However, at that time Papua New Guinea was more stable politically. Since then there has been civil war on Bougainville and unrest in Indonesia and in the Solomon Islands. A Commonwealth rethink of its position was apparent when the Australian Defence Force Academy in Canberra sponsored a conference in 1998 on strategic and policing issues in Torres Strait. Issues discussed at the conference included the illegal movement of people across the border and the apparent trade in drugs for guns. The conference recommended an increased Commonwealth presence in the Strait. In its submission to the Inquiry, DFAT stressed the importance of the Strait for issues of national security. Significantly, in recent years the Australian Defence Force's facility on Thursday Island has been significantly upgraded.

I have argued in Chapter 5 that being borderlanders allows Islanders to make some additional claims for greater autonomy. However, the above material also suggests that factors deriving from the geo-politics of Torres Strait can limit Commonwealth views of regional autonomy. This is because although border regions are on the state's geographic 'periphery' they are very close to its political 'core'. Issues associated with the border allow the Commonwealth to legitimise its position regarding relative autonomy and to argue for its continuing presence in the Strait:

... the Commonwealth Government must always have a continuing involvement in the region (defence, customs, quarantine etc.) and it is likely to remain a principal funder of the region for the foreseeable future (HORSCATSIA 1997: 39).

In Chapter 3 I noted that some models of autonomy, such as that of Free Association, gave people political autonomy over a region with the responsibility for defence and security remaining with the parent nation. However, in the examples noted, the parent and the autonomous region were often some distance apart. The Torres Strait meanwhile is contiguous with another country that is poor, unsettled politically and which contains dangerous diseases and pests. The foregoing suggests that in any form of greater autonomy for Torres Strait, the Commonwealth may wish to retain control over not just defence and security but also over matters of customs, immigration, quarantine and health.

The Inquiry's terms of reference directed it to explore notions of autonomy that were both about autonomy for a 'place' (Torres Strait) and for 'a people' (Torres Strait Islanders). In considering the people and the region it explored whether this should be for all of the people of the region or for Islanders only. In its final Report the Inquiry suggested some Commonwealth support for increased regional autonomy for all of the people in Torres Strait. To this end the Report recommended the establishment of a 22 member elected Torres Strait Regional Assembly (hereafter the Assembly) with the power to:

- formulate policy and implement programs for the benefit of all people living in the Torres Strait area;
- accept grants, gifts and bequests made to it;
- act as trustee of money and other property vested in it on trust and accept loans of money from both the Commonwealth and Queensland Governments or other approved sources;
- expend monies in accordance with the terms and conditions on which money is received;
- develop policy proposals to meet national, State and regional needs of people living in the Torres Strait area;
- advise the responsible Commonwealth and Queensland Ministers on matters relating to the Torres Strait area, including the administration of legislation and the coordination of the activities of all government bodies that affect people living in the Torres Strait area;
- undertake activities on behalf of one or more island councils for such purposes as are requested of it by the council or councils concerned;
- have power to delegate to and contract with Island Councils;
- establish and operate such businesses as the Regional Assembly thinks fit for the benefit of the people of the region; and
- have and discharge the functions of local government within the region, except in areas covered by the Community Services (Torres Strait) Act 1984 (Qld) and the Community Services (Aborigines) Act 1984 (Qld).

The final description and detail of these functions is to be negotiated by the Commonwealth and Queensland Governments and the people of the Torres Strait area (HORSCATSIA 1997: xix, 57).

Mainlanders or indeed anyone residing outside Torres Strait were not to have elected representatives on the Assembly and Mainlanders would have only observer status on it. The Report was also clear that the Assembly would represent all the residents of

Torres Strait and to achieve this, the Assembly would replace the existing semi-regional bodies (TSRA, ICC, and the Torres Shire) (HORSCATSIA 1997: 52–55, 57). Therefore, as well as being regional, the approach proposed was not Indigenous-specific, but included both Indigenous and non-Indigenous residents.

The Inquiry also attempted to include a cultural element to the approach by recommending that the Assembly would:

sponsor a Cultural Council consisting of Torres Strait Islanders from the Torres Strait and the mainland. The Cultural Council should meet annually and advise the Regional Assembly on how to promote and maintain the *Ailan Kastom* of Torres Strait Islanders (HORSCATSIA 1997: 64).

This could be seen as a move away from a fully regional position because it included Mainlanders and because it included a device which, by its cultural nature, would have excluded non-Indigenous residents. In addition, no reference was made to the accommodation of the Kaurareg or any other Indigenous residents. In any event, the Council's proposed powers appeared to be limited to stimulating culture rather than to advising or directing policy and as such it would have been similar to some of the bicameral features found in the Pacific and discussed in Chapter 3. In its responses to the Report, the Commonwealth Government agreed that Mainlanders should not be part of the Assembly but should remain within ATSIC. However it did not accept that all residents should be part of an Assembly or that the Assembly would absorb the Torres Shire and its functions (Government response to 'Torres Strait Islanders; a New Deal', Commonwealth of Australia, 1998). In this way, the Commonwealth appeared to favour more a form of Indigenous-specific political regional autonomy leaving the representation of non-Indigenous people to be accommodated through the Torres Shire.

The Queensland Government

The Queensland Government's participation in the Inquiry was limited. It provided just two submissions to the Inquiry and attended one hearing in Brisbane. Its evidence was given collectively by several departments led by a representative of the Queensland Department of Premier and Cabinet, which at that time had the role of coordinating Queensland Government's activities in Indigenous affairs. Most of the evidence provided described the roles and expenditures of the various Queensland Departments active in Torres Strait rather than commenting directly on principles of Islander or

regional autonomy. However, an indication of the Queensland approach can be gleaned from a letter to the Inquiry from the Premier of the then Queensland Liberal-National Coalition Government in which he stated:

I would like to say that the Queensland Government is generally supportive of measures which will give Torres Strait Islanders increased control and involvement in managing the internal affairs of their region and in making decisions that affect their future. As a step in this direction, the Queensland Government encourages participation by Torres Strait Islanders in the development and implementation of policies, programs and services to ensure that such initiatives are appropriate in the provision of essential services in the Torres Strait area (HORCATSIA Sub 30, Queensland State Government).

On the other hand, the Queensland did not envisage that with greater autonomy, it would relinquish its control in the region:

The Queensland Government does not see increased autonomy as abrogating the role and responsibilities of the Queensland and Commonwealth Governments in the provision of essential services in the Torres Strait area (HORCATSIA Sub 30, Queensland State Government).

These statements would indicate some support for the concept of regional autonomy by the Queensland Government, but one that does not see authority passing totally from Queensland. However, it does appear to suggest a regional approach that would involve Islanders more in the design of policies and programs related to essential services for all residents of the region.

Queensland's somewhat limited involvement in the Inquiry could be interpreted in a number of ways. Firstly, the Inquiry was initiated by the Commonwealth and Queensland may have viewed this as a Commonwealth intrusion into State affairs. In some ways, this mirrors a tension that developed between the two governments during the border issue in the 1970s when the Commonwealth entered into discussions with PNG without first working out its constitutional obligations to Queensland (Rowse 1998: 25). On the other hand, Queensland need not have been overly concerned about the Inquiry as its 'sovereignty' is largely protected by the Australian Constitution which states that a new State or Territory cannot be created or excised from an existing State without the approval of a referendum of that State's population. I would argue that the approach of both governments is also influenced by the international border. We saw above how borders and border regions have special importance for state security and sovereignty, where both the powers and interests of the state are exaggerated (Wilson and Donnan 1998: 8-9). Ultimately these powers and interests lie with the

Commonwealth and this might help explain its approach to Queensland during the border dispute and during the Inquiry. Queensland meanwhile will be aware that, exactly because of the border's importance, the Commonwealth is unlikely to lessen its control and involvement in the Strait. In this regard it is necessary to note that while Torres Strait is part of both Australia and Queensland, it is the Commonwealth that has the final say over such border regions.

In its response to the Inquiry's Report, Queensland largely repeated the approach taken in its submissions. In general it approved of the Islanders having greater control of regional affairs. But it did not imagine Torres Strait breaking away from it or from the Commonwealth. Queensland was not averse to the idea of a new regional body but it had concerns about how this would affect the interests of the non-Indigenous residents. Therefore, like the Commonwealth, it did not support the recommendation that the Torres Shire be abolished and absorbed by a new regional body (Government response to 'Torres Strait Islanders; a New Deal', Queensland State Government, 1998). Queensland argued this on the basis of representation, and on administrative and economic grounds:

... the Torres Shire Council has a rate base and its residents are entitled to equitable local representation in deciding how their rate revenue is distributed, as well as decisions about regulatory and other matters... It is difficult to imagine broad support within the 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 Torres Shire Council. Additionally, it is noted that under the proposed system, the residents of Thursday, Horn and Prince of Wales Islands would elect 5 representatives to a 22 member Regional Assembly, which would mean that approximately 63 per cent of the regional population would elect roughly 23 per cent of the Assembly (Government response to 'Torres Strait Islanders; a New Deal', Queensland State Government, 1998).

The non-Indigenous people of Thursday Island and the Torres Shire took a similar view. They felt that Thursday Island should have the balance of power in any regional body as its residents were the ratepayers whom they saw as forming the region's economic base; while the Outer Islands provided no income from rates (notes from a public meeting of the Port Kennedy Association, Thursday Island, October 1999; HORSCATSIA Sub 29, Torres Shire Council). (In truth, this is inaccurate, as the region's economic base is its commercial fishery which is largely located around the Outer Islands.) This emphasises another difference between the Inner and Outer Islands: residents of the Inner Islands pay rates while those of the Outer Islands do not. As many non-Indigenous people live on the Inner islands, while the Outer Islands are an Islander domain, the economic issue of rates is conflated with the issue of

Indigeneity. These factors tend to militate against a fully regional approach and are reflected in Queensland's view noted above. A similar view was taken by Torres Shire as follows.

Mainstream local government

Rowse identified four groups which were involved in the debate over the border at the time of PNG independence: Torres Strait Islanders, Papua New Guineans, the Queensland Government and the Commonwealth Government (Rowse 1998: 26). The recent round of discussions over autonomy also included the Torres Shire.

The 1996 census indicated that there were 1550 non-Indigenous people residing in Torres Strait, making up 20 per cent of the regional population. As noted, this population resides almost entirely on the Inner Islands and is represented in large part by the Torres Shire and by the Port Kennedy Association, a community organisation established on Thursday Island in the 1980s. As the only mainstream local government with jurisdiction over the Inner Islands the Shire approached the Inquiry as the political voice of *all* of its residents (HORSCATSIA Sub 29, and Sub 34, Torres Shire Council). In the absence of any submissions from non-Indigenous residents or organisations the Shire's approach to the Inquiry is taken here as generally indicating the views of the non-Indigenous people of Torres Strait on the subject of autonomy.

In its submission to the Inquiry the Shire Council supported the concept of the TSRA or a similar body being given greater autonomy over Commonwealth and Queensland functions in the Torres Strait on the condition that:

- (a) that body represents *all* of the residents of the Torres Strait and gives protection and support to non-Islander interests, and
- (b) the existing local government powers and functions of Island Councils and the Torres Shire remain intact (HORSCATSIA Sub 34, Torres Shire Council) (emphasis in original).

The Shire noted that although the residents of the Inner Islands made up half the population of the Strait it had no official representatives on the TSRA (HORSCATSIA Sub 34, Torres Shire Council; Sanders 1994). This is because TSRA is made up of the elected chairs who must be descendants of the Indigenous inhabitants of the Torres Strait Islands (HORSCATSIA TSC Sub 29, and Sub 34, Torres Shire Council). To

ensure that any new regional body would represent all of the residents, the Shire proposed that the new body's members would be separately elected from all parts of the Strait on the basis of electoral wards: Eastern; Central; Western; and the Inner Islands (HORSCATSIA Sub 34, Torres Shire Council). These wards were similar to the sub-regions noted in Fig. 6.1. Also, the Shire envisaged that any regional body would supplement rather than replace the existing Shire or the Island Councils.

The Shire legitimised its argument that it should remain in place on the basis that its function was to represent all of the residents, Indigenous and non-Indigenous (notes from the Ninth National Workshop, October 1999). Until 1991 the Shire was run not by a council elected by the residents but by a non-Indigenous administrator in Cairns (Arthur 1990; Sanders 1999: 5). This system was replaced by council elections in 1991 when three Islanders and four non-Islanders gained office. This allowed Sanders to propose that:

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 (Sanders 1999: 5).

However, through the 1994 and 1997 elections Islanders gained a slight majority on the council and in addition one of their number was elected as Mayor (Sanders 1999: 5). Therefore, though the Shire may present itself as the political voice of *all* residents, it could be suggested that it had, at the time of the Inquiry, something of an Indigenous bias, and at the very least it may represent some competing interests. In fact, the Mayor himself has recognised this, stating to me that he experienced some personal tension between his role as Mayor of the non-Indigenous local government, and his position within the wider community as an Islander (pers. comm.). In any event, despite the fact that the Shire approached autonomy from a regional perspective and proposed that all residents should be represented, the extent to which some non-Indigenous residents actually felt themselves part of the autonomy process might be reflected in a question which several of them put me during 1997, which was 'do you think *they* will get autonomy?', where the 'they' referred to Islanders, and not to themselves. The final view of the Torres Shire however was to oppose the Assembly model proposed in the Inquiry's Report which would have seen them, along with the ICC and TSRA, absorbed into one regional body. Their rejection was, like that of Queensland, based partly on economic grounds: the Shire's domain of the Inner Islands had the rateable land while

the Outer Islands did not (notes from a public meeting of the Port Kennedy Association, Thursday Island, October 1999).

While the Commonwealth and Queensland Governments were fairly supportive of a form of regional political autonomy I suggest that for the Commonwealth this might always be conditional on its control over border issues. For all governments a major issue was the accommodation of non-Islander residents in any proposed form of regional autonomy. As I noted earlier in the chapter this remains an unresolved issue for Islanders.

Economic autonomy

The thesis seeks to explore the concept of autonomy with reference to its political and economic elements. If political autonomy has to do with the form that control might take and to whom it might apply, economic autonomy has to do with the resources that might come under this control and to the ability of those affected to increase their economic status.

Much less was said by Islanders during the Inquiry about the economic aspects of autonomy and I suggest this was because many were unsure about it. For example, a young Torres Strait Islander who was assisting Islander leaders at the time of the Inquiry said that his wife had asked him just what Islanders would get out of autonomy. He admitted to her that he was unable to identify these.

Control of funding

One aspect of economic autonomy that we can identify from Chapters 1 and 3 would be increased control of funds to the region. The TSRA felt that autonomy should give them the power to make policies on the development and management of resources such as fisheries and on services, but that the delivery of these services would remain the responsibility of the Commonwealth and Queensland Governments (HORSCATSIA Sub 17, TSRA). Table 6.2 shows the major funding to Torres Strait in 1999 and we can see that the TSRA already has carriage of a significant proportion of these funds. Of the

\$68 million Commonwealth funding, the TSRA manages some \$46.1 million. That is to say, it gets almost 68 per cent of the Commonwealth funds, and almost 32 per cent of all of the funds, to the region. Therefore, the TSRA is a significant player regarding fiscal matters in Torres Strait. Until 1997, the Authority negotiated its budget directly with the Chair of ATSIC and the Minister for Aboriginal and Torres Strait Islander Affairs. After this time the Commonwealth Government separated the TSRA's budget from the ATSIC process and funded it directly from the Department of Finance (HORSCATSIA Sub 17, TSRA). Arguably, this gave the TSRA greater fiscal control, at least from ATSIC.

The TSRA (in partnership with the ICC) has also negotiated large joint Commonwealth-Queensland infrastructure projects, and the TSRA receives and manages the funds for the projects, an achievement which has limited precedent nationally. In its newsletter No. 22 of 1998 the TSRA stated that:

Torres Strait Islanders moved one step closer to achieving their goal of greater autonomy when Queensland Minister for Aboriginal and Torres Strait Islander Policy ...signed an agreement with the TSRA To provide \$15 million towards a TSRA infrastructure program for the region ... the \$15 million Queensland Government grant would be combined with \$15 million from the Commonwealth Government...

The Minister was quoted in the same article as saying:

I believe the TSRA is an efficient and effective manager and is better able to implement this particular project. We believe that infrastructure projects can be managed effectively and more efficiently and faster by people who are on the ground rather than by bureaucrats in Brisbane ... (TSRA Newsletter No.22, 1998).

In fact, it is now quite usual for both Commonwealth and Queensland Governments to consult with the TSRA on a wide range of issues, treating them very much like a quasi-regional government. However, it should be noted that to date, the funds managed by both the ICC and the TSRA have been for Indigenous-specific services and programs and have not included the non-Indigenous people of the region.

Table 6.2 Indicative major Commonwealth and Queensland Government funding to Torres Strait, 1999 (millions of dollars)

Facility	Commonwealth Government (responsible body)	Queensland Government	Total
CDEP	25.5 (TSRA)		25.5
Housing, infrastructure, water	8.1 (TSRA)	31.6	39.7
Social and cultural	6.7 (TSRA)		6.7
Economic development	2.8 (TSRA)		2.8
Native Title and land	1.7 (TSRA)		1.7
Other	1.3 (TSRA)		1.3
Pensions disabilities	4.9 (DfaCS)		4.9
Family payments	4.6 (DfaCS)		4.6
Parenting payments	3.7 (DfaCS)		3.7
Other	1.7 (DfaCS)		1.7
Unemployment	1.2 (DfaCS)		1.2
Secondary, tertiary education and Abstudy	3.8 (DETYA)	14.8	18.6
Fisheries and associated matters	2.7 (PZJA)	0.6	3.3
Health		14.2	14.2
Policing		7.3	7.3
Minor departments and services		7.1	7.1
	66	75	141

Sources: Commonwealth Grants Commission unpublished data; PZJA (1995: 41).

Notes:

DFaCS = Commonwealth Department of Family and Community Services;

DETYA = Commonwealth Department of Education Training and Youth Affairs;

PZJA = Protected Zone Joint Authority

The ability and facility of Indigenous people to manage the funds of a region must in some way be related to their general skills. Tables 6.3 and 6.4 show the census data for the Torres Strait comparing Indigenous and non-Indigenous statistics. We see that, compared to non-Indigenous people, Indigenous people are poorly represented in the more skilled jobs as managers and as professionals while they are over represented in less skilled clerical work and in labouring (Table 6.3). This last point is related to their significant involvement in CDEP where much of the work is unskilled labouring (see Arthur and David-Petero 2000). Indigenous people in Torres Strait are also less skilled than non-Indigenous people and are much less likely to have a post-school qualification a degree, or a skilled vocational qualification (Table 6.4). The imbalance in managerial employment is even apparent in the TSRA. Table 6.5 shows that in 2003 the top executive and senior positions were filled by non-Islander staff. Viviani (1970) showed how Nauruans were also absent from senior administrative positions in the period immediately before they achieved political independence (see Chapter 3). These

employment and skills characteristics have implications for achieving, or at least managing, a higher level of autonomy. It has been noted that one factor affecting the ability of PNG and other Pacific nation states to administer their independence has been their lack of skills and administrative expertise (Larmour 2000).

Table 6.3 Occupational status of those employed, Torres Strait, 1996

Census categories and classifications	Indigenous Per cent	Non-Indigenous Per cent
Managers	2	8
Professionals	8	31
Associate professionals	9	15
Tradespersons	6	13
Advanced clerical workers	1	1
Intermediate clerical workers	14	11
Intermediate production workers	7	7
Elementary clerical workers	10	4
Labourers	37	7
Inadequately described and not stated	5	2
Total	100	100

Source: ABS 1996 Census.

Table 6.4 Educational status, Torres Strait, 1996

Census categories and classifications	Indigenous Per cent	Non-Indigenous Per cent
Attending tertiary institutions	2	5
Those with a post-school qualification	9	55
Total	11	60
Higher degree	0	1
Postgraduate diploma	9	3
Batchelor degree	1	15
Undergraduate diploma	1	8
Associate diploma	1	3
Skilled vocational	3	16
Basic vocational	2	2
Not qualified	78	40
Inadequately described	0	1
Not stated	15	11
Total	100	100

Source: ABS, 1996 Census

Table 6.5 TSRA employment profile, 2002-03

Position (ranked by seniority)	Number held by Islanders	Number held by Non-Islanders
Principal executive officer	-	1
Executive officer level 2	-	3
Executive officer level 1	2	3
APS level 6	6	5
APS level 5	4	1
APS level 4	7	1
APS level 3	2	-
APS level 2	6	-
APS level 1	3	-

Source: TSRA (2003)

Control of resources

As explained in earlier chapters, the Treaty already gives Islanders some rights over the exploitation and control of the fisheries. The Treaty, as shown in Table 6.6, designates three broad types of fishing. As the Treaty is aimed at protecting the traditional way of life and livelihood of traditional inhabitants and at increasing their economic development, legal opinion is that the types of fishing that traditional inhabitants are involved in are given priority over those exploited by non-traditional inhabitants as shown in Table 6.6 (Arthur 1998b; Menham, Skehill and Young 2002). That is to say, fishing activities by non-traditional inhabitants should not be to the detriment of those by traditional inhabitants. Furthermore it is PZJA policy that any growth in commercial fishing is reserved for traditional inhabitants and that their economic opportunities in the fishery are maximised (Menham, Skehill and Young 2002: 22; Appendix 3: 2, 8).

Table 6.6 Apparent prioritisation of fisheries under the Treaty

Given priority under the Treaty	Traditional inhabitant access	Non-traditional inhabitant access
1. Traditional fishing (subsistence)	Yes	No
2. Community (Islander commercial)	Yes	No
3. Mainstream commercial	Yes(1)	Yes

Notes:

(1) Islanders can participate here. However, they normally access the fishery through community fishing as the licensing requirements are less stringent.

In Chapter 4 I noted how the Treaty had also given Islanders a role in fisheries management. However, Islander submissions to the Inquiry asked for some greater control over the region's natural resources (HORSCATSIA Sub 17, TSRA; Sub 41,

ACT Torres Strait Islander Corporation). This is an ongoing issue in Torres Strait and following the Inquiry some changes were made in this regard. For instance, and as noted in Chapter 5, in 2002-3 the Chair of the TSRA was made a full member of the PZJA. As the PZJA was made up of the relevant Commonwealth and Queensland Ministers, this effectively gave the Chair of the TSRA Ministerial status, and increased the potential for a greater say by Islanders in fisheries management (TSRA 2003: 67). During the same period the fisheries management consultative structure was amended to give greater representation to fishers from each island. In the late 1980s, fishers had complained that they were not well represented to the PZJA as island representation was through their island chairs who automatically became their representatives on the ICC (Arthur 1990) (see Chapter 4). In 2002 this was changed so that each island elected a fisherman to represent their fishers on the Management Advisory Council, which is the body that makes management recommendations to the PZJA (TSRA 2003: 67). In summary then, by 2003 Islanders were well represented in the three levels of fisheries management as shown in Table 6.7. The PZJA is the final decision-making group, taking advice from the other two levels.

Table 6.7 Islander representation in fisheries management, 2003

Levels of fisheries management structure	Islander representation
Fisheries working groups, for each commercial species	Representative from each fishery
Management Advisory Committee	Representative from each island
PZJA	Chair of TSRA, (alongside Queensland Minister and Commonwealth Minister)

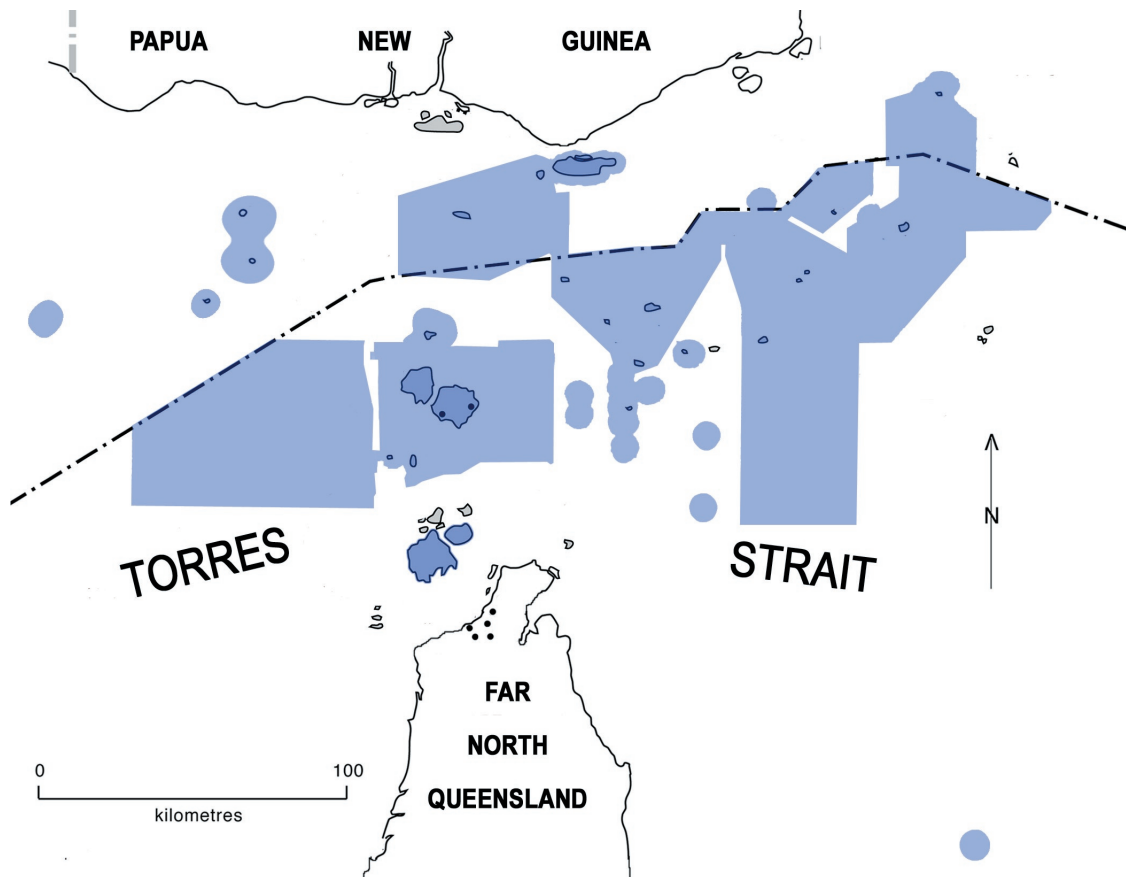
Control is enmeshed with that of exclusivity and of Islander/non-Islander access to the fishery and this was not widely discussed within the Inquiry process. However, the issue has emerged since the Inquiry, possibly as Islanders have had more time to articulate it and these later developments are noted below.

Islander and non-Islanders fishers effectively compete for the resource (Arthur 1990; Menham, Skehill and Young 2002: 23). This feeling of competition came to a head in 1999 when Islanders boarded a non-Islander boat involved in line-fishing in the east of the Strait and confiscated the catch (The Weekend Australian, Aug. 26-29, 1999). Though taken to court over this, the Islanders were later acquitted as the jury found that

they had taken what they rightfully believed to be theirs under those articles of the Treaty that gave priority to the protection of 'traditional fishing' (Table 6.6). Since then, suggestions for greater Islander control of the fishery have included increased involvement in management; and power over licensing under an new Islander/non-Islander consultative structure (Menham, Skehill and Young 2002: 32, 46; Appendix 3: 2, 5). The concept of greater Islander control of the resource has also included charging non-Islanders to fish in the region (Menham, Skehill and Young 2002: Appendix 3: 4, 8, 9). This would be the equivalent of extracting a resource rent similar to that that is charged on non-national fishers by some Pacific states (see Chapter 3). Other options that have been canvassed are to have exclusive Islander and non-Islander fishing zones or to retire non-Islander licenses from the fishery altogether (Menham, Skehill and Young Appendix 3: 4, 8, 9). These latter suggestions would see parts or all of the Strait reserved exclusively for Islanders, and is an approach I have heard voiced at fisheries meetings. Indeed, at one meeting in 2004, an eastern Islander continually used the phrase 'our economic zone' when discussing an area that he wished to see marked out in the east exclusively for Islanders. In this case the eastern Islander was delineating an 'economic zone' that would restrict access for all non-eastern Islanders (whether Indigenous or not). Therefore, as with the political autonomy, the notion of economic autonomy can have sub-regional elements. This accords with earlier research which showed that each Island was protective of its own waters and reefs and wished to be able to ban others from using these, no matter whether they were Indigenous or not (Arthur 1990; Johannes and Macfarlane 1991). In any event, the notion of 'economic zones' suggests a form of economic autonomy usually associated with territories and states that have greater political autonomy (see Chapter 3).

The possibility of making some or all of the Strait an exclusive Islander fishing zone is made difficult by the fact that longstanding non-Islander residents are also involved in the fishery (Arthur 1990). Indeed, closer examination of the situation suggests that some of the competition and tension in the fishery is between residents and non-residents (notes from Torres Strait fisheries Management Advisory Committee meeting, July 2004). In Chapter 4 we saw how a large part of the Strait's fishery is made up of non-Islanders from ports in the south. These commercial operators appear to approach the fishery in a different and more intensive way way than do residents. Residents feel this intensive approach reduces the sustainability of the fishery and makes it harder for

Map 6-1. Approximate area under native title application, 2001.



Source: National Native Title Tribunal.

them to earn an income, and this results in bad feeling. Prawning for example, adds little to the regional economy as the operators are from the mainland of Queensland and are serviced by mother ships also from the mainland. In this way it can be likened to a 'raid' on the marine resources of the Strait. In addition, the 'trawl' destroys the habitat of other more Islander-specific species making them harder to win. In the lobster fishery, non-residents often fish more intensively than locals and with special breathing apparatus (hooka). This, locals claim, leaves fewer lobster for them.⁹ Islanders have made calls for hookas to be banned in Torres Strait in the past (Arthur 1990) and were attempting to do so again in 2004 through the new form of representation in fisheries management noted above (AFMA pers.comm. 2004). The resulting tensions between local and non-locals within the fishery, which is a 'common property', is not unusual across the world (Ostrom 1990). Often the two groups have different economic demands and use different technologies and may approach the resource in different ways (Ostrom 1990: 188). In Torres Strait however, the issue of access to the resource is conflated with Indigeneity and also with the priority given to Islanders' rights via the Treaty. I will return to the point of exclusivity below, suffice to say here that, as in the Pacific, the issue of control of the fisheries resource involves people who do not reside in the region (Chapter 3).

At least one submission to the Inquiry proposed that Islanders should be given Native Title rights to the sea (HORSCATSIA Sub 17, TSRA), the assumption being that this would increase Islander control of the resource. A joint Native Title sea claim was being prepared at the time of the Inquiry. The claim extended over the blocked area on Map 6.1, some 42,000 sq. kms. covering the waters, reefs, sandbanks, shoals, seabed, and subsoil but excluding the waters around the Inner Islands (Menham, Skehill and Young 2002: 23). Given previous Native Title sea claims it is unclear what powers for Islanders such a claim might produce. For example, the Croker Island Native Title sea claim resulted in Indigenous people gaining exclusive rights to subsistence fishing and did not include the right to exclude non-Indigenous commercial fishers (Levy 1999). As I have shown, subsistence rights are already given priority as part of Islanders' rights under the Treaty (see Table 6.6). And so a Native Title determination, which was

⁹ Locals tend to restrict their effort to certain tides when conditions are ideal. Non-locals tend to take lobster on any tide and in any conditions.

limited to a subsistence right, would not be a great, if any, advance on the present situation.

However, it has to be reiterated that through the agency of the Treaty and the fact of an in-shore fishery, Islanders already access a significant section the fishery at the production level. As noted earlier, Islander access to commercial fishing has been assisted by making concessionary licensing arrangements under the PZJA. As shown in Table 6.8 and as noted in Chapter 4 Islanders make up a significant part of the commercial fishery. Islanders are also involved, but to only a limited degree, in the processing and export aspects of the fisheries.

Table 6.8 Estimated value of fisheries and percentage of catch, 1995

Fishery	Value \$million	Percentage Islander	Percentage non-Islander
Prawn	15	0	100
Lobster	5.5	30	70
Cultured pearls	1.2 (est.)	0	100
Mackerel	0.5	20	80
Beche de mer (a)	0.5	100	0
Trochus shell	0.0	0	0
Live pearl shell	0.0	0	0
Reef fish	n.d.		

Source: Altman, Arthur and Beck (1994); HORSCATSIA Sub 25, CSIRO; Australian Fisheries Management Authority Thursday Island pers comm.

Notes:

(a) Also known as sea cucumber and trepang.

In summary, the foregoing suggests that some Islanders would like exclusive rights over the fisheries of the Strait. In the political realm I have made the distinction between regional autonomy that might apply to all residents, and to a form that might apply to just Islanders. At an economic level this could be compared to having control over program funding for all residents versus control over funding for just Islander services and programs. Although such a separation is not straightforward, it is not impossible: many of the Islander-specific funds are already identifiable, as shown in Table 6.2. However, the notion that Islanders might have exclusive control over the region's fisheries, moves the debate out of an Islander specific-realm, because it would represent Islander control over a resource that is presently shared, and hence would be more akin to full regional autonomy. As a final comment we should note that the TSRA also conceives of some middle ground, proposing that eventual control of the fishery

might be through a partnership between Islander and non-Indigenous fishers (Menham, Skehill and Young 2002 Appendix 3: 2).

Autonomy and socioeconomic status

Speaking at the Ninth National Workshop in 1999, the Islander Mayor of Torres Shire stated that Islanders' growth had been stunted because policies on economic development had been made from outside the region. He proposed that greater autonomy would give Islanders the chance to 'plant a tapper root like the bonsai tree' and this tapper root would allow them to realise their full potential (notes from the Ninth National Workshop, October 1999).

Certainly by standard measures, Indigenous people have a lower socioeconomic status that do non-Indigenous people in Torres Strait. Table 6.9, which is derived from the 1996 ABS Census, shows Islanders are less likely to be employed, or to own their own houses than are non-Indigenous people, and they have generally lower incomes. The rate of employment shown in Table 6.9 would be even lower if those on the CDEP scheme were excluded.

Table 6.9 Indicators of socioeconomic status, Torres Strait, 1996.

Category	Indigenous Per cent	Non-Indigenous Per cent
Rate of employment ^a	50	73
Employed in the private sector	26	63 ^b
Employed by Queensland Government	16	29 ^b
Housing owned or being purchased	14	26 ^b
Median household income (\$s) ^c	\$116	\$354

Source: Arthur (2000).

Notes:

- a. Includes those in CDEP employment.
- b. Available for Inner Islands only.
- c. Corrected for household size.

The low level of employment in the private sector and the low incomes also result from Indigenous people gaining some of their livelihood from government transfers, such as CDEP. From the 1970s to the present time this general situation has led to the region being classified as dependent on government transfers (Fisk 1974; HORSCATSIA

1997). As noted in Chapter 4, this level of dependence led Beckett to characterise the relationship between government and Islanders as one of 'welfare colonialism' (Beckett 1987).

However, it is necessary to indicate that some of the official incomes in Table 6.9 are probably low as these are often supplemented by commercial fishing and subsistence activities that are not always recorded by people on their census forms. We have seen here and in Chapter 4 that Islanders now make up a significant proportion of the lobster fishery and they are also involved in the trochus shell and beche de mer fisheries and this can provide significant incomes (AFMA, Thursday Island, pers. comm. 2004; Altman, Arthur and Beck et al 1994). In addition, we have seen in Chapter 4 that subsistence levels are high. It has been estimated that whereas nationally 39 per cent of Indigenous people are likely to carry out subsistence activities, for Islanders this can be 61 per cent (Arthur 1999b: 26). Indeed, recent studies found that 93 per cent of young Islanders fished, hunted or gardened (Arthur and David-Petero 2000). Therefore, the income recorded by the ABS Censuses and shown in Table 6.9 is likely to be understated in real terms. As noted in Chapter 4, the situation where Indigenous people obtain their income from a combination of several sources and in particular from welfare, from the more formal labour market and from subsistence, has been described as the 'hybrid economy' (Altman 2001). In Torres Strait there is presently a symbiotic relationship between the elements of the hybrid economy and that this, as noted in Chapter 4, results not in welfare colonialism but in a form of welfare autonomy. As well as this, we should note again as we did in Chapter 4, that the in-shore nature of the commercial and subsistence fisheries together with the agency of the Treaty, helps provide some economic autonomy at an individual level.

Economic aspirations put to the Inquiry by Islanders included those for a 'sustainable economic base' and for 'economic independence' (HORSCATSIA Sub 4, Warraber Island; Sub 7, Coconut Island; Sub 11, Yam Island; Sub 17, TSRA). These aims however seem a little misplaced here as they suggest an economic status that can be granted by government as part of an autonomy package. This is hardly the case. As shown in Chapter 3 political autonomy can be given by parent governments but economic development is more elusive. The Commonwealth Minister for Aboriginal and Torres Strait Islander affairs at the time of the Inquiry seemed to confirm this at a

meeting on Thursday Island when he said of economic development that ‘unless you do it yourself no one can do it for you’ (notes from the Ninth National Workshop, October 1999).

Neither the Commonwealth nor the Queensland government made direct reference to the possibility of Islander control of the natural resources as part of economic autonomy. Rather, both took the line that greater political autonomy (certainly that of territory status) was conditional on economic performance. Both governments indicated that although territory status was a legitimate and achievable goal for the Torres Strait region, this would only occur if and when it became economically stronger and achieved a greater degree of economic self-sufficiency (HORSCATSIA 1997: 38-39; Government response to ‘Torres Strait Islanders; a New Deal’, Queensland State Government, 1998). Although what degree of economic independence would be required was not clarified, these statements suggest that the Commonwealth and Queensland governments view certain stages of political autonomy as being conditional on a degree of economic improvement. This reflects the conditional approach to political autonomy taken by colonial powers during the earlier period of international decolonisation in Chapter 3. On the other hand, as we have also seen in the examples in Chapter 3, political autonomy was eventually not conditional on economic status, including for the case of Australia’s external territories. The government’s ‘conditionality’ here could therefore be interpreted as a vestige of the welfare colonialism identified by Beckett (1987).

In any event, earlier studies have shown that there are insufficient resources in Torres Strait for it to significantly change its overall economic status (Arthur 1992b). The fishery is a renewable but fragile resource, with the potential to be over-fished. The fishery has a limited size and by 2004 this limit had virtually been reached. The possible expansion in each sector is shown in Table 6.10. This shows that expansion may only be possible in very few fisheries. Those where expansion is possible have a very small stock and and/or do not have a high market value (AFMA pers.comm.2004). The fisheries with the highest value—prawn and lobster—are already fully exploited.

Table 6.10 Potential for expansion in the fishery

Species	Expansion possible	Qualifier
Lobster	No	
Prawn	No	
Pearl shell	No	No present fishery, very limited stock
Trochus shell	Yes	No present demand
Line fishing	Possibly	Poor official data
Spanish mackerel	Possibly	Poor official data
Bech de mer	Limited	Fishery closed due to over fishing
Barramundi	Limited	No present fishery, very small stock
Crab	Limited	No present fishery, very small stock

Source: (AFMA pers.comm. Thursday Island, 2004)

The fishery, as explained above, has two sectors: Islander and non-Islander. Therefore if the overall catch is limited, the Islander sector (and hence Islander incomes) could be increased by decreasing the non-Islander sector. Indeed, this has been suggested (Menham, Skehill and Young 2002). Another possibility of increasing economic autonomy by expanding the fishery is to introduce new fisheries, say through aquaculture, possibly as practiced in Southeast Asia. Research into this possibility was already under way in 2004, with regards to sponges and lobster.¹⁰ However, apart from the unknown commercial potential, there may be other impediments to such projects. For example, we saw in Chapter 4 that turtle farming failed in the 1970s. In addition, other research has shown that collective projects are more problematic in Torres Strait than are more individual types of fishing (Arthur 1990). Further, people working on aquaculture projects in southeast Asia do not also have access to a scheme like the CDEP, as do Islanders. Of course, it would be possible to remove the CDEP scheme and leave people to generate this income from other sources, including commercial fishing. However, again, the resource is limited and it can be argued that the fishery can support a number of fishers who also have access to CDEP or a smaller number of fishers who do not. An unspecified benefit of a fishery that includes CDEP is that the CDEP income may well relieve the pressure on the fishing stock. This would apply to both the subsistence and the commercial sectors.

Islanders could be less dependent on CDEP if they were to displace the non-Indigenous people from the private sector and government jobs (see Table 6.9). However, many of these jobs are on the Inner Islands and so such a change would probably require numbers of Islanders to move to the Inner Islands from the Outer Islands (Arthur 1990).

¹⁰ Through the Australian Institute of Marine Sciences.

Also, it would require Islanders to become more highly skilled so that their educational and skills profile was more similar to that of non-Indigenous people with whom they would have to compete for such jobs (see Table 6.4)

Industries that have been thought to have some economic potential outside the public sector, include tourism and the production of art. One or two Islander artists have flourished in recent years but in general terms production on Outer islands is limited by poor organisation and marketing (Arthur 1990). Several small tourism ventures have been attempted on some Outer Islands, often in conjunction with non-Islander operators. Earlier research indicated a low level of Islander interest in tourism and limiting factors include the shortage of land, and potable water and the relatively high transport costs (Arthur 1990; Horwath and Horwath 1991). The largest operation has been that at Seisia on Cape York (Altman 1995).

Thus, the prospect of Islanders or indeed the region becoming more 'economically independent' appears limited. More realistically, a former chair of the TSRA told the Inquiry that he felt while Islanders could become independent politically, they could only become semi-independent economically (notes from the Ninth National Workshop, October 1999). This latter statement can be said to reflect an aspect of this thesis which is the relationship between political and economic autonomy, in as much as it accords with Jackson's (1990) proposal that it is possible to have political autonomy without having economic autonomy (Chapter 1).

The Inquiry revealed less about economic autonomy than political autonomy. However several points emerge. Islanders have obtained a degree of representation in fisheries management and control. I argue that this has been possible or at least aided by the particular ethos and structure of the Treaty and the Torres Strait Fisheries Act. While this has not amounted to full control of the fisheries, it is significant. Islanders appear to wish to increase this control. This raises several problems. Control of Indigenous-specific funds to the region appear to come under the auspices of either or both the TSRA and ICC and further control here seems not hard to arrange as it represents a transfer of authority from government over a certain class of funding. In this case, non-Indigenous people lose nothing. However, fisheries are a shared resource and so increased Indigenous control or involvement means a reduction in non-Indigenous

control and involvement. In this case, non-Indigenous people would have to give up their present control and involvement in the resource. This would give Indigenous people in the Strait, a degree of control similar to that held by citizens of some Pacific nation states (see Chapter 3).

The Queensland and Commonwealth Governments made little reference to economic autonomy in the Inquiry. However, they did seem to suggest that the granting of certain levels of political autonomy (territorial) were conditional on Islanders achieving an associated but unspecified level of economic advancement. Given the shape of the regional economy this would appear to be hard to achieve. In any case, as noted in Chapter 3, it is not a condition made on other (Australian) regions or territories.

Conclusions

This Chapter has analysed some historical material as well as the evidence given to the Commonwealth Government's 1996 Inquiry to determine the shape that political autonomy might be taking in Torres Strait. The analysis has explained the position taken on autonomy by each of the interested parties and stakeholders and how this appeared to be legitimised by them.

Political autonomy

None of the evidence suggests that any of the parties, Indigenous or non-Indigenous envisaged political autonomy as independence. One condition that may have influenced the Islanders' approach is the relatively open international border with Papua New Guinea. This has allowed Islanders to see that political independence has not resulted in economic betterment for Papua new Guineans who in fact seem to have become heavily dependent on Torres Strait for services and goods.

Governments and many Islanders subscribed to a form of regional self-government, that is to say autonomy for the 'place' Torres Strait. However, it is not clear that Islanders have moved to the stage of accommodating non-Islanders in such an arrangement. All governments, Queensland, Commonwealth and Torres Shire, put the view that any fully regional autonomy must provide for all of the residents of the region. But the form of regional political autonomy that Islanders envisage appears to be one that is

Indigenous-specific, applying only to Indigenous people resident in the region. This would conflict with the models noted in Chapter 3, including the territory models.

A Commonwealth Government concern regarding regional autonomy was the control of the border with PNG. The Commonwealth's evidence to the Inquiry stressed the need for it to retain control over the Strait as a border region and in this it was reflecting its additional responsibilities towards Australian citizens in general. This can be said to be the state legitimising its special rights to the region by virtue of the region being on an international border and close to an increasingly unstable neighbour. As we have noted earlier, border regions are agents of state security and sovereignty where the powers and interests of the state are 'monumentally inscribed' (Wilson and Donnan 1998: 8,9). In Chapter 3 I noted that in other models of autonomy, such as free association and territory models, central governments are keen to maintain control of security. Therefore, although borders are on the state's geographic periphery, they are central to its political interests and may limit what it views as an acceptable level of regional autonomy. I suggest that the border and the associated security issues will always limit the degree to which the Commonwealth will cede control over security in Torres Strait to any regional body.

Although Islanders subscribed to some form of regional autonomy, there existed a tension between autonomy at this level and that at the level of each island and/or sub-region. This mirrors one finding of the Inquiry which was that some Islanders claimed that the Torres Strait is, and always has been, composed of a federation of internally sovereign island communities which have never yielded overall authority to any outside power (HORSCATSIA 1997: 224-47). This form of tension, between regionalism and localism, is found in other parts of Indigenous Australia and in the archipelagoes of the Pacific (Larmour and Qalo 1985; Martin 1997). In Chapter 5 I argued that being an archipelago was one of the features that helped delineate the Strait as a region. However, it can also be said that Islands have characteristics that also allow them to be easily identified as separate units, so generating a tension between regionalism and localism.

Islanders also subscribed to a form of corporate autonomy, in this case, political autonomy from Aboriginal people. This has been a long-standing issue with Islanders

(Chapter 4) and the evidence suggests that, with the formation of the TSRA and its separate funding from the former ATSIC, this autonomy had been won for those Islanders living in Torres Strait. The argument by Islanders for this form of corporate autonomy was based on their particular geographical conditions and on their distinctive culture, namely *Ailan Kastom*. The use of culture by Indigenous people to further their case for autonomy has been noted in other places including the Pacific. Whereas this strategy has been relatively successful for Homelanders, I shall show in Chapter 7 that it has not been so for Mainlanders.

Economic autonomy

Less was said during the Inquiry process regarding economic autonomy. During the Inquiry the TSRA was separated fiscally from ATSIC. This gave fiscal reality to the 'corporate autonomy' from Aboriginal people mentioned above, and seems to make the separation from Aboriginal people fairly complete.

A significant value of government funds already pass through either or both the TSRA and the ICC, giving them a fair degree of involvement with, if not control over them, and these funds make up a large part of all of the funding to the region. The TSRA and ICC also have portfolio areas which provide them with input to regional policies. In addition, I noted in Chapter 4 that Islanders are also involved in designing regional health and education policies and these policies apply equally to Islanders and non-Islanders. Therefore, it can be argued that Islanders already have some fair degree of economic autonomy as this might apply to funds and policies for the Strait.

Islanders are also well represented in the management (control) of the region's fisheries. Although it is true to say that this had increased somewhat since the Inquiry, the basis for this representation has been the Treaty and the *Torres Strait Fisheries Act 1984*. However, Islanders appear to wish to increase this control even more, possibly to the extent of having the power to exclude non-Islander fishers. This would be a considerable change to the present regime and would give them powers akin to that of some Pacific island states noted in Chapter 3.

The Queensland and Commonwealth Governments appeared to link economic autonomy to political autonomy. Although not opposed to the Strait achieving territorial

status, comments by both Governments suggested that this was conditional on some (unstated) economic advancement. This is hardly a valid position for governments to take; as I have noted in Chapter 3, other external territories of Australia are not subject to this condition. In addition, the Strait's productive economy is based on fishing and this is already fully exploited and it is unclear how much the economy could be expanded by other means.

In the following chapter I shall show how Mainlanders perceived autonomy during the Inquiry process.

Chapter 7

The Inquiry: the mainland

...what really made the streets of Townsville quite distinct from any others we'd walked along in Australia was the presence of blacks who neither looked like any of the Aborigines we'd seen before nor behaved like them...These were Torres Strait Islanders (Jacobson 1987: 321).

Jacobson was referring to the people I have called 'Mainlanders': those Islanders and their descendants who have moved from Torres Strait to the mainland.¹ The 'distinction' he noted was that, compared to other Australian Indigenous people he had encountered, these appeared self-confident and optimistic.

In the previous chapter I discussed notions of autonomy as these might apply to people living inside Torres Strait. However, 80 per cent of all people identifying as Islanders live outside Torres Strait (Sanders and Arthur 2001). The Inquiry's third term of reference directed it to find out:

what implications would greater autonomy have for Torres Strait Islanders resident outside the Torres Strait region, including whether the Aboriginal and Torres Strait Islander commission or the Torres Strait Regional Authority should represent the interest of such residents (HORSCATSIA 1997: xii).

In the light of this, this chapter will review what autonomy appeared to mean for Mainlanders.

Torres Strait Islanders began moving in significant numbers from Torres Strait to the Australian mainland in the 1950s (see Fig 4.3 Chapter 4) (Taylor and Arthur 1993). Several reasons, which largely follow the push-pull theories of migration, are given for this movement (Zhang, Zhang and Zhang 1997). They include that Islanders:

- were able to move because the Queensland Government relaxed its earlier restrictions on their movement out of Torres Strait;
- wanted to escape what they considered to be the oppressive control of the Queensland Government in Torres Strait;

¹ In their submission to the Inquiry the Pasa Gab Te Torres Strait Islander Corporation said there were two groups of Islanders: Homelanders and Mainlanders (HORSCATSIA Sub 37, Pasa Gab Te). Mainlanders most often use these terms.

- wanted to gain their full citizenship rights - which they felt were being denied them in Torres Strait, characterising this as a wish to obtain their 'freedom'² (Chapter 4) ;
- moved to increase their access to services which were generally more available and of a better standard on the mainland than in remote Torres Strait (Taylor and Arthur 1994);
- moved to increase their access to education (HORSCATSIA Sub 40, TSIAB,) and
- because the pearl-shell industry in the Strait collapsed, employment for Islanders fell and so many moved to get work.

Initially, almost all lived in mainland Queensland (see Fig 4.3). They first worked there as sugar-cane cutters and when this work was mechanised, they found a niche laying tracks in the Queensland railways (Beckett 1987). Later they performed the same work on the construction of mine railways in Queensland and Western Australia. Nowadays they are found in many urban centres along the east coast and in the State and Territory capital cities (Map 7.1) (Taylor and Arthur 1994). The only exceptions to this are the small numbers of people who live in the Aboriginal communities on Cape York and in the north of Western Australia. Therefore Mainlanders are, like many non-Indigenous Australians, predominantly urbanites who potentially have access to a variety of mainstream labour market opportunities and general services (Taylor and Arthur 1994). Almost half live in Queensland (Table 7.1) and their numbers are small in other States where they are a relatively 'hidden' population.

Table 7.1 Distribution of Torres Strait Islanders outside Torres Strait, 1996

State/Territory	Number TSIs (1)	Per cent	No. of Islander organisations
Queensland (mainland)	11,633	48	13
New South Wales/ACT	5,595	23	1
Victoria	2,591	11	1
Tasmania	1,516	6	0
South Australia	1,161	5	1
Western Australia	1,102	4	3
Northern Territory	743	3	2
Australian mainland total	24,341	100	21

Source: ABS Census, 1996.

Notes:

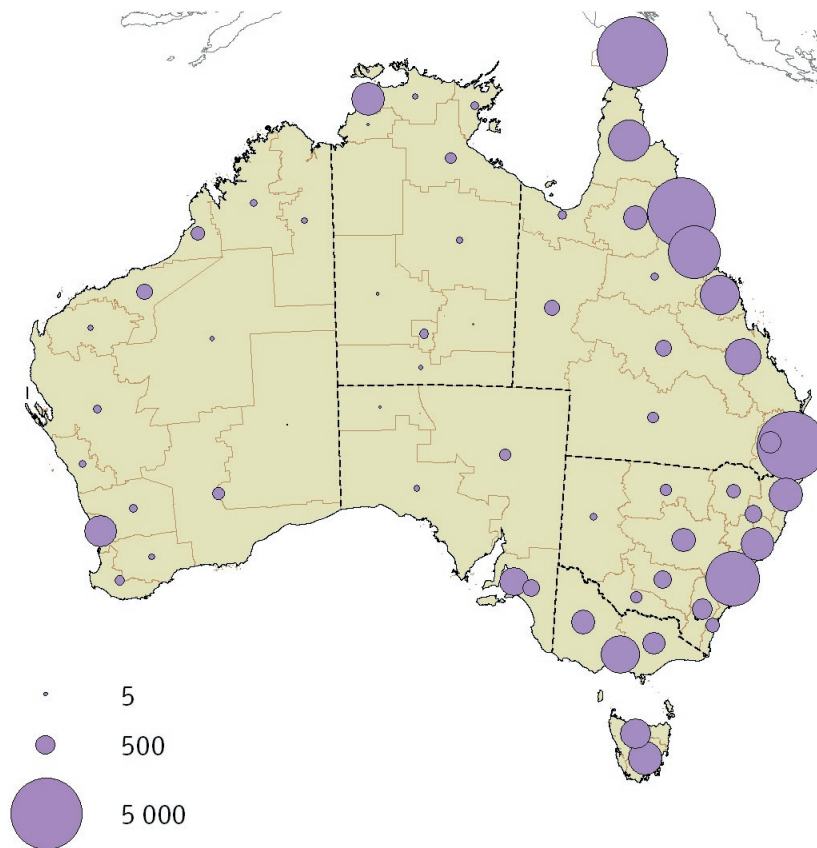
(1). Those who identified as both Torres Strait Islander and Aboriginal have been allocated to each group on a pro rata basis (see Appendix B).

The mainland policy environment

As well as creating first the TSRA, the *Aboriginal and Torres Strait Islander Commission Act 1989* set up the Torres Strait Islander Advisory Board (TSIAB); and

²This term is still used today by some Mainlanders when reminiscing on the earliest move after WWII.

Map 7-1. Distribution of Islander population, 2001.



Source: Arthur and Morphy (forthcoming).

the Office of Torres Strait Islander Affairs (OTSIA) in Canberra. OTSIA had responsibility for monitoring Commonwealth, State and local government programs affecting Torres Strait Islanders, and for evaluating the extent to which these programs met the needs of Torres Strait Islanders living on the Australian mainland; its budget was very small and basically covered funding for annual national workshops.

TSIAB was responsible for advising the Minister for Aboriginal and Torres Strait Islander Affairs on issues affecting Torres Strait Islanders nationally. Under the ATSIC legislation the Minister appointed the TSIAB members. There was one from each of mainland Queensland; New South Wales/Australian Capital Territory combined; Victoria/Tasmania combined; South Australia; Western Australia and the Northern Territory. However, the Torres Strait zone commissioner also chaired TSIAB (Sanders 1994: 15) so making a political link between Islanders in Torres Strait and those on the mainland. The link between the two groups was also maintained through annual Torres Strait Islander workshops mentioned above. Though the vast majority of delegates to these were Mainlanders and the agendas focused largely on Mainlander issues, the chair of TSIAB and other Homelanders were invited.³

Islanders have also established their own non-government organisations in several major towns and cities from a variety of government funding sources (Arthur 1998a). The distribution of the organisations tends to reflect the distribution of the Islander population: there are 13 in Queensland, three in Western Australia, two in the Northern Territory and one in each of the other States/Territories except Tasmania which has none (Table 7.1). These organisations are generally small, with an average membership of around 50, several are fairly new, not all have an active membership, nor do they have substantial links with the wider mainland Island community (Arthur 1998a).⁴ The organisations tend to focus on cultural activities though some attempt to diversify into areas such as employment and economic development.

In the remainder of this chapter I will explore how Mainlanders, Homelanders and the Commonwealth and Queensland Governments consider how autonomy might apply to Mainlanders. I will do this with reference to the general framework of the thesis noting

³ In 1997 those from the Strait who attended were the TSIAB Chair and Torres Zone Commissioner, two members of the TSRA, and one prominent Strait Islander leader.

how the parties involved legitimise their case for achieving political and economic autonomy. I will utilise data from the Inquiry and from a survey of Mainlanders carried out in 1997 (see Arthur 1998a).

Regional autonomy

National Workshops are organised by Mainlanders. The Ninth National Workshop in 1999 was hosted by the TSRA on Thursday Island and was organised by a newly formed National Secretariat of Torres Strait Islander Organisations (Ltd) located on the mainland (see below). The workshop title and banner is shown in Fig. 7.1 and, entitled 'Meriba Kaimel, Our Togetherness', it implied the unity of Homelanders and Mainlanders. This use of 'togetherness' in the title resonates with a Mainlander aspiration which was to be included in the autonomy of the region. Mainlanders felt they were being left behind or left out by those at home and wanted to be part of the homeland and have some representation there (notes from the Ninth National Workshop, October 1999; HORSCATSIA Sub 37, Pasa Gab Te). The concern that they might be left behind was evident in some mainland submissions to the Inquiry which argued that the Commonwealth should not give self-government to the Strait while ignoring Mainlanders in this (HORSCATSIA Sub 10, Akee).

A say in Torres Strait

Being part of this regional autonomy seemed for some Mainlanders to include having a say in the management and decision-making within Torres Strait. This would be similar to the non-residential regional representation enjoyed by Cook Islanders who live in New Zealand (see Chapter 3). For instance, some proposed that this might include a say in the way government monies would be allocated within the Strait, or in the design of regional policies for sea rights and for economic development (HORSCATSIA Sub 12, Townsville-Thuringowa TSI Action Group; Sub 36, Townsville Torres Strait Islander community; Hansard 1997, Au Karem Torres Strait Islander Interim Committee).

⁴In the 1980s Beckett (1987) classified many of these organisations family concerns.

Fig. 7-1. The ninth national workshop banner.

The Ninth National Torres Strait Islander
Seminar / Workshop
Thursday Island
25th - 28th October 1999
MERIBA KAIMEL
OUR TOGETHERNESS

GREATER AUTONOMY FOR TORRES STRAIT ISLANDERS
Planning a Future for Greater Autonomy in the New Millennium
RECOGNITION, RIGHTS, ACCESS & EQUITY

HOSTED BY
TORRES STRAIT REGIONAL AUTHORITY
COORDINATED BY
NATIONAL SECRETARIAT OF TORRES STRAIT ISLANDER ORGANISATIONS LIMITED

The wish to have a say in the Strait was also linked to concerns over land there.⁵ As shown in Table 7.2, 79 per cent of Mainlanders who live in Queensland still recognise their homeland and many feel they are still traditional landowners. However, those giving evidence to the Inquiry indicated that they had difficulty pursuing Native Title claims in the Strait. There seemed to be a concern that without a say in a regional autonomy, they would lose whatever Native Title rights, or other rights to land they might have there (HORSCATSIA Sub 41, ACT Torres Strait Islander Corporation). Some Homelanders expressed sympathy for this point of view at the 1997 national workshop. In the past there seems to have been some ambiguity with regard to the rights in land of those who had left the Strait (Beckett 1987; Beckett 1994). Native Title should have removed this ambiguity as by law non-residents can make Native Title applications. In practice, people do this through their Native Title Representative Body (NTRB) in the region from which they originate. The NTRB in Torres Strait is the TSRA. However, it is easy to see how Mainlanders might feel more confident about pursuing such applications if they were also involved in a regional government body. We will return to the issue of Mainlanders and land in Torres Strait below.

Table 7.2 Cultural characteristics of Islanders, Queensland, 1994

Characteristic	Homelanders %	Mainlanders %
Identifies with clan or language group	72	59
Recognises homeland	93	79
Grew up in homeland	78	56
Main language is English	12	70
Main language is broken English/Creole	65	12
Involved in an organisation	25	25

Source: Arthur (1997a: 7)

Fiscal access

The desire by many Mainlanders to be part of any regionally autonomous body was also related to their belief that this would increase their access to Indigenous-specific funding. This is largely because they felt that they did not get access to their share of funding through ATSIC. As one person put it to the 1999 annual Workshop, ‘we would stand a better chance asking for funds from here (The Strait) rather than from other “countrymen”’ (namely Aboriginal people) (notes from the Ninth National Workshop, October 1999). Proposals put by Mainlanders to the Inquiry and at post-Inquiry

⁵ Beckett (1994) has proposed that to be an Islander one needs an island.

meetings included that a specific amount of money allocated to the Strait might be earmarked for Mainlanders based on their proportion of the total Islander population (Hansard 1997, Thursday Island; HORSCATSIA Sub 10, Akee; Sub 40, TSIAB). A concern of Homelanders, as expressed by the chair of the TSRA, was whether this would be covered by a corresponding increase in their regional budget (Hansard 1997, Thursday Island). Homelanders recognised that autonomy for Mainlanders was connected to their access to funding and they accepted that this could be overcome by reserving funds for them (Hansard 1997, Thursday Island). However, they felt that this should not happen through any regional body in Torres Strait but through OTSIA on the mainland (HORSCATSIA Sub 17, TSRA). In other words, although the Homelanders were sympathetic to the fiscal problems of Mainlanders, they were not necessarily keen for these to be solved through making Mainlanders part of a regional system and the funding of it.

The political and cultural case

Mainlanders used both political and cultural factors to legitimise their case for inclusion in the region. For instance, they put it to Homelanders that it was Mainlanders who had been instrumental in halting the proposed changes to the border in the 1970s (HORSCATSIA Sub 10, Akee).⁶ They argued further that it was a mainlander, Eddie Mabo who had initiated Native Title and that this was won with little or no assistance from either the ICC or the TSRA (HORSCATSIA Sub 10, Akee; Sub 5, Erub Island). The suggestion was that this history of political activity now gave Mainlanders some right of say in regional affairs. It is pertinent here to note that the submissions to the Inquiry that took this line were mostly from the Eastern Islands and from Mainlanders from the Eastern Islands and it is mostly they who feel Mainlanders have fulfilled more of a political role than have Homelanders. This accords with Beckett's thesis that, being further from the lucrative lobster grounds than the other island groups, Eastern Islanders adopted political activity and migration to advance their individual autonomy and political 'freedom' during the 1950s and 1960s (Beckett 1987) (see Chapter 4).

Mainlanders also attempted to make a case for their involvement in the Strait's affairs in cultural terms by emphasising that they are part of the common Islander culture: *Ailan*

Kastom (Chapter 5). In their submission to the Inquiry the *Saam Keram* TSI Corporation in Broome said that they still identified with and maintained links to the Strait, while other Mainlanders stressed the 'oneness' of all Islanders based on their common descent and linguistic heritage (HORSCATSIA Sub 12, Townsville-Thuringowa TSI Action Group). The statistics might support this commonality. Though many were born and raised and live on the mainland, Mainlanders still identify strongly with Torres Strait and with Torres Strait Islander culture and they retain many attachments to the region (Arthur 1997a). As noted above 79 per cent of Mainlanders (in Queensland) still recognise their homelands and as shown in Table 7.2, twelve per cent spoke Torres Strait Creole and 59 per cent still identified with their clan. Though all of these rates are lower than for Homelanders, they still suggest a fair degree of attachment to the cultural heartland. Mainlanders also articulate Native Title as something that links them culturally to the homeland. As stated in one submission:

Mabo confers rights on all Torres Strait Islanders and obligations to the whole Torres Strait Islander domain, it is the sacred trust of all Torres Strait Islander people, Mabo has confirmed the existence of a universal Torres Strait Islander interest and obligation (HORSCATSIA Sub 12, Townsville-Thuringowa TSI Action Group).

I shall return to other ways that culture is adopted as a legitimator in a later section of this chapter, suffice to say here that the data suggest that Mainlanders used culture to make a case for their inclusion in regional autonomy.

The view from the homelands

Some Homelanders supported the case that Mainlanders should have a say in regional matters and again this was based mostly on the notion that they were still viewed as land owners (Hansard 1997, Thursday Island; notes from the Ninth National Workshop, October 1999). The former ATSIC also supported this in general although it proposed that the participation of Mainlanders in the Strait's affairs should in fact be limited to only very broad issues such as Native Title but not to specific day-to-day affairs (HORSCATSIA Sub 32, ATSIC; Hansard 1997, ATSIC).

⁶As noted in Chapter 4, at that time it was those in the eastern islands and their kin on the mainland who established the Border Action Committee and Torres United Party (TUP). The TUP also called for independence through the creation of the 'The Free Nation of Torres Strait' (Beckett 1987: 204).

However, only one submission from the Strait supported the idea that Mainlanders should be involved in decision-making in the Strait. Indeed, when asked by the Inquiry how Mainlanders should be accommodated within autonomy, one island chairman went as far as to suggest, rather pointedly, that they should 'get stuffed' (Hansard 1996, Yorke Island). In another case, it was proposed that Mainlanders could only have a regional voice if they returned to live in the Strait (Hansard 1996, Bamaga). These views reflect tensions noted in earlier times between those in the Strait and those who had moved to the mainland (Beckett 1987: 85). In general, despite at other times arguing the 'oneness' of all Islanders, many in the Strait appear ambivalent about the extent to which Mainlanders should be included in regional structures. Submissions to the Inquiry indicated that the preferred position of Homelanders was for the Mainlanders to be represented by structures outside Torres Strait, for example:

Mainlanders should be represented *only* through TSIAB (emphasis added) (Hansard 1996, Thursday Island).

Mainlanders are represented by ATSIC because they are on the mainland (Hansard 1996, Saibai Island).⁷

We are remote and different from the mainland, our programs are for here, not for the mainland (notes from the Ninth National Workshop, October 1999).

The case for including Mainlanders in the region also failed to gain much support from non-Islander residents. At a meeting of the Port Kennedy Association on Thursday Island, one non-Indigenous resident was emphatic that though he was not averse to the idea of regional autonomy for Islanders, he was against the ideas that Islanders from outside the Strait should be included in this (notes from a public meeting of the Port Kennedy Association, Thursday Island, October 1999). The Inquiry's final Report also failed to support the Mainlander position, concluding that if greater control passed to a regional body in Torres Strait, Mainlanders should only have observer status on it (HORSCATSIA 1997). This view was rejected by members of the 1997 Seventh National Workshop and Mainlanders subsequently presented a proposal for a structure that would ensure them representation on any regional-government and therefore a say in regional affairs. This proposal also received no support from either government or from Homelanders and later national workshops moved on to issues other than regional

⁷Interestingly, the person making this statement was also the TSIAB chairman, indicating the potential for competing loyalties within the system.

autonomy (see below). In summary Mainlanders failed to make a case to be included in regional autonomy as this might apply in Torres Strait.

Migrant status?

The inability of Mainlanders to legitimise their case may stem in part from the way they are perceived. Some Homelanders view them as 'ex-Islanders' and in its submission to the Inquiry, the former ATSIC argued they should be treated differently from Islanders in the Strait on the basis that they were 'migrants', a status also given to them by Beckett (HORSCATSIA Sub 32, ATSIC; Beckett 1987; 1994: 11). Mainlanders however, do not necessarily want to be seen as migrants and would prefer to be known as the 'Torres Strait Islanders of the diaspora' (HORSCATSIA Sub 12, Townsville-Thuringowa TSI Action Group). Indeed, some maintain links with the homeland and have returned there to retire. Nonetheless, many have not; Cairns cemetery includes many Islander tombstones. One Mainlander attending the 1999 workshop on Thursday Island told me that he had not been in the Strait since he left there at the age of 15 in the 1950s. He left when the price of pearl shell dropped. In addition, Mainlanders evince some of the traits of South Pacific migrants to Australia. For instance they have established organisations which focus on cultural activities and have formed church-based groups (Beckett 1987; McCall and Connell 1993).

As already noted, people went to the mainland to gain access to educational facilities and to find employment and this is why some remain there (HORSCATSIA Sub 40, TSIAB; Sub 3, Au Karem Le). Beckett felt that by the early 1980s many Mainlanders felt that the 'dream of modernity' was not happening and so they began to think of returning home (Beckett 1994: 22). Certainly by the early 1990s some were returning to the Strait and this was because the economy on the mainland had taken a downturn and jobs had become scarce there (Arthur 1990). As noted in Chapter 4, it became harder to find employment on the mainland and easier to do so in the Strait; services were also improving in the Strait and the (relatively) new lobster industry was proving lucrative (Arthur 1990). In the 1970s the Strait was classified as a remittance economy with inputs from Mainlanders as well as from government (Fisk 1974; Beckett 1987). By 1990, fiscal flows had changed somewhat with some Homelanders sometimes fishing commercially to meet requests for cash from relatives on the mainland (Arthur 1990).

Although since the 1960s some Mainlanders have returned to the Strait to retire, both Mainlanders and Homelanders noted that few others could return permanently unless there was some very large-scale economic development. Even then it was recognised that this could put insupportable pressures on the levels of infrastructure in the Strait and on the natural resources, such as land and potable water (HORSCATSIA Sub 40, TSIAB; Sub 12, Townsville-Thuringowa TSI Action Group; Hansard 1996, Kubin; Hansard 1997, Alice Springs).

Mainlanders aspired to a form of regional autonomy which would have included them in Torres Strait. This took the form of being part of the decision making in the region and seemed to be connected to concerns over Native Title rights, and their access to Indigenous-specific funding. They argued their case for their inclusion on the basis that they share a common culture with Homelanders. This view of regional autonomy was not widely supported by Homelanders. The rhetoric of 'oneness' did not appear to stretch to including Mainlanders in any form of regional autonomy.

Corporate autonomy

Despite what I have described as a desire for involvement in some form of regional autonomy, Mainlanders focussed during the Inquiry more on a form of corporate autonomy, or autonomy for them as a people. This was principally to break free from being included with Aboriginal people in ATSIC and in other areas of Indigenous affairs. Some believed that being included with Aboriginal people denied them access to Indigenous political structures and the associated Indigenous-specific resources.⁸ Thus the form of corporate autonomy they favoured had to do with political separation from Aboriginal people. To achieve this required them to make a case not to Homelanders but to ATSIC and to governments generally. I shall first discuss separation or political autonomy from ATSIC.

⁸Indigenous people could access three categories of services and funding: those within ATSIC; those provided by all levels of government but specifically for Indigenous people; and those provided for all citizens.

Autonomy from ATSIC

In 1993, the Commonwealth Government reviewed the ATSIC legislation. This review noted that all Islanders were dissatisfied with being within ATSIC but proposed different solutions to address this for the Strait and for the mainland. The review suggested that consideration should be given to advancing the autonomy of the Torres Strait by creating a regional Torres Strait Authority (TSA), though this was to remain within the ATSIC structure. However, it also suggested that the representative structure of ATSIC gave Mainlanders the same and adequate opportunities for representation as it did for Aboriginal people. Indeed, far from proposing any increased autonomy for Mainlanders, the review claimed that even the existing 'special provisions' for Islanders within the ATSIC legislation, such as the OTSIA, were already 'inequitable and unnecessary' (see Sanders and Arthur 1997: 5). A further review of ATSIC had proposed that OTSIA be abolished (notes from the Ninth National Workshop, October 1999).

Subsequently, the *Aboriginal and Torres Strait Islander Commission Amendment Act 1993* created the Torres Strait Regional Authority (TSRA). As noted earlier, this substantially increased the autonomy of Torres Strait Islanders in the Strait by giving the TSRA powers similar to those of the Commission itself (Arthur 1997b). Mainlanders were left attached to the Aboriginal system and their political status was unchanged. Mainlanders felt this was not adequate and at the 1995 national workshop, and then in a submission to ATSIC, they called for the formation of a Torres Strait Islanders Commission separate from ATSIC (Sanders and Arthur 1997: 8). This was characterised as 'taking the TSI out of ATSIC'. This theme continued into the Inquiry where, as noted in Chapter 6, sixty per cent of submissions expressed greater autonomy in terms of establishing a national Islander statutory organisation or Commission separate from ATSIC (HORSCATSIA Sub 17, TSRA). This point was most forcibly made by Mainlanders and by the TSIAB. In most instances, the suggestion was that this separate body would oversee Torres Strait Islander affairs in both the Strait and the mainland. Mainlanders who took this approach repeated their earlier claims that they were not receiving equitable treatment within the ATSIC system and that it was failing to meet their needs (Hansard 1997, Alice Springs; HORSCATSIA Sub 22, Saam Keram; Sub 15, Erub Island; Sub 41, ACT Torres Strait Islander Corporation).

The political or economic case?

Autonomy from ATSIC is largely a political matter. However, the reason Mainlanders wanted to be separate from ATSIC hinged on their perception that being in it restricted access to what they considered as their proportion of its Indigenous-specific economic resources. A group of Mainlanders from Brisbane and Townsville rallying outside Parliament House in Canberra in 1996 protested at the 'imbalance of funding' for Torres Strait Islander organisations and programs (TSIAB News, July 1996: 5).

Mainlanders continued to make this point to the Inquiry saying that they were unable to access business grants and other funding while part of ATSIC (notes from the Ninth National Workshop, October 1999). This was because they felt they could not compete successfully with Aboriginal people in the Regional Council application system.⁹ As already noted, in ATSIC the mainland was divided into 35 regions each with an elected regional council. Each council had discretionary powers over a proportion of their budgets that they could allocate to incorporated organisations and communities. These funds were accessed through applications to the regional councils. Mainlanders claimed that they were unable to access this system adequately because they are the minority of the Indigenous population in each of the regions, have relatively little voting power and cannot get Islanders elected as councilors (Arthur1998a). They claimed that their applications were mostly unsuccessful (HORSCATSIA Sub 36, Townsville Torres Strait Islander community; Sub 41, ACT Torres Strait Islander Corporation; Hansard 1997, Darwin). Evidence to the Inquiry to this effect included such statements as:

we cannot get on the regional council (HORSCATSIA Sub 22, Saam Kerem);

we have to compete with Aborigines on the regional councils (HORSCATSIA Sub 36, Townsville Torres Strait Islander community);

we get nowhere, we have to speak through the Aboriginal voice (Hansard 1997, Au Karem Torres Strait Islander Interim Committee).

Around the period of the Inquiry, 15 of the 371, or 4 per cent of the mainland councilors were Islanders. As Islanders are about 10 per cent of the mainland Indigenous population (Arthur 2000) it can be argued that statistically they were indeed underrepresented on regional councils. Also, Islander councilors were concentrated in

⁹Others argued that this also meant they were unable to establish their own CDEP schemes and so had to join Aboriginal schemes (Hansard 1997, Darwin).

only seven of the 35 regional councils (Keys Young 1998: 27). Both of these factors may have negatively affected their access to ATSIC funds.

Mainlanders also argued that their access to funds was affected by a perception by Aboriginal people and regional councils that the TSRA is resourced to fund all Islanders no matter where they live in Australia (Hansard 1997, Darwin; Arthur 1998a). This is factually incorrect as the TSRA has responsibility only for Torres Strait Islanders in Torres Strait and has neither the charter nor the resources to meet funding applications from Mainlanders. This misunderstanding had apparently resulted in Mainlanders being advised by ATSIC regional councils that they should apply for funding not to them, but to the TSRA (Hansard 1997, Au Karem Torres Strait Islander Interim Committee; Arthur 1998a). As some Mainlanders put it to an Inquiry hearing:

We are told to get our share from Torres Strait cake ... we are pushed back and forth between ATSIC and TSRA for funding ending up like the meat in the sandwich (Hansard 1997, Au Karem Torres Strait Islander Interim Committee).

One further outcome of this was a perception by Aboriginal people that Torres Strait Islanders actually have *too much* access to funding. Mainlanders commonly said they were accused of getting or attempting to get 'two bites of the cherry' and of 'double-dipping' (Hansard 1997, Kain Marep; ACT Torres Strait Islander Corporation). This had, some claimed, created animosity between Aboriginal people and Torres Strait Islanders breaking earlier political alliances and causing one exasperated Mainlander to propose that what was now needed was a memorandum of understanding or Treaty with Aboriginal people (HORSCATSIA Sub 10, Akee; notes from the Ninth National Workshop, October 1999).

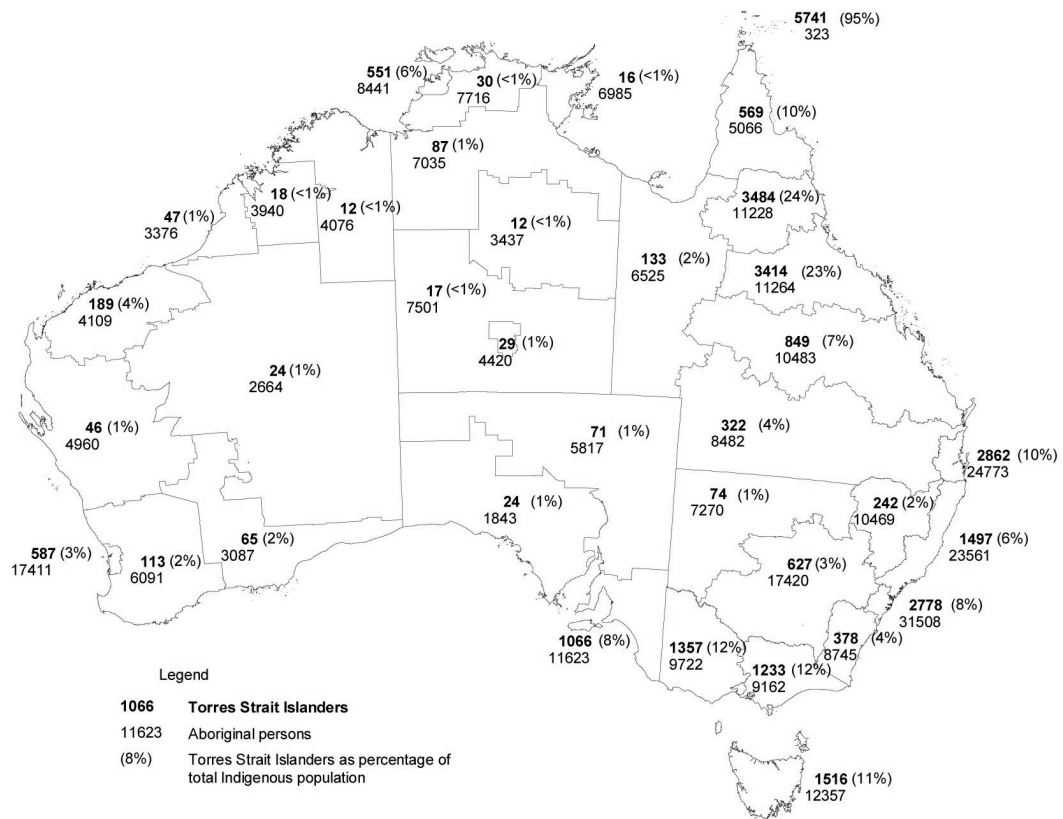
In addition to seeking their own statutory Commission, Mainlanders also claimed that their autonomy would be increased if they had a national non-government body in the form a Secretariat (HORSCATSIA Sub 37, Pasa Gab Te). This was intended to act as an umbrella organisation for the various Mainlander organisations (HORSCATSIA Sub 40, TSIAB; Hansard 1997, Cairns; Au Karem Torres Strait Islander Interim Committee). Such a Secretariat was established in 1997 as a public company with ATSIC funding and it took on the role of organising the national workshops but it is unclear at this stage how effective it will be in furthering Mainlanders' aspirations.

Autonomy within ATSIC?

Not all Mainlanders saw autonomy in terms of a separation from ATSIC with some proposing that if they wanted more from ATSIC then they should increase their political activity within it (HORSCATSIA Sub 41, ACT Torres Strait Islander Corporation). Others felt that they should remain in ATSIC but that it should be modified to cater more for their representation by for example increasing the number of Torres Strait Islander officers within the ATSIC administration, by establishing a Torres Strait Islander advisory committee for each regional council or by being allocated reserved seats on regional councils (HORSCATSIA Sub 41, ACT Torres Strait Islander Corporation; Sub 40, TSIAB; Sub 37, Pasa Gab Te; Hansard 1997, Cairns; notes from the Ninth National Workshop, October 1999). The latter strategy would be akin to the special form of representation found in the governments of parts of the South Pacific as explained in Chapter 3.

The desire to stay in ATSIC may have acknowledged the affinal links between Aboriginal people and Mainlanders. For instance, a resident of Cairns indicated that Mainlanders were both Aboriginal and Torres Strait Islander and was concerned about placing too much emphasis on separation. She indicated that many if not most on the mainland were in mixed marriages and while acknowledging their Torres Strait Islander heritage they also accept their Aboriginality (notes from the Ninth National Workshop, October 1999). In fact, the statistics show that 'dual identification' is common on the mainland. As noted in Chapter 6, the option to identify as both an Aboriginal person and as a Torres Strait Islander was first given in the 1996 ABS Census as a response to requests from those Mainlanders married to Aboriginal people. In 1996 some 9,600 Mainlanders identified as both Torres Strait Islander *and* as Aboriginal people, presumably as a result of intermarriage. While only 6 per cent of Islanders did this in the Strait the figure was 26 per cent on the mainland (Arthur 2000). Dual identification may also have implications for the funding issues discussed above. A 1997 survey of Mainlanders found that those with dual identification experienced better access to Indigenous-specific programs and services (Arthur 1998a). On the other hand, this access also applied to those who worked in Aboriginal organisations or who networked with Aboriginal people suggesting that access may not rest solely on issues of dual identification.

Map 7-2. Islanders and Aboriginal population by ATSI regions, 1996.



Source: Arthur (2000).

The cultural case

Like the Homelanders, Mainlanders legitimised their case for separation from ATSIC and for their treatment as distinct group on the mainland (their corporate autonomy) in a number of ways. One of these is to argue that they are part of the distinct Torres Strait Islander culture *Ailan Kastom* (HORSCATSIA Sub 36, Townsville Torres Strait Islander community; notes from the Ninth National Workshop, October 1999; HORSCATSIA Sub 12, Townsville-Thuringowa TSI Action Group). They affirm their cultural connection with people in the homelands 'we are one people not you and us down south' (notes from the Ninth National Workshop, October 1999) and this was reflected in the theme for the 1999 national workshop 'our togetherness', a theme determined by the mainland organisations (see Fig. 7.1). I noted in Chapter 5 that Islanders have a distinctive form of dress and it is noticeable that many Mainlanders who attend the national workshops wear this. In Chapter 4 we saw how the annual 'coming of the light' celebration is a cultural marker for Islanders and this is held by all mainlander organisations across Australia. Similarly, Mainlanders perform tombstone openings and are very active in traditional dance performances (Beckett 1987). Indeed, a principal activity of mainland organisations is giving public performances of Islander dancing (Arthur 1998a). A further cultural link is maintained when young boys are taken back to the Strait to be initiated (Davis 1998: 248).

The demographic case

One submission to the Inquiry seemed to suggest that Mainlanders should have greater autonomy from Aboriginal people because they were the majority of the Torres Strait Islander population (Hansard 1997, Au Karem Torres Strait Islander Interim Committee). This is statistically correct but hard to sustain as an argument for separation from Aboriginal people. Mainlanders are only around 10 per cent of the total Indigenous population. Although they are 13 per cent of the Indigenous population in mainland Queensland, in other states this proportion is much lower. For instance, they are only 2 per cent of the Indigenous population of the Northern Territory and Western Australia. A similar variation was found across many of the ATSIC regions. They were less than 1 per cent in some regions of Western Australia and the Northern Territory and around 23 and 24 per cent in the Townsville and Cairns regions (see Map 7.2). Therefore although they are the majority of all Islanders, Mainlanders would find it

hard to justify a case for political autonomy from Aboriginal people based on their demography.

The rights case

Some Mainlanders legitimised their call for greater autonomy in terms of redressing the wrongs that they felt had been perpetrated on them by the Queensland and then the Commonwealth Government (see Chapter 4). For example, they argued that they had been subject to exploitation because they were poorly paid during the pearl shell period and then when they were in the TSLI in WWII (HORSCATSIA Sub 12, Townsville-Thuringowa TSI Action Group; Sub 3, Au Karem Le). They felt that in these periods they had contributed to building Australia and that this now warranted some special support from government as a form of recompense. As one submission put it:

We helped you in the past and now you must help us. We have struggled and now we want something for our children (HORSCATSIA Sub 3, Au Karem Le).

We could say that here they were using the moral imperative of 'colonial exploitation' to argue for a form of compensation. As shown in Chapter 4, Islanders were indeed paid at a low rate during these earlier periods. However, governments in Australia have strongly resisted entering into negotiations over compensation for former Indigenous policies and it is unlikely that this argument would hold much sway with them. Only a few submissions made a claim on autonomy based on their earlier treatment by governments.

Autonomy in non-ATSIC Indigenous affairs

...we are not on a bed of roses in the south but on a bed of nails as we do not get fair access to resources (notes from the Ninth National Workshop, October 1999).

Mainlanders also aspired to be more autonomous from Aboriginal people with regard to Indigenous-specific services provided outside ATSIC, that is to say, in those Indigenous services provided by Commonwealth and Queensland departments. Again, this was based on the perception that by not being considered separately from Aboriginal people, they were denied access to services and programs, such as those

related to health (HORSCATSIA Sub 37, Pasa Gab Te; notes from the Ninth National Workshop, October 1999). Certainly, there is little evidence to show that Mainlanders are considered as a separate group by governments. The overall approach of all levels of government to Torres Strait Islanders on the mainland is to make no distinction between them and Aboriginal people and to encourage them to participate in all of the programs and services that are available to everyone (Arthur 1998a).

Islanders were recognised by name in the *Aboriginal and Torres Strait Islander Commission Act 1989* and in the former ATSIC. The distinctive position of Mainlanders was also acknowledged when OTSIA was given responsibility for monitoring Islander affairs on the mainland. However, Torres Strait Islanders were not separately identified in many mainstream and general Indigenous program areas (Commonwealth of Australia 1992: 1). For example, the Commonwealth's rental housing program was referred to as the Aboriginal Rental Housing Program. Nor had the Commonwealth maintained statistics specifically on mainland Torres Strait Islanders. At the time of the Inquiry, the only major ABS publications had been analyses of the 1994 National NATSIS and the status of Torres Strait Islander health, and these publications were both limited to the State of Queensland (see Arthur 1992a; Arthur 1996; 1997a). Although ATSIC had its own statistical division, it had not produced any statistical publications specifically on Torres Strait Islanders.¹⁰

Only the Queensland Government made separate provision for Mainlanders, primarily as a result of its historical relationship with them as described in Chapter 4. Islanders are part of its Department of Aboriginal and Torres Strait Islander Policy and Development. The Mackay Health District had an Islander language program and reserved positions for Islanders on its advisory committees and the Townsville Health District maintained records specifically on Torres Strait Islanders as did the Queensland Aboriginal and Torres Strait Islander Housing unit. The Queensland Government had also gone some way to officially recognising Islander traditional adoption practices. Nonetheless, Queensland had legislation specific to Islanders only for those who resided in Torres Strait.

¹⁰The issue of the provision of Torres Strait Islander statistics had not been entirely ignored (see Arthur 1992a; Arthur 1996; Barnes 1996; ABS 1996). The Commonwealth, primarily through the agency of the ABS, was currently attempting to establish a standardised method for recording Torres Strait Islanders

Outside Queensland, Islanders are not recognised in State/Territory government programs and policies for Indigenous people, nor are statistics kept of them. Indeed, most other States/Territories are uninformed about even the number of Torres Strait Islanders within their jurisdiction (Arthur 1998a). Therefore, just as the policy approach to Islanders differed between Torres Strait and the mainland, it also differed between Queensland and the other States/Territories. This difference was highlighted at the annual meeting of the State ministers of Indigenous affairs in 1999. At that meeting the Queensland Minister backed a proposal that all State/Territory governments officially recognise Islanders as a distinct people when implementing their programs and policies, this was rejected by the other State/Territory ministers (*Townsville Bulletin* 13 September 1999). Because of this situation Mainlanders felt excluded from State/Territory Indigenous policies and programs, particularly those outside Queensland (Arthur 1998a).

Mainlanders were also disadvantaged in terms of accessing land on the mainland. The mainland is not their traditional territory, and so unless they marry into an Aboriginal land-owning group or can make some other arrangement with local Aboriginal land-owners, they cannot access land by recourse to traditional ownership under land rights-type legislation. In one case, despite protracted negotiations with landowners a Torres Strait Islander group in Western Australia had been unable to obtain any form of rights to either land or the sea for commercial purposes (Arthur 1998a). Mainlanders also experienced difficulty accessing land through the Indigenous Land Corporation (ILC) (HORSCATSIA Sub 16, Murray Island; Arthur 1998a). The ILC was established as part of the Commonwealth's Native Title legislation in 1992. Its specific role is to purchase land for those groups whose social and cultural links to their land have been disrupted to the extent that they cannot meet the requirements of Native Title applications. To avoid causing conflict and tension at the regional level, the ILC will only assist traditional owners (or people with traditional links to the land) to obtain land (ILC 1996: 15). Mainlanders cannot meet these ILC criteria because, although they may have fairly long-standing historical connections with certain areas, they are not on land with which they have traditional links.

both in its own administrative/departmental data-bases, and in those of the States/Territories (see for example ABS 1996).

The 'other' view

Mainlanders were unsuccessful in making their case for autonomy from Aboriginal people. The Report recommended that they remain part of the ATSIC system but with a strengthened position. For example, the Report recommended that each ATSIC regional office should have an Islander staff member as a contact point, and that ATSIC regional councils should report annually on the measures they had taken to meet mainlander concerns (HORSCATSIA 1997: 107-09). The Report also recommended that ATSIC should encourage governments to develop partnerships and joint ventures with Torres Strait Islander community groups to increase assistance for them (HORSCATSIA 1997: 106). Mainlanders were also unsuccessful in gaining support from governments for special consideration in Indigenous programs. The Queensland Government noted that:

the government's perspective here, is about providing services on an equal basis for these people across the state, no matter what ethnic (or) indigenous backgrounds (Hansard 1997, Queensland State Government).

There are several reasons why Mainlanders failed to make their case successfully to government. One was the mainland demography. Governments felt that there are simply too few Islanders to make it efficient to provide such programs and services (Hansard 1997, Cairns). This perception is to some extent understandable, because, as noted above, there are very few Islanders outside Queensland and as these mostly live in urban centres, they are thinly spread, hard to service as a group, and are relatively 'invisible' (Arthur 1998a).

Also, all levels of government believe that Torres Strait Islanders *can* access Indigenous programs and services and that, therefore, they have little need to provide programs and services specifically for them. In 2000, a Commonwealth Grants Commission inquiry could find no evidence to suggest that Mainlanders were disadvantaged with regard to access to programs and services (CGC 2001). There is little other evidence to substantiate their claims of disadvantage and inequitable access either inside or outside ATSIC, and those data that are available suggested that access was relatively good (Arthur 1998a; Keys Young 1998). Table 7.3 shows the number of approaches that organisations made to State/Territory departments in 1997, predominantly for funding for cultural purposes. Of 21 approaches for which there were

results, 16 or 76 per cent were successful. However, this does not detract from the fact that Mainlanders perceive that they are disadvantaged by being considered along with Aboriginal people and it has been argued that Aborigines in the former ATSIC needed to respond to this perception so as to be consistent with

...the general claim of indigenous people that dominant majorities need to respect and accommodate the rights and points of view of numerically dominated cultural minorities (Sanders and Arthur 1997: 18)

Table 7.3 Approaches by Mainlander organisations for funding, 1997

State/Territory	Approaches	Successful	Failed	Pending	No data
Queensland	25	10	3	2	10
Northern Territory	2	2	0	0	0
Western Australia	9	2	2	2	3
South Australia	1	1	0	0	0
New South Wales	1	1	0	0	0
Australian Cap. Territory	0	0	0	0	0
Total	38	16	5	4	13

Source: Arthur (1998a)

The theme of the 2001 national workshop was access to mainland health services. Participants of a working group that I personally took part in, while advocating a separate health service, could not articulate one problem they had with the existing system. Also, a study in 1997 showed that though Mainlanders stated they could not access the Aboriginal health services, when they failed to do this they went to the mainstream (non-Indigenous) system which they were able to access (Arthur 1998a). The perception from the available data suggests that this is still the case and that Mainlanders manage to access services without programs and services specifically for them. A young Islander working in the Aboriginal legal service in Brisbane indicated to me that in the time he had been in his job, he had not been approached by a single Torres Strait Islander client, suggesting either a lack of need, or that Islander accessed the mainstream.

Economic autonomy

In addition, standard indicators suggest that Mainlanders are achieving a level of economic autonomy when compared to Aboriginal people. Table 7.4 shows that while they have a lower socioeconomic status than non-Indigenous Australians it is generally higher than that of Aboriginal people (Taylor and Gaminiratne 1992; Arthur 1997a). They are more employed and qualified than Aboriginal people and are more likely to be

buying their own houses (Table 7.4). As well as this, Table 7.5 shows that Mainlanders have a higher socioeconomic status than do Homelanders. This suggests that they are achieving one of their initial goals for moving to the mainland: some greater degree of economic autonomy. It can also be argued that they are doing what the government wants, which is to see Indigenous people increase their socioeconomic status and so reduce their dependence on the welfare system (see the Commonwealth *Indigenous Employment Policy 1999*). These factors may help explain why governments do not feel that Mainlanders require special consideration, separate from Aboriginal people.

Table 7.4 Socioeconomic status on the mainland, 1996

Characteristic	TSIs %	Abgs %	Non-Indig %
Rate of employment	56	38	57
Rate of self employment	4	3	9
Rate of employment in State/Territory Govt.	15	18	12
Rate of employment in private sector	69	60	79
Those renting government housing	18	23	5
Those owning or buying a house	36	29	70
Those attending tertiary institutions	4	4	6
Those with post-school qualifications	9	6	25

Source: Arthur (1998a)

Table 7.5 Islander socioeconomic status: Torres Strait, mainland Australia, 1996

Characteristic	The Strait %	Mainland %
Rate of employment	50	56
Rate of self-employment	4	4
Rate of employment in State/Territory Govt.	16	15
Rate of employment in private sector	26	69
Those renting government housing	20	18
Those owning or buying a house	14	36
Those attending tertiary institutions	2	4
Those having post-school qualifications	9	9

Source: Arthur (1998a)

Political and economic autonomy

It is also important to note however, that the socioeconomic status of Mainlanders varies across States/Territories. Table 7.6 shows the status Torres Strait Islanders when compared to that of non-Indigenous people for selected socioeconomic characteristics to indicate the extent to which they are reaching parity in each location. For example, the rate of Islander employment has been divided by the rate of non-Indigenous employment, giving a ratio of 0.85. A ratio of 0.70 and over has been arbitrarily chosen to suggest where Mainlanders are coming close to parity with non-Indigenous people and where this is the case, cells are shaded in Table 7.6. The following observations can be made for 1996.

Table 7.6 Mainlander parity with non-Indigenous people, 1996

Location	Employment	Self employment	Private sector employment	State govt. employment	Renting govt. house	House owners/buyers	Attend. tertiary inst.	Tertiary quals.	Household incomes
SA	0.85	0.80	0.96	0.76	2.20	0.66	1.00	0.40	0.59
Vic.	0.85	0.75	0.96	0.55	3.66	0.65	0.66	0.45	0.67
WA	0.81	0.50	0.91	1.00	4.20	0.49	0.71	0.33	0.62
NSW	0.77	0.71	0.93	0.83	3.00	0.48	0.50	0.29	0.62
ACT	0.93	n.d.	0.75	0.72	1.50	0.43	1.00	0.52	0.51
Qld/mnl d	0.68	0.22	0.77	1.66	5.50	0.37	0.66	0.28	0.67
NT	0.54	0.33	0.75	1.36	2.38	0.53	0.57	0.19	0.45
Torres Strait.	0.68	n.d.	0.41	0.55	n.d.	0.54	0.40	0.16	0.32

Source: Arthur (1998a).

n.d.= no data

In all States/Territories Mainlanders were far from parity with non-Indigenous people with regard to buying their own homes and as a corollary to this, were heavily dependent on government housing. Regarding tertiary qualifications, the situation was poor in all States/Territories though attendance at tertiary institutions was close to parity in South Australia, Western Australia and the Australian Capital Territory.

In waged-employment, Mainlanders were close to parity with non-Indigenous people in the southern and more populated States but not in Queensland or the Northern Territory. A similar pattern applied for self-employment. They were approaching parity with non-Indigenous people in private sector employment everywhere on the mainland,

but also appeared dependent on public sector employment in all locations except Victoria. (Employment rates were probably overstated by the fact that they included those working in the CDEP scheme and so are not a completely true reflection of the labour force status of Islanders.)

When taken together, the data tend to suggest some connection between location, policy and parity. In this pattern, Mainlanders appeared to be doing best in the southern States such as South Australia and Victoria and least well in the Northern Territory and Queensland. The result in the Northern Territory can be explained by the limited opportunities for socioeconomic advancement there. The situation in Queensland is less easily explained as many Islanders there live in urban settings (as they do in other States) where there *are* opportunities; the data suggest that Mainlanders in Queensland were less able to, or did not wish to, take advantage of these opportunities.

We have noted that the policy environment for Mainlanders was different in Queensland from that in all other States and Territories. Queensland was the only State which took any particular account of Islanders in its policies and programs. This stems from the twin facts that Queensland is the mainlander 'State of origin' and that a significant number of Islanders live there. In all other States Islanders were aggregated with other Indigenous people and were generally ignored by government. The impression gained from the data in Table 7.6 is that Mainlanders remained more dependent on government in Queensland than they were on other State governments on the mainland. Put differently, the data suggest that Mainlanders seemed to be doing less well in Queensland where they received most attention by the State Government and better in the other places where they were largely ignored by State governments and were treated like other citizens. This further suggests that where Mainlanders have become politically autonomous from government they have prospered, at least in standard socioeconomic terms.

I have identified two forms of corporate autonomy that Mainlanders appeared to subscribe to. Both have to do with their political autonomy from Aboriginal people and were associated with their access to economic resources. One form was represented by autonomy from ATSIC. This was rationalised by Mainlanders largely on the basis that they were not able to access their share of the economic resources within the ATSIC

system and was legitimised with reference to their cultural distinctiveness from Aboriginal people. The other form also had to do with autonomy from Aboriginal people but with respect to other Indigenous-specific programs, services and resources. Again Mainlanders felt that because they were not treated as a separate Indigenous group, they were denied access to Indigenous-specific services. They have been unable to legitimise either of these stances to governments. There are several reasons for this. They could not show that they were disadvantaged within ATSIC; they appeared to be doing quite well otherwise socio-economically and so were not seen as problem group requiring special government treatment; and they are a small and dispersed population largely hidden from government view.

Conclusions

Mainlanders cannot easily make a cultural region as they do not reside on their homelands but on Aboriginal lands. The Strait is so obviously an Islander domain while the mainland is so obviously not. Mainlanders aspired to be included in a form of regional autonomy in Torres Strait. They wanted to be part of any regional decision-making system to gain access to Indigenous resources, but also so as to have a say on land matters and on the general direction that Torres Strait might take politically and economically. Despite claims, even from the Strait, of a 'oneness of all Islanders' Homelanders were not enthusiastic about including Mainlanders in the Strait and became less so as the Inquiry progressed (HORSCATSIA Sub 17, TSRA). During the Inquiry and at the 1999 national workshop there was talk of a memorandum of understanding between the Strait and Mainlanders to cover certain matters. By 2001, the paper put forward by the Chair of the TSRA on 'Torres Strait Regional Government' included no mention provisions of Mainlanders (notes from the Eleventh National Workshop 2001). One gains the impression that Homelanders were keen to maintain a political and economic space between themselves and Mainlanders.

Though related to some extent to the above, of greater interest to Mainlanders was a form of autonomy for them as a people, similar to what Ghai (2000: 9, 11) refers to as 'corporate autonomy', or Elkins as 'self-government without a territory' (Elkins 1995; Watts 2000: 40). In this they principally wanted to be treated as a separate group of

Indigenous people. There are Indigenous-specific departments or programs/policies in the States and Territories and I have argued in Chapters 1 and 6 that Indigenous people had achieved a form of corporate autonomy through the former ATSIC. However, in neither of these cases were Mainlanders differentiated from Aboriginal people. They appeared to feel that this had only given them partial corporate autonomy and they desired a fuller autonomy by having their own Commission, programs and services. The principal rationale for such a move was to remove a perceived blockage to funds, services and programs caused by being 'lumped in' with Aboriginal people. This mirrors a long-standing desire to be recognised as a separate Australian Indigenous group discussed in Chapter 4 but could also be related to the Islander trait of not wishing to deal through 'middle-men' who in this case are Aboriginal people (see Chapter 4).

Mainlanders could not legitimise this form of corporate autonomy to government for several reasons. Firstly, as noted, they are a small dispersed and hidden population and so have little political clout. Also, on grounds of purely fiscal efficiency, being such a small, dispersed population made it harder for them to justify their own Commission or bureaucracy. They did not, as did the Homelanders, have the political leverage afforded by being on a sensitive international border (see Chapters 5 and 6). As well as this, any argument for corporate autonomy from Aboriginal people based on cultural distinctiveness was weakened by the fact that some 26 per cent of Mainlanders appear to identify as both Torres Strait Islander and as Aboriginal people.

Further, Mainlanders seemed to be achieving some of the economic goals for which they moved from Torres Strait in the first place. In this they are doing what governments want of Indigenous people, namely improving their socioeconomic status and becoming individually autonomous within mainstream society. In this way, they have been unable to present evidence to governments that they are a problem group requiring separate attention. In fact, the data suggest that as they have disengaged from government and so achieved some political autonomy, they have also gained some greater economic autonomy. Therefore government will see them as something of a success. Establishing a new and separate Islander Commission would therefore be seen as perpetuating or even returning to a form of dependence that governments are keen to break down. Mainlanders made strong representation about autonomy to the Inquiry and to the 1998 and 1999 national workshops. However, workshop themes in 2000 and

20001 have focused on economic development and on health, respectively suggesting that political autonomy has declined in importance for the moment.

Chapter 8

Conclusions

Autonomy has to do with degrees of control rather than total control. Autonomy is also relative to the parties involved and its shape and content will depend on to whom it is to apply. It is an elusive and vague concept that can be better understood if it is broken into some of its constituent elements (Chapter 1). In considering these different elements I have found it useful to make a distinction between the political aspects of autonomy and the economic aspects (political autonomy and economic autonomy).

In considering new states formed in the period of post WWII decolonisation, Jackson adapted Berlin's distinction between negative and positive autonomy to propose a relationship between the political and the economic elements of control. In broad terms, Jackson equated political autonomy with negative autonomy and economic autonomy with positive autonomy. The former represented the power to stop others from interfering in a state's affairs, the latter represented the power for them to be proactive in their affairs. I have followed this general distinction and have considered both the political and economic aspects of autonomy as these might apply to Torres Strait Islanders and to Torres Strait. I also found it useful make a distinction between regional and corporate autonomy, that is, between autonomy for a place and autonomy for a people, respectively (Chapters 1 and 3). Further, I indicated that although it was possible to approach autonomy as a 'right', it was realistic to treat it as a status that had to be negotiated and this led me to consider factors that might legitimise a case for autonomy. These views of autonomy, namely the distinctions between the political and the economic; the regional and the corporate, and the idea that people must legitimize their case for autonomy, have formed my analytical framework for the thesis. The focus has been on autonomy and Australia's Torres Strait Islanders. However, on the basis that autonomy must be legitimized, the views of the non-Islander residents of Torres Strait, the Commonwealth Government, Queensland Government and the Torres Shire were also considered. The data used are from the historical development of the Torres Strait, my research in Torres Strait since 1989, and the submissions to, and meetings surrounding, the Commonwealth Inquiry into autonomy held over 1996-7. Models of

autonomy applying elsewhere, particularly in island situations, were also reviewed (Chapter 3) to consider their applicability and relevance to Torres Strait.

In the remainder of this chapter I will discuss how my approach has furthered an understanding of autonomy as it applies to Torres Strait and Torres Strait Islanders. I also note what this tells us about the issue of autonomy when applied to other Australian Indigenous people.

Despite the fact that a number of Islanders may continually move between the Strait and the mainland, they must be seen as two groups. One group is those Islanders who consider their place of residence as Torres Strait – the group called Homelander, and the other group is those who reside more or less permanently on the mainland of Australia – the group called Mainlanders. As noted in Chapters 6 and 7, these two groups live in very different social, political and economic circumstances and this results in different notions of autonomy for each of them. In broad terms, Homelander have been able to legitimize a case for a form of regional autonomy, but Mainlanders have not been able to legitimise that they should be a part of this. Indeed, Mainlanders have been unable to make a case for obtaining any form of autonomy. This is proof of the proposition that a group's social, political and economic circumstances will affect its ability to legitimise, or make a case for, its increased autonomy (Chapter 1). I will discuss the two groups in more detail separately.

Homelander

Political autonomy

In Chapter 1 I introduced two notions of autonomy, namely corporate autonomy (for a people) and regional autonomy (for a place). Homelander submitted to the Inquiry that they wanted to be treated by the Commonwealth Government separately from Aboriginal people (Chapter 6). This amounts to a form of corporate autonomy that I have called inter-Indigenous corporate autonomy, where one group of Indigenous people wish to be separated politically from another in their dealings with government (Chapter 6). By the end of the Inquiry Islanders had achieved this status to a large extent. Autonomy from Aboriginal people became a reality when the TSRA's funding was channeled directly from the Department of Finance rather than through the ATSIC

board. The separation between ATSIC and the TSRA continued right up to ATSIC's demise in 2004, when ATSIC's annual reports no longer carried any data about the TSRA or Torres Strait; the principal source of such data had become the TSRA's own annual report. The Queensland Government also conformed to this separation to a degree, installing legislation for Torres Strait separate to that applying to Aboriginal people in the remainder of Queensland. In addition to this, Islanders in Torres Strait were more autonomous than Aboriginal people in their dealings with the Commonwealth Government. The Torres Strait Regional Council was the only ATSIC regional council in Australia that was made an 'Authority' and given powers similar to that of a commission itself (Chapter 6). In addition, unlike any other Indigenous group in the country, Islanders have an 'international personality' as they are formally involved in discussions with PNG nationals over Treaty and border issues. This status was accorded to them by virtue of their location on an international border and also by the somewhat progressive nature of the Treaty in its treatment of the region's 'traditional inhabitants' (Chapter 5). It is notable that Hannum and Lillich (1988) give an 'international personality' as a marker of a peoples' autonomy. I will discuss some of the factors that have helped Islanders achieve or legitimise this status in a later section.

Homelanders also aspired to a form of regional autonomy. In Chapter 3 I looked at models and examples of autonomy including some of those that apply in the islands of the Pacific. I mainly considered examples of sovereignty, free association and territorial status. Sovereignty or political independence has been proposed by Islanders in the past, however, there is little evidence that they now seriously aspire to this status (Chapters 3, 4 and 6). Whatever form of autonomy they may achieve, the evidence is that they will want to remain part of Australia, in part for economic reasons. I argue that this is due in part to their everyday experience with people from PNG; they can see at first hand that since its independence PNG's socioeconomic position has deteriorated while theirs has improved (Chapter 5). In addition, being part of Australia ensures access to its services and its welfare system. Remaining part of Australia allows Islanders to negotiate for the same level of services as that enjoyed other Australian citizens, something that would not be possible if they were an independent state, or a place in free association (Chapters 3 and 6). Indeed, in Chapter 3 we have seen that many Pacific-island-states also wish to retain some attachment to their former colonial

powers for economic reasons (Chapter 3). In any event, it is unlikely that Australia would consider granting complete regional political independence to Torres Strait as it wishes to retain control over the border area, particularly while the political situation in PNG, Indonesia and the Pacific, remains unstable (Chapter 5 and 6).

Similarly, there is little evidence that Islanders aspire to be in free association with Australia. Free association is almost the equivalent of statehood, with the exception that access to the parent country for work is often allowed and the parent state retains control over matters of defence. I suggest that being in free association would make too great a political distance between Islanders and Australia from an Islander point of view. For example it would make it harder for Islanders to argue for their services to be at the same standard as those in other parts of Australia.

The most comprehensive form of regional autonomy discussed by Islanders during the Inquiry was that of an Australian External Territory (Chapters 3, 4 and 6). Several factors make it comparable with other territories that we looked at in Chapter 3. Islands are easy to conceive of as a separate unit (being away from a mainland). In addition, these particular islands are gathered in a fairly narrow strait which forms a natural regional boundary to them. The Queensland Government has always treated the region as an administrative unit and the international border and the attendant Treaty have reinforced this notion (Chapters 4 and 5). The population is not too small to be an impediment, it is larger than New Zealand's Tokelau and larger than all of Australia's present external territories. These features combine to make the concept of regional autonomy as a territory generally plausible. The region has a high rate of economic dependency and the Commonwealth Government view suggested to the Inquiry was that political autonomy for Torres Strait, in the shape of territorial status, would be conditional on a reduction in the level of income from welfare. However, we have also seen in Chapter 3 that this was not a pre-condition for granting political independence to Pacific-island-states nor is it a feature of Australian federalism. Also, of Australia's external territories, only Norfolk Island has been relatively economically self-sufficient, the others are quite economically dependent on government. Thus, improved economic status should not be an impediment to increasing political autonomy in the form of territorial status for Torres Strait. On the other hand, the material in Chapter 3 indicates that territorial status does not necessarily lead to increased economic wealth.

In the case of island territories this has as much to do with their natural resources and their access to markets. Here I should point out that the major natural resource in Torres Strait is its fisheries – this is a renewable but fragile resource with limited potential for expansion.

More problematic to achieving territorial status is the constitutional constraint. To become a Commonwealth territory the Strait would have to be excised from Queensland. This requires approval through a State referendum, and though untested, it is not certain that this would succeed. The Strait is a buffer against the migration of diseases and agricultural pests from PNG and it is likely that non-Indigenous Queenslanders, including those involved in producing fruit and farming livestock, would be nervous about any suggestion that the governments' control over the buffer was lessened through the Strait becoming more autonomous. Similarly, Queensland fishers would be nervous that territorial status would endanger their rights of access to the Strait. I will discuss this further below.

In addition, although I argue that the Strait can be easily identified as a region, the notion of regionalism amongst Islanders is not totally complete and there are some internal divisions. For instance, individual islands seem nervous about relinquishing their own political autonomy to a regional body. An archipelago situated in a strait leads to the notion of a region, but the individual islands also provide their own logic for localism. Thus, the qualities that makes islands easier to identify as units acts both for and against regional autonomy.

Another aspect that acts against regionalism includes the Inner Island/Outer Island distinction and the associated political alignments. The Inner Islands are more of a non-Islander domain than are the Outer Islands. The Inner Islands are, and have historically been, represented by the Torres Shire, the Outer Islands (and the Cape Island communities) by the Indigenous bodies. Similarly, the Inner Islands are the traditional lands of the Kaurareg and their incorporation into a regional grouping with Islanders is not complete. In these ways, the historical, cultural and political geography of the region tends to confound the possibility of a regional political system that can embrace Islanders and all other residents.

A major impediment to achieving territorial status is that Islanders seem unable to conceptualise a political system that would embrace both them and non-Indigenous residents. All levels of government - Commonwealth, Queensland and Torres Shire - seem adamant that a regional model would have to do this (Chapter 6). In addition, all of the territories noted in Chapter 3, including Australia's external territories have systems which do include all of their residents. Therefore, it is extremely hard to see how Islanders can move to territory status or indeed to any other form of full regional political autonomy without finding a way to incorporate all of the region's residents in a regional representative system. This is a major finding of this thesis. The Inquiry's report proposed that this might be handled by including a council of elders acting alongside a democratically elected regional body. This would be similar to the devices in the Pacific that I have characterized as cultural bicameralism (Chapters 1 and 3). Islanders by-passed this issue when proposing territorial status to the Inquiry as they have done in their subsequent proposal for a TSRA Bill. All of these features act against the possibility of achieving full territorial status. The form of regional political autonomy that Islanders appear to have in mind in the immediate future would be a 'regional-Indigenous' autonomy, limited to forms of representation and to control of government funding and services that apply only to Indigenous people (Chapter 6).

Economic autonomy

Taking the view that participation in the formal economy is part of economic autonomy, then Islanders have some economic autonomy through their participation in commercial fishing. This form of autonomy is largely individual, as fishers operate to all extents and purposes as self-employed people. This has been facilitated to a degree by their history of involvement in the marine industry. Other factors are also important here. One is the nature of the past and present fisheries, in particular their relatively high profit margins, and their in-shore nature (Chapter 6). Another is that it is easier for a fisher society to maintain its links with its marine economy during the process of colonisation. Or, put another way, it is harder for colonizers to separate fishers from their means of production. Though Islander life was disrupted by colonisation, this process exploited the sea not the land, leaving Islanders more or less in possession of their islands and their waters (Chapters 4 and 6). In the contemporary period the Treaty has given Islanders preferential access to the fisheries. This has been further boosted by the welfare regime of CDEP as this provides a form of regional subsidy for Islander

involvement in the fishing industry (Chapter 6). This welfare regime has other benefits such as allowing Islanders to reside in the Strait despite the low level of formal employment there. The articulation of the welfare system and the marine economy can be said to provide Islanders with a form of welfare autonomy. This would be a different interpretation of the situation from that suggested by welfare colonialism, as discussed below (Chapter 6).

In the past and during the Inquiry, Islanders indicated the desire for increased control over fisheries, a form of economic autonomy. The Treaty has given Islanders some degree of control in the marine economy through the structures of the PZJA. Recent developments have seen Islanders increase their levels of representation in the PZJA, but this has been coupled with increased tensions between Indigenous and non-Indigenous fishers regarding access to the fishery. An additional dimension to this tension is that it includes non-Indigenous residents and non-residents. By early 2005 the tension between Indigenous and non-Indigenous fishers had reached a critical state and the PZJA had put in place a process to help resolve the issue; at the time of writing it was unclear what the outcome will be. However, it seems very likely that Islander notions of increased economic autonomy in Torres Strait in the future will centre on increasing their control over the marine resources. Although this may well have an inter-island dimension it is predominantly an Indigenous/non-Indigenous issue. This suggests a difference and a possible contradiction between Islander notions of political and economic regional autonomy. That is to say, whereas the political autonomy might have only Indigenous representation and cover Indigenous funding issues (be Indigenous-specific); the notion of economic autonomy would include control over non-Indigenous fishers and their fishing. This takes economic autonomy out of an Indigenous-specific domain. We can imagine that non-Indigenous interests would be relatively sanguine about Islanders having more autonomy over Indigenous programs policies and funding, simply because these are Indigenous already. They would be less sanguine about Islanders having control over fisheries as this is not an Islander-specific resource, but a shared or common resource. As discussed above and in Chapter 6, Islanders are playing an increasing role in fisheries management but this occurs alongside non-Indigenous fishers and the relevant government agencies; that is to say, in a system of co-management. Suffice to say that any form of economic autonomy that includes full Islander control over the natural resources is qualitatively different from

one that is based on them having more control over Indigenous funding and programs. Indeed, the former is akin to the degree of economic control enjoyed by the citizens of small Pacific-island-states (Chapter 3) and would be unlikely to result unless Islanders and non-Islanders were part of the same regional political structure, as noted earlier (Chapter 3).

If Islanders and non-Islanders are not included in the same political structure, a more likely scenario for the control of fisheries might be one similar to that found in New Zealand and as discussed in Chapter 3, where *Maori* were granted a quota or allocation of the national commercial fishery. This agreement was based on the *Treaty of Waitangi*, and while different in its format and logic from the Torres Strait Treaty the latter may well provide some leverage for Islanders to increase their control of the fishery further. Islanders now commonly table the Treaty as a way of legitimising their claims to the fishery. However, we should note that the *Maori* solution formed part of an agreement in which the *Maori* agreed to give up further claims to the fishery, and they were granted an allocation, not the rights to the entire fishery.

Summarising the above, Homelanders appear to aspire to a form of regional political autonomy that might be Indigenous-specific but to a form of economic autonomy that would give them control over the whole fishery. None of the models in Chapter 3 embrace these features, and it is not easy to see how they could be easily accommodated within a Commonwealth territory model. However, it may be a mistake to place too much emphasis on the present models. It may be more appropriate for Islanders and governments to consider approaches that suit the fairly unique circumstances of the Strait. Thus, Islanders could continue to develop a form of regional political autonomy even if this is limited to forms of Indigenous-specific representation. At the same time they can utilise the power of the Treaty to negotiate greater control over or a share of the fishery.

Mainlanders

Mainlanders aspired to two forms of political autonomy. They wanted to be part of a regional autonomy with Homelanders and they also wanted a form of corporate

autonomy. They have been unable to legitimise a place for themselves in either form. Others, as noted in the examples from the Pacific in Chapter 3, have utilized devices that allow ‘migrants’ to have a say in homeland affairs but despite appealing to a sense of oneness with Mainlanders, Homelanders now exclude Mainlanders from any considerations of regional autonomy. Mainlanders made a forceful case for being included in the region but were unable to legitimise this. In 1994 Jeremy Beckett proposed that to be an Islander – even on the mainland – one must have an island, and to have an island one must own a piece of it (Chapter 7). This has some resonance here, but I would add that to gain a voice in regional affairs, Islanders must reside in the Strait (Chapter 7). For the purposes of local decision-making, Homelanders tend to view Mainlanders as people who have left the Strait as far as regional autonomy is concerned.

Prior to the Inquiry, Mainlanders had a degree of representation separate from Aborigines, principally through OTSIA, TSIAB, and Mainlanders’ own organisations (Chapters 4 and 7). However, they aspired to a greater autonomy that would have increased this separation, in the shape of their own Islander Commission. As noted above, this is a form of inter-Indigenous-corporate autonomy, and although political, for Mainlanders it has an economic rationale (Chapter 7). To be more precise, Mainlanders felt they were disadvantaged economically by having to compete for Indigenous-specific resources within the former ATSIC regional councils (Chapter 7). They felt that having their own Commission would rectify this.

The Commonwealth and Queensland Governments appeared unsympathetic to the aspirations of Mainlanders for this, or indeed any other form of autonomy. There are several reasons for this. Mainlanders are a tiny part of the Indigenous population, they are quite widely dispersed and so are largely invisible to governments. Also, although they are culturally active in dance performance, this is likely to reinforce the notion to others that they are from another place, Torres Strait as much as it is likely to legitimise autonomy from Aboriginal people. In addition, they are doing relatively well by the standard socio-economic measures. In this they appear to be achieving what they wanted by moving to the mainland (a form of economic autonomy), and are doing what the government wants in general for Indigenous people (obtaining jobs and accessing services like other people) (Chapter 7). These factors combined to make it impossible

for Mainlanders to legitimise a case for greater autonomy, even if only from Aboriginal people.

Legitimisers

I have pointed out that Mainlanders have been unable to legitimise a case for greater autonomy while Homelanders have been more successful. The position of Homelanders is, in part, due to the nature of the Strait and their particular relationship to it. I have already noted the features that help legitimise the Strait as a region. Several factors also combine to identify Islanders with that region. They are the majority of the population and they share the region's name, a highly symbolic link (Chapters 3 and 5). They have been classified as Australia's Melanesian people and despite being suffused with numerous South Sea Islander traits; they can present to the rest of Australia a fairly unique regional culture *Ailan Kastom*, which includes Creole as a regional lingua franca. In addition, the Treaty identifies them officially as the region's 'traditional inhabitants' and they are able to self-identify as borderlanders (Chapter 5 and 6). All these features help legitimise connections between the Indigenous people and that region and so help to make plausible the notion of regional-Indigenous autonomy. However, international borders and their surrounding borderlands are politically sensitive regions, making governments nervous about their security. Thus while the border with PNG helps make the region; it also probably inhibits the transfer of full control to the region (Chapters 5 and 6). This would apply whether Torres Strait Islanders lived in the region or not.

The conjunction of place and people makes regional-Indigenous autonomy for Torres Strait much more logical than that for Mainlanders and for other Indigenous people on the mainland. That is to say it *legitimises* it. Features do not apply and compound in same way in other regions of Australia, making regional autonomy unlikely or harder to achieve elsewhere. Homelanders are able to legitimise their case for some political autonomy based on a unique combination of regional conditions. Other Indigenous Australians will find it hard to replicate all or many of these. The fewer legitimising elements they can identify, then the less likely will be their chance of obtaining some form of regional autonomy. Homelanders have achieved some political and economic

autonomy at the regional level. However, in Torres Strait the economic aspect of autonomy is very much a feature of the unique marine resource, and the functions of a benevolent Treaty. It is not easy to see how other Indigenous people are so well placed to achieve the same level of economic autonomy as these conditions do not apply elsewhere. Thus, although others may be able to gain some form of regional political autonomy, it is less likely they will be able to gain economic autonomy. This leads me to some concluding comments about the approach of negative and positive autonomy.

Negative and positive autonomy

Jackson's application of the concepts of negative and positive autonomy focused very much on the fact that many politically autonomous states (often small, Pacific-island-states) have remained economically dependent on larger wealthy states, resulting in the so-called MIRAB economies (Chapter 3). As we have seen in Chapter 3, this situation of economic dependency applies not only to small island states but also to those places in free association and to those that are territories. In these places, political autonomy, in the shape of having the power to make decisions, has not automatically led to economic autonomy (Chapter 3). In Chapter 1 we noted that the work of Cornell in the USA suggested that certain conditions were necessary for the economic development of American Indian groups. One of these conditions was the ability of the groups to make their own decisions, or, to have political autonomy. However, this was a necessary but not a sufficient condition for economic development, or, autonomy. Were Torres Strait to become more politically autonomous, it is not a given that it would necessarily develop more economically and become less economically dependent, or put another way, become more economically autonomous (Chapter 6). Apart from government transfers, the Torres Strait regional economy is dominated by commercial fishing which is a renewable but limited resource and one that is easily over-exploited. Being far from markets, and with relatively high labour costs, the Strait has, like many of the archipelagoes noted in Chapter 3, a poor competitive advantage in other fields. Therefore, Torres Strait would seem to fit Jackson's thesis: it may obtain negative autonomy in the form more political autonomy, but not positive autonomy in the form of economic autonomy.

It is not uncommon when analysing the political and economic relationships between Indigenous people and the governments of settler-states, to focus on the notion of welfare colonialism. Welfare colonialism is the idea that a high, though unspecified, level of dependence on welfare by Indigenous people results in a power relationship, possibly unintended, with settler-state government(s) that mirrors the one that existed in the earlier colonial period. That is to say, the government, because it controls welfare funding, continues to control many other aspects of Indigenous people's lives as it did in the colonial period. Thus, like negative and positive autonomy, welfare colonialism suggests a relationship between economic and political status. However, welfare colonialism tends to present this relationship as an absolute; that is, welfare (economic) dependency *is* welfare (political) colonialism. In this way welfare colonialism dissuades any investigation of the relative relationship between dependency and autonomy. Jackson's application of negative and positive autonomy opens up other analytical possibilities.

Although Jackson is somewhat critical of the dependent nature of small states, his approach does highlight that two forms of autonomy—the negative (the ability to stop people interfering with one, politically) and the positive (the ability to be pro-active, economically)—can exist side by side. Indeed it allows that people may have some political autonomy while they are also economically dependent. This leads to a more open ended and non-deterministic investigation of the political and economic aspects of life. This approach has allowed me to explore levels of both political and economic autonomy as these might coexist. In doing this I have found that alongside some dependence on government welfare, Islanders have achieved some economic *and* some political autonomy. What is more, there is the suggestion that judicious use of the welfare regime, in particular the CDEP, allows Islanders some economic advantage or, indeed, some welfare autonomy, although this is assisted by the nature and accessibility of the local marine resource and the facility of the Torres Strait Treaty.

I have argued that greater autonomy is something that has to be negotiated and I have highlighted certain conditions which I believe have allowed Islander to legitimise, or not as the case may be, these negotiations. In this regard, although it has been useful to characterize autonomy as either for a people or a place, it is necessary to consider both

people *and* place in any analysis. Similarly, dividing the concept of autonomy into its political and economic components has proved a useful analytical device.

Appendix A: Glossary of terms and abbreviations used

ABC	Australian Broadcasting Commission
ABS	Australian Bureau of Statistics
ACC	Aboriginal Coordinating Council
ADC	Aboriginal Development Commission (Commonwealth Government)
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
AIB	Aboriginal Industries Board (Queensland Government body)
AFMA	Australian Fisheries Management Authority
AQIS	Australia Quarantine and Inspection Service
ATSIC	Aboriginal and Torres Strait Islander Commission
BPC	British Phosphate Commissioners
CAEPR	Centre for Aboriginal Economic Policy Research (ANU)
CAR	Council for Aboriginal Reconciliation
CDEP program)	Community Development Employment Projects (Commonwealth
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DAA	Department of Aboriginal Affairs (Commonwealth Government)
DAIA Government)	Department of Aboriginal and Islander Advancement (Queensland
DDRP	Draft Declaration on the Rights of Indigenous Peoples
DFAT	Department of Foreign Affairs and Trade
DIMA	Department of Immigration and Multicultural Affairs
DNA	Department of Native Affairs (Queensland Government)
DOGIT	Deep of Grant in Trust
EEZ	Economic Exclusion Zone
FSM	Federated States of Micronesia
HORSCATSIA	House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs
HREOC	Human Rights and Equal Opportunity Commission
ICC	Island Coordinating Council (Queensland Government body)
IDC	Interdepartmental Committee (Commonwealth Government)
IIB	Island Industries Board (Queensland Government body)
ILC	Indigenous Land Corporation
JAC	Joint Advisory Council
LGC	Local Government Council
LMS	London Missionary Society
NAC	National Aboriginal Conference (Commonwealth body)
NT	Northern Territory
NTRB	Native Title Representative Body
OEA	Office of Evaluation and Audit
OTSIA	Office of Torres Strait Islander Affairs
PIL	Papuan Industries Limited
PNG	Papua New Guinea

PZJA	Torres Strait Protected Zone Joint Authority
QMS	Quota Management System
RC	Regional Council of ATSIC
SBS	Special Broadcasting Service
SDA	Service Delivery Agreements
SSI	South Sea Islander
TRAWQ	Tamwoy, Rosehill, Aplin, Waiben, Quarantine
TSA	Torres Strait Authority
TSAC	Torres Strait Advisory Council (Queensland Government body)
TSC	Torres Shire Council
TSIAB	Torres Strait Islander Advisory Board
TSIMA	Torres Strait Islander Media Association
TSLI	Torres Strait Light Infantry
TSRC	Torres Strait Regional Council
TSRA	Torres Strait Regional Authority (Commonwealth body)
TUP	Torres United Party
UK	United Kingdom
UN	United Nations
USA	United States of America
USSR	Union of Soviet Socialist Republics
WGIP	Working Group on Indigenous Peoples
WWI	World War One
WWII	World War Two

Appendix B: A note on the population data for Torres Strait Islanders

In the 1996 Census, and for the first time, Indigenous people were given the opportunity to identify (a) as an Aboriginal person (b) as a Torres Strait Islander and (c) as someone who identifies as both a Torres Strait Islander *and* as an Aboriginal person. For the purpose of analysing the census data, groups (b) and (c) are combined as ‘Torres Strait Islanders’.

The Torres Strait Islander 1996 population is distributed across the country as shown in Table A1. More than half of all Islanders live in Queensland. Of all Islanders, 77 per cent live in just two States, Queensland and New South Wales. The number living in all other States/Territories is very small and this factor influences the quality of the data. As an example of this, the 1994 National Aboriginal and Torres Strait Islander Survey (though a sample survey not a census) could confidently produce data only for those Mainlanders in Queensland (see Arthur 1997a).

Table A1. Distribution of Torres Strait Islanders in the States/Territories of Australia, 1996 (1)

State/Territory	Number	Per cent
Queensland (Torres Strait) ⁽²⁾	5,741	19
Queensland (mainland)	11,633	39
New South Wales/ACT	5,595	19
Victoria	2,591	9
Tasmania	1,516	5
Western Australia	1,102	4
South Australia	1,161	4
Northern Territory	743	2
Australian mainland	24,341	81
Australia total	30,082	100

Source: Australian Bureau of Statistics (ABS) Census, 1996.

Note:

- (1) Those who identified as both Torres Strait Islander and Aboriginal have been allocated to each group on a pro rata basis.
- (2) Within the jurisdiction of the TSRA.

Although the 1996 Census revealed a population of 1,516 Torres Strait Islanders in Tasmania, it is thought that not all of these people are Torres Strait Islanders, and some may be descendants of Aborigines who were relocated to the islands off the north-east coast of Tasmania in the early 19th century. (For example, Aboriginal people were moved to Cape Barren Island under the *Cape Barren Island Reserve Act 1912*.) These people often refer to themselves, and have been referred to in government policy, as 'Straitsmen' or 'Islanders' and it is thought that they are incorrectly marking the 'Torres Strait Islander' box on the census forms (Arthur 1997a: 30). Data problems may not, however, be limited to Tasmania. During a survey of Mainlanders in 1997 (see Arthur 1998a) a prominent Mainlander in South Australia suggested that the census estimates of Islanders in that State were inflated. Concerns about the accuracy of population numbers are not new. In 1987 Beckett noted that:

There is no doubt that there are sizeable numbers in Western Australia and the Northern Territory, but the large populations 'discovered' in the major urban centres of New South Wales and Victoria are problematic. According to Islanders I have questioned, Townsville and Cairns, the original points of entry, remain the principal centres (Beckett 1987: 180).

An additional concern regarding the data is the high rate of increase of the total Islander population, from around an estimated 4,000 people in 1956 to almost 31,000 in 1996. This has been represented by large and erratic increases over the last few censuses. For example, there was an increase of 40 per cent between 1981 and 1986; of 25 per cent between 1986 and 1991; and of 12 per cent between 1991 and 1996. Some of the increase may be due to the errors in self-identification noted above. On the other hand, some of the increase could be the result of intermarriage between Mainlanders and other people, including Aboriginal people. This possibility is supported by the data for whereas in Torres Strait only 6.3 per cent of people identified as both Aboriginal *and* Torres Strait Islander while across the mainland the average was almost one-third, varying from 18.5 per cent in Victoria to 60 per cent in the Northern Territory.

Appendix C

Table C.1 Part-ancestral origins of a selection Torres Strait island populations

Torres Strait island	Part origin
Darnley	Vanuatu, Solomon Islands, Cook Islands, Niue Island, Rotuma Island, New Caledonia, Lifu Island, Malu Island, Fiji, Malaysia,
Yam	Vanuatu, Rotuma Island, Tanna Island
Mabuiag	Vanuatu, Eastern Samoa, Tanna Island, Pitcairn Island
Yorke	Vanuatu, Tanna Island, USA
Badu	Vanuatu, Eastern Samoa, Western Samoa, Ware Island, Mare Island, Tanna Island, Indonesia
Saibai	Vanuatu, Aoba Island
Hammond	Malaysia, Philippines
Stephen	Lifu Island, Philippines
Murray	Western Samoa, Rotuma Island, Lifu Island, Jamaica
Coconut	New Caledonia, Scotland
Thursday Island	Niue Island

Source: A notice on Thursday Island TAFE College notice board, 1992; Wilson (1988).

Appendix D: The Inquiry structure

The Inquiry took a total of 44 written submissions and held 28 public hearings. Some witnesses made submissions and also attended hearings while others only attended hearings. The evidence from the submissions is contained in documents prepared by the Inquiry committee and these are referenced as (HORSCATSIA, Sub No.) in the thesis. The evidence from the hearings was documented by Hansard and is referenced as (Hansard).

In Torres Strait, two large public hearings were held on Thursday Island, and 18 other submissions and hearings produced evidence from the Outer Islands and the Torres Strait Regional Authority (TSRA). Mainland Torres Strait Islanders from Cairns, Brisbane, Townsville, Alice Springs, Broome and Canberra also made submissions and gave evidence at hearings. Therefore, given the population distribution noted in Chapter 2, Islander views were quite well represented, at least geographically.

However most of the evidence from Islanders was from organisations, island communities, the TSRA and the TSIAB and only three submissions were from private individuals. This is a significant point as - especially on the mainland – it is not clear how representative the Islander organisations are. Research has shown that some Islander organisations are relatively new and that many have a very small membership (Arthur 1998a). This has led to them being described in the past as family based, and even Island based organisations (Beckett 1987). Indeed some Islanders question their representativeness. In a letter to the Torres News in October an Islander resident of Cairns said:

The members of these organisations are more or less family oriented...The number of memberships in these organisations barely has a total of 100 plus. I think the representatives speak for itself regarding the *lack of representation* (sic) (emphasis in original) (Torres News 9-15 October 1998).¹

¹ Similar comments about the nature of the representativeness of Islander 'leaders' appear to have been made at an independence meeting on Thursday Island in 1988 (see Kehoe-Forutan 1988: 24). The suggestion was made that this may be a feature of Islander cultural political processes. However, it may also be due to the generally limited formation of Islander political life where 'political expertise was esoteric to an Islander elite ostracizing most Islanders from the political process' (Beckett 1987: 200).

References cited

Aldrich, R and Connell, J. 1992. *France's Overseas Frontier: departments et territoires d'outre-mer*, Cambridge University Press, Melbourne.

Altman, J.C. 1991. 'Appropriate income support for Aboriginal Australians: options for the 1990s', *CAEPR Discussion Paper No. 12*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Altman, J.C. 1995. 'Coping with locational advantage: the economic development potential at Seisia Community, Cape York Peninsula', *CAEPR Discussion Paper No. 98*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Altman, J.C. 2001. 'Sustainable development options on Aboriginal land: the hybrid economy in the twenty-first century', *CAEPR Discussion Paper No. 226*, Centre for Aboriginal Economic Policy Research, the Australian National University, Canberra.

Altman, J.C. Arthur, W.S. and Bek, H.J. 1994. 'Indigenous participation in commercial fisheries in Torres Strait: a preliminary discussion', *CAEPR Discussion Paper No. 73*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Altman, J.C., Arthur, W.S. and Sanders, W. 1996. 'Towards greater autonomy for Torres Strait: political and economic dimensions', *CAEPR Discussion Paper No. 121*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Anaya, S.J. 1996. *Indigenous Peoples in International Law*, Oxford University Press, New York.

Arthur, W.S. (with assistance from V. McGrath) 1990. *Torres Strait Development Study, 1989*, Australian Institute of Aboriginal Studies, Canberra.

Arthur, W.S. 1991a. 'Funding allocations to Aboriginal people: the Western Australia case', *CAEPR Discussion Paper No. 15*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Arthur, W.S. 1991b. 'Indigenous economic development in the Torres Strait: possibilities and limitations', *CAEPR Discussion Paper No. 4*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Arthur, W.S. 1992a. 'The provision of Statistics about Torres Strait Islanders', In Altman, J.C. (ed) *A National Survey of Indigenous Australians: Options and Implications, Research Monograph No. 3*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Arthur, W.S. 1992b. 'Culture and economy in border regions: the Torres Strait case', *Australian Aboriginal Studies* (2): 15-33.

Arthur, W.S. 1996. 'Torres Strait Islanders', In Altman, J.C. and Taylor, J (eds.) *The 1994 National Aboriginal and Torres Strait Islander Survey: Findings and Future Prospects*, *Research Monograph No.11*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Arthur, W.S. 1997a. Australian Bureau of Statistics and Centre for Aboriginal Economic Policy Research (ABS/CAEPR), *1994 National Aboriginal and Torres Strait Islander Survey: Torres Strait Islanders, Queensland*, cat no. 4179.3, Australia Bureau of Statistics, Canberra.

Arthur, W.S. 1997b. 'Towards a comprehensive regional agreement: Torres Strait', *CAEPR Discussion Paper No. 147*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Arthur, W.S. 1998a. 'Access to government programs and services for mainland Torres Strait Islanders', *CAEPR Discussion Paper No. 151*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Arthur, W.S. 1998b. Submission to the Department of Primary Industries and Energy's Review of the *Torres Strait Fisheries Act 1984*, Canberra.

Arthur, W.S. 1998c. 'Barrier or Bridge: Changing Relations Across Torres Strait', Paper presented at the Torres Strait: Policing the Open Border seminar, at the Australian Defence Studies Centre, Canberra, 24 February 1998.

Arthur, W.S. 1999a. '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, AIATSIS, Canberra.

Arthur, W.S. 1999b. 'Careers and aspirations in remote Australia: Torres Strait', *CAEPR Discussion Paper No. 190* Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Arthur, W.S. 2000 'Location and socioeconomic status: Torres Strait Islanders, 1996', *CAEPR Discussion Paper No. 199*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Arthur, W.S. 2001a. 'Indigenous autonomy in Australia: Some concepts issues and examples', *CAEPR Discussion Paper No. 220*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Arthur, W.S. 2001b. 'Autonomy and identity in Torres Strait, a borderline case?', *The Journal of Pacific History*, Vol. 36, No. 2, Special Issue, Current Developments in the Pacific.

Arthur, W.S. 2001c. 'Welfare dependency, welfare autonomy?', Paper presented at the National Social Policy Conference: Competing Visions, 4-6 July, SPRC, University of New South Wales.

Arthur, W.S. 2002. 'Autonomy and the Community Development Employment Projects Scheme', *CAEPR Discussion Paper No. 232*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Arthur, W.S. 2003. 'Torres Strait Islanders in the 2001 Census', *CAEPR Discussion Paper No. 255*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Arthur, W.S. 2004. 'Tradition and legislation: analysis of Torres Strait Treaty and Fisheries Act terms', unpublished report for the National Oceans Office, Hobart.

Arthur, W.S. and David-Petero, J. 2000. 'Career aspirations and orientation to work: young Torres Strait Islanders, 1999', *CAEPR Discussion Paper No. 206*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Arthur, W.S. and Morphy, F. (forthcoming). *The Macquarie Atlas of Indigenous Australia*, Macmillan, Melbourne.

Assies, W.J. 1994. 'Self-determination and the New partnership: The Politics of Indigenous Peoples and States', In Assies, W.J. and Hoekama, A.J. (eds.) *Indigenous Peoples Experiences with Self-Government*, IWGIA Document No. 76, Amsterdam.

ATSIC (Aboriginal and Torres Strait Islander Commission) 1993. *Review of the Operations of the Aboriginal and Torres Strait Islander Commission Act 1989*, Australian Government Publishing Service, Canberra.

ATSIC (Aboriginal and Torres Strait Islander Commission) 1995. *Recognition, Rights and Reform*, Report to Government on Native Title Social Justice Matters, Commonwealth of Australia, Canberra.

ATSIC (Aboriginal and Torres Strait Islander Commission) (ATSIC) 1997. *Annual Report 1996-97*, ATSIC, Canberra.

ATSIC (Aboriginal and Torres Strait Islander Commission) 1998. *Review of the Operations of the Aboriginal and Torres Strait Islander Commission Act 1989*, Commonwealth of Australia, Canberra.

ATSIC (Aboriginal and Torres Strait Islander Commission) 1999. *Regional Autonomy for Aboriginal and Torres Strait Islander Communities*, Discussion Paper, ATSIC, Canberra.

ATSIC (Aboriginal and Torres Strait Islander Commission) 2000a. *Towards greater Indigenous participation in Australian Commercial fisheries: some policy issues, No 6, New Zealand developments: a brief case study*, ATSIC, Canberra.

ATSIC (Aboriginal and Torres Strait Islander Commission) 2000b. *Annual report 1999-2000*, ATSIC, Canberra.

ATSIC (Aboriginal and Torres Strait Islander Commission) 2001. *Corporate Plan 2001-2004*, ATSIC, Canberra.

Australia Institute 2000. 'Resourcing Indigenous development and self-determination', a scoping paper prepared for the ATSIC National Policy Office, Strategic Development Team, ATSIC, Canberra.

Australia Law Reform Commission 1986. *The Recognition of Aboriginal Customary Laws*, Australian Government Printing Service, Canberra.

Australian Bureau of Statistics (ABS) 1996. National Aboriginal and Torres Strait Islander Survey, An Evaluation of the Survey, Australian Bureau of Statistics, Canberra.

Babbage, R. 1990. The Strategic Significance of Torres Strait, *Canberra papers on Strategy and Defence No. 61*, Research School of Pacific Studies, The Australian National University, Canberra.

Barnes, T. 1996. Issues challenges and initiatives for statistics and data collection about Indigenous Australians, unpublished paper, National Centre for Aboriginal and Torres Strait Islander Statistics, ABS, Darwin.

Beckett, J. 1963. Politics in the Torres Strait islands, unpublished Ph.D. thesis, The Australian National University, Canberra.

Beckett, J. 1966. 'Papua's off-shore islands: but who wants them?', *New Guinea and Australia, the Pacific and South East Asia*, December- January: 71-75

Beckett, J. 1971. 'Rivalry, competition and conflict among Christian Melanesians', In Hiatt, L.R. and Jayawardena, C. (eds.), *Anthropology in Oceania: Essays Presented to Ian Hogbin*, Angus and Robertson, Sydney.

Beckett, J. 1977. 'Torres Strait Islanders and the pearling industry: a case of internal colonialism', *Aboriginal History*, (1): 77-104.

Beckett, J. 1987. *Torres Strait Islanders: Custom and Colonialism*, Cambridge University Press, Sydney.

- Beckett, J. 1994. 'The Murray Island case and the problem of cultural continuity', In Sanders, W. (ed) *Mabo and Native Title: Origins and Institutional Implications*, CAEPR Research Monograph No. 7, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.
- Beran, H. 1994. 'A democratic theory of political self-determination for a new world order', draft manuscript, Department of Philosophy, University of Wollongong.
- Berlin, I. 1969. *Four Essays on Liberty*, Oxford University Press, Melbourne.
- Blaikie, R. 1986. 'The Torres Strait Treaty and Torres Strait fisheries', In Haines, A.K., Williams, G.C. and Coates, D. (eds.) *Torres Strait Fisheries Seminar*, Australian Government Printing Service, Canberra.
- Brownlie, I. 1992. 'Treaties and Indigenous Peoples', In Brookfield, F.M. (ed), *The Robb Lectures 1991*, Clarendon Press, Oxford.
- Burmester 1990. 'Legal issues' In Babbage, R. *The Strategic Significance of Torres Strait, Canberra papers on Strategy and Defence No. 61*, Research School of Pacific Studies, The Australian National University, Canberra.
- Burton, J. 1997. 'Terra nugax and the discovery paradigm: how Ok Tedi was shaped by the way it was found and how the rise of political process in the North Fly took the company by surprise', In Banks, G. and Ballard, C. (eds.) *The Ok Tedi Settlement: issues, outcomes and implications*, National Centre for Development Studies, The Australian National University Canberra.
- Caldwell, J.C. 1975. 'The demographic report,' *Torres Strait Islanders Vol. IV*, Research School of Pacific Studies, The Australian National University, Canberra.
- Chappell, J.E. 1991. 'Where the Colorado flows into Mexico', In Rumley, D. and Minghi, J.V. (eds.) *The Geography of Border Landscapes*, Routledge, London and New York.
- Charles, E., Jacovides, A., Mata'afa, F. N., Ross, K., Thahane, T., Krishnan, N., Mizzi, E., Ross-Brewster, H. and Tufui, T. 1997. *Future for Small States: Overcoming Vulnerability*, Commonwealth Secretariat, London.
- Chivot, M. 1985. 'New Caledonia', In Larmour, P. and Qalo, P. (eds.) *Decentralisation in the South Pacific; Local, Provincial and State Governments in Twenty Countries*, University of South Pacific, University of the South Pacific, Suva.
- CGC (Commonwealth Grants Commission) 1989. *Second Report on Cocos (Keeling) Islands Inquiry*, Australian Government Printing Service, Canberra.

CGC (Commonwealth Grants Commission) 1993. *Third Report on Cocos (Keeling) Islands Inquiry, Supplementary Report*, Australian Government Printing Service, Canberra.

CGC (Commonwealth Grants Commission) 1995. *Report on Christmas Island Inquiry*, Australian Government Publishing Service, Canberra.

CGC (Commonwealth Grants Commission) 1997. *Report on Norfolk Island*, Australian Government Publishing Service, Canberra.

CGC (Commonwealth Grants Commission) 2001. *Report on Indigenous Funding*, Commonwealth Grants Commission, Canberra.

CIA 2004. The World Factbook, www.cia.gov/cia/publications/factbook/

Commonwealth of Australia 1991. *Islands in the Sun: the Legal Regimes of Australia's External Territories and the Jervis Bay Territory*, report of the House of representatives Standing Committee on Legal and Constitutional Affairs, Australian Government Printing Service, Canberra.

Commonwealth of Australia 1992. *Access and Equity Evaluation Report*, Australian Government Printing Service, Canberra.

Commonwealth Secretariat 1997. *Small States: Economic Review and Basic Statistics*, Third Volume, Commonwealth Secretariat, London.

Connell, J. 1988. *Sovereignty and Survival: Island Microstates in the Third World*, Research Monograph No. 3 (Geography Department), University of Sydney, Sydney.

Connell, J. 1993. 'Development, autonomy and the ties that bind' In Lockhart, D. and Drakakis-Smith, D.W. (eds.) 1993. *The Development Process in Small Island States*, Routledge, London.

Coombs, H.C. 1993. *Issues in dispute: Aborigines Working for Autonomy*, North Australia Research Unit, The Australian National University.

Cornell, S. 1994. 'Five myths, three partial truths, a robust finding and two tasks', *Harvard Project on American Indian Economic Development*, Harvard University.

Cornell, S. and Kalt, J.P. 1995. 'Successful economic development and heterogeneity of government form on American Indian Reservations', *Harvard Project on American Indian Economic Development*, Harvard University.

Council for Aboriginal Reconciliation 2000. *Reconciliation, Australia's Challenge*, Final Report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament, Council for Aboriginal Reconciliation, Canberra.

- Courchene, T.J. 1993. 'Aboriginal self-government in Canada', Occasional Lecture Series, Australian Senate, April, Canberra.
- Craig, D. and Freeland, S. 1999. 'Governance Structures for Indigenous Australians on and off Native Title lands', *Indigenous governance by the Inuit of Greenland and the Sami of Scandinavia, Discussion Paper No. 8*, Australian Research Council Collaborative Research Project and National Native Title Tribunal, University of New South Wales, Sydney and Murdoch University, Perth.
- Crocker, L. 1980. 'Positive liberty: an essay in normative political philosophy', *Melbourne international philosophy series, Vol. 7*, Martinus Nijhoff, The Hague.
- Davis, R. 1995. 'Looking beyond the borderline: development performance and prospects of Saibai Island, Torres Strait', *CAEPR Discussion Paper No. 80*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.
- Davis, R. 1998. Epochal bodies and gendered time: engagement and transformation in Saibaian masculinity, unpublished Ph.D. thesis, The Australian National University, Canberra.
- Djerrkura, G., Bedford, K. and Williams, M. 2000. *Report on Greater Regional Autonomy*, Aboriginal and Torres Strait Islander Commission, Canberra.
- Dodson, M. and Pritchard, S. 1998. 'The abandonment of self-determination?', *Indigenous Law Bulletin*, October, Vol. 4, Issue 15: 4-6.
- Dolman, A. J. 1985. 'Paradise Lost: the Past Performance and Future Prospects of Small Island Developing Countries,' In Dommen, E., and Hein, P. (eds.) *States, Microstates and Islands*, Croom Helm, London.
- Dommen, E. 1985. 'What is a Microstate?', In Dommen, E., and Hein, P. (eds.) *States, Microstates and Islands*, Croom Helm, London.
- Dommen, E., and Hein, P. (eds.) 1985. *States, Microstates and Islands*, Croom Helm, London.
- Driessen, H. 1998. 'The "new immigration" and the transformation of the European-African Border', In Wilson, T.M. and Donnan, H. (eds.) 1998. *Border Identities: Nation and State at International Frontiers*, Cambridge University Press, Cambridge.
- Duncan, H. 1974. 'Socio-economic conditions in Torres Strait: a Survey of Four Reserve Islands', *Torres Strait Islanders Vol. I*, Research School of Pacific Studies, The Australian National University, Canberra.

Dworkin, G. 1988. *The Theory and Practice of Autonomy*, Cambridge University Press, Cambridge.

The Economist, 1998. 'Little countries: small but perfectly formed' *The Economist*, January 3rd. pp. 63-65.

Edmunds, M. 1999. 'Key issues for the development of regional agreements: an overview', In Edmunds, M. (ed) *Regional Agreements, Key Issues In Australia, Vol. 2, Case Studies*, AIATSIS, Canberra.

Elkins, D.J. 1995. *Beyond Sovereignty, Territory and Political Economy in the Twenty-first Century*, University of Toronto Press, Toronto.

Fisk, E.K. 1974. 'Policy Options in Torres Strait,' *Torres Strait Islanders Vol. VI*, Research School of Pacific Studies, The Australian National University, Canberra.

Fisk, E.K., Duncan, H. and Kehl, A. 1974. 'The Islander population in the Cairns and Townsville area', *Torres Strait Islanders Vol. III*, Research School of Pacific Studies, The Australian National University, Canberra.

Fisk, E.K., Tait, M., Holder, W.E. and Treadgold, M.L. 1974. 'The Border and Associated Problems', *Torres Strait Islanders Vol. V*, Research School of Pacific Studies, The Australian National University, Canberra.

Fitzpatrick-Nietschmann, J. 1980. Another way of dying: the social and cultural context of death in a Melanesian community, Torres Strait, unpublished PhD thesis, University of Michigan.

Fleras, A. 1999. 'Politicising Indigeneity, ethno-politics in white settler domains', In Havemann, P. (ed) *Indigenous Peoples' Rights in Australia, Canada, and New Zealand*, Oxford University Press, Oxford.

Fleras, A., and Elliott, J.L. 1992. *The 'Nations within': aboriginal-state relations in Canada, the United States, and New Zealand*, Oxford University Press, Ontario.

Fletcher, C. 1992. "'Altered states?'" federalism sovereignty and self-government', *Federalism Discussion Paper No. 22*, Research School of Social Sciences, The Australian National University, Canberra.

Galipeau, C. 1994. *Isaiah Berlin's Liberalism*, Oxford University Press, Oxford.

Ganter, R. 1994. *Pearl-shellshells of Torres Strait*, Melbourne University Press, Melbourne.

Ghai, Y. 2000. 'Ethnicity and autonomy: a framework for analysis', In Ghai, Y. (ed) *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-Ethnic States*, Cambridge University Press, Cambridge.

Ghai, Y. and Regan, A. 2000. 'Bougainville and the dialectics of ethnicity, autonomy and separation', In Ghai, Y. (ed) *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-Ethnic States*, Cambridge University Press, Cambridge.

Gottlieb, G. 1994. 'Nations without states' *Foreign Affairs*, May-June.

Government response to 'Torres Strait Islanders; a New Deal' 1998. Responses from the Commonwealth of Australia and the Queensland State Government, Unpublished Document.

Gray, A 1995. 'The Indigenous movement in Asia', In Barnes, R.H. Gray, A. and Kingsburry, B. (eds.) *Indigenous Peoples of Asia*, The Association for Asian Studies, University of Michigan, Michigan.

Haddon, A.C. 1935a. *Head-hunters, Black White and Brown*, The thinkers Library, No. 26, Abridged Edition, Watts and Co., London.

Haddon, A.C. 1935b. Reports of the Cambridge anthropological expedition to Torres Strait, *Vol. 1, General Ethnology*, Cambridge University Press, Cambridge.

Haines, A.K. 1986. 'Background to management', In Haines, A.K., Williams, G.C. and Coates, D. (eds.) *Torres Strait Fisheries Seminar*, Australian Government Printing Service, Canberra.

Hannum, H., and Lillich R.B. 1988. 'The concept of autonomy in international law', In Dinstein, Y. (ed) *Models of Autonomy*, Transaction Books, London.

Hansard (Hearings for House of Representatives Standing Committee for Aboriginal and Torres Strait Islander Affairs, Inquiry into Greater Autonomy for Torres Strait Islanders, recorded by Hansard):

Hansard 1996, Bamaga Island Council

Hansard 1996, Erub Island

Hansard 1996, Injinoo

Hansard 1996, Kaurareg, Thursday Island

Hansard 1996, Kubin

Hansard 1996, Moa Island

Hansard 1996, Murray Island

Hansard 1996, Saibai Island

Hansard 1996, Seisia Island

Hansard 1996, Stephen Island

Hansard 1996, Torres Shire Council, Thursday Island

Hansard 1996, Yorke Island

Hansard 1997, Alice Springs

Hansard 1997, ATSIC (Aboriginal and Torres Strait Islander Commission) Canberra

- Hansard 1997, Au Karem and Torres Strait Islander Interim Committee, Brisbane
 Hansard 1997, Cairns
 Hansard 1997, Darwin
 Hansard 1997, DIMA (Department of Immigration and Multicultural Affairs) Canberra
 Hansard 1997, Kain Marep
 Hansard 1997, Katter, Canberra
 Hansard 1997, Queensland Government, Brisbane
 Hansard 1997, Saam Kerem, Broome
 Hansard 1997, Thursday Island
 Hansard 1997, TSIAB (Torres Strait Islander Advisory Board) Canberra
- Harris, D.R. 1979, 'Foragers and farmers in the western Torres Strait islands: an historical analysis of economic, demographic, and spatial differentiation', In Burnham, P.C. and Ellen, R.F. (eds.) *Social and Ecological Systems*, Academic Press, London.
- Harris, A., Dews, G., Poiner, I., and Kerr, J. 1994. 'The traditional and island bases catch of the Torres Strait Protected Zone, Final report on CSIRO research, 1990-1993', CSIRO, Cleveland.
- Henderson, J. 1994a. 'Microstates and the politics of association: the future of New Zealand's constitutional links with the Cook Islands and Tokelau, Paper for the Australian Political Studies Association Conference, University of Wollongong, October, 1994.
- Hein, P. 1985, 'The study of microstates', In Dommen, E., and Hein, P. (eds.) *States, Microstates and Islands*, Croom Helm, London.
- Henderson, J. 1994b. 'The Cook Islands elections and the New Zealand connection', *New Zealand International Review*, Vol. XIX, No.4, July/Aug, pp. 1-5
- Hersoug, B. 2002. *Unfinished Business: New Zealand's Experience with Rights based Fisheries*, Eburan Delft, University of Tronso, Tronso.
- Hobsbawm, E. and Ranger, T. (eds.) 1992. *The Invention of Tradition*, Cambridge University Press, Cambridge.
- HORSCATSIA (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs), 1997. *Torres Strait Islanders: a New Deal*, Report on Greater autonomy for Torres Strait Islanders, House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, Canberra.
- HORSCATSIA (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs)
 Submissions to the Inquiry into greater autonomy for Torres Strait Islanders.
 HORSCATAIA Sub 3, Au Karem Le, Brisbane
 HORSCATSIA Sub 4, Warraber Island

HORSCATSIA Sub 5, Erub (Darnley) Island
 HORSCARSIA Sub 7, Coconut Island
 HORSCATSIA Sub 8, Kaurareg/Horn Island
 HORSCATSIA Sub 9, Murray Island
 HORSCATSIA Sub 10, Mr. Akee, Townsville
 HORSCATSIA Sub 11, Yam Island
 HORSCATSIA Sub 12, Townsville-Thuringowa Torres Strait Islander Action Group
 HORSCATSIA Sub 13, Senator John Herron, Minister for Aboriginal and Torres Strait
 Islander Affairs (Commonwealth)
 HORSCATSIA Sub 14, AQIS (Australian Quarantine Service) Canberra
 HORSCATSIA Sub 15, Erub (Darnley) Island
 HORSCATSIA Sub 16, Murray Island
 HORSCATSIA Sub 17, TSRA (Torres Strait Regional Authority) Thursday Island
 HORSCATSIA Sub 20, Professor Jon Altman, Director, Centre for Aboriginal Economic
 Policy Research, Australian National University.
 HORSCATSIA Sub 22, Saam Kerem, Broome
 HORSCATSIA Sub 23, Australian Defence Force, Canberra
 HORSCATSIA Sub 25, CSIRO (Commonwealth Scientific Industry Research
 Organisation)
 HORSCATSIA Sub 26, Erub (Darnley) Island
 HORSCATSIA Sub 28, Attorney-General (Commonwealth) Canberra
 HORSCATSIA Sub 29, TSC (Torres Shire Council) Thursday Island
 HORSCATSIA Sub 30, Queensland State Government, Brisbane
 HORSCATSIA Sub 32, ATSIC (Aboriginal and Torres Strait Islander commission)
 Canberra
 HORSCATSIA Sub 34, TSC (Torres Shire Council) Thursday Island
 HORSCATSIA Sub 36, Townsville Torres Strait Islander Community, Brisbane
 HORSCATSIA Sub 37, Pasa Gab Te Torres Strait Islander Corporation, Cairns
 HORSCATSIA Sub 39, Queensland State Government
 HORSCATSIA Sub 40, TSIAB (Torres Strait Islander Advisory Board) Canberra
 HORSCATSIA Sub 41, ACT (Australian Capital Territory) Torres Strait Islander
 Corporation
 HORSCATSIA Sub 42, DFAT (Department of Foreign Affairs and Trade) Canberra

Horton, D. (ed) 1994. *The Encyclopedia of Aboriginal Australia*, Aboriginal Studies Press, Canberra.

Horwath and Horwath Services Pty. Ltd. 1991. Unpublished letter report of Tourism Development Opportunity Study to the Island Coordinating Council, Thursday Island.

House, J.W. 1981. 'Frontier studies: an applied approach', In Burnett, A.D. and Taylor, P.J. (eds.) *Political Studies from Spatial Perspectives*, John Wiley and Sons, Chichester.

House of Representatives Standing Committee on Environment and Conservation 1973. *Turtle Farming in Torres Strait*, Report, Australian Government Printing Service, Canberra.

ICC (Island Coordinating Council) 1996. *Annual Report 1995-96*, Island Coordinating Council, Thursday Island.

ILC (Indigenous Land Corporation) 1996. *National Indigenous Land Strategy 1996-2001*, ILC, Adelaide.

Jacobson, H. 1987. *In the Land of OZ*, Hamish Hamilton, London.

Jackson, R.H. 1990. *Quasi-states: Sovereignty, International Relations, and the Third World*, Cambridge University Press, Cambridge.

Johannes, R.E. and Macfarlane, J.W. 1991. *Traditional Fishing in the Torres Strait Islands*, CSIRO Division of Fisheries, Hobart.

Jonas, W. 2000. *Social Justice Report 2000*, Human Rights and Equal Opportunity Commission, Sydney.

Jones, P.J III, Natter, W. and Schatzki, T. 1993. *Post-modern Contentions: Epochs, Politics, Space*, The Guilford Press, New York.

Jolly, M. and Thomas, N. (1992). 'The politics of tradition in the Pacific', *Oceania* 62(4): 241-8.

Jorgensen, M. and Taylor, J.B. 2000. 'What determines Indian economic success? Evidence from Tribal and Individual Indian Enterprises', *Harvard Project on American Indian Economic Development*, Harvard University.

Joyce, J. A. 1978. *The New Politics of Human Rights*, Macmillan, London.

Jupp, J. 2001. *The Australian People: an Encyclopedia of the Nation, its People and their Origin*, Cambridge University Press, Cambridge.

Kaye, S. 1997. 'The Torres Strait', In Mangone, G. J. (ed) *International Straits of the World*, Martinus Nijhoff Publishers, The Hague.

Kearney, M. 1998. 'Transnationalism in California and Mexico at the end of Empire', In Wilson, T.M. and Donnan, H. (eds.) 1998. *Border Identities: Nation and State at International Frontiers*, Cambridge University Press, Cambridge.

Keesing, R.M. and Tonkinson, R. (eds.) 1982. 'Reinventing traditional culture: the politics of *Kastom* in island Melanesia', *Specific Issue of Mankind*, 13(4).

Kehoe-Forutan, S.J. 1988. 'Torres Strait independence: a chronicle of events', *Research Report No. 1*, Department of Geographical Sciences, University of Queensland, St. Lucia.

Kehoe-Forutan, S.J. 1990. The effectiveness of Thursday island as an urban centre in meeting the needs of its community, unpublished Ph.D. thesis, Department of Geographical Sciences, The University of Queensland, Brisbane.

Keys Young 1998. Evaluation of the level of access to ATSIC's programs and services by Torres Strait Islanders living outside the Torres Strait Regional Authority area, report prepared for the Office of Evaluation and Audit, Canberra.

Knight, D.B. 1994. 'Geographical perspectives on self-determination', In Taylor, P. and House, J. (eds.) *Political Geography: Recent Advances and Future Directions*, Croom Helm, London.

Kymlicka, W. 1995. *Multicultural Citizenship: a Liberal Theory of Minority Rights*, Clarendon Press, Oxford.

Larmour, P. 1985a. 'Decentralisation in the South Pacific: common issues and problems', In Larmour, P. and Qalo, P (eds.) *Decentralisation in the South Pacific; Local, Provincial and State Governments in Twenty Countries*, University of South Pacific, University of the South Pacific, Suva.

Larmour, P. 1985b. 'Cook Islands', In Larmour, P. and Qalo, P. (eds.) *Decentralisation in the South Pacific; Local, Provincial and State Governments in Twenty Countries*, University of South Pacific, University of the South Pacific, Suva.

Larmour, P. 2000. 'What's the problem with Westminster in the South Pacific? a policy transfer approach', paper for the CDI Series on Democratisation, National Centre for Development Studies, Australian National University, Canberra.

Larmour, P. and Qalo, P. (eds.) 1985. *Decentralisation in the South Pacific; Local, Provincial and State Governments in Twenty Countries*, University of South Pacific, University of the South Pacific, Suva.

Law Reform Commission 1986. *The Recognition of Aboriginal Customary Laws*, Australian Government Publishing Service, Canberra.

Lawrence, D. 1991. 'Re-evaluating interpretations of customary exchange in the Torres Strait', *Australian Aboriginal Studies*, 1991/2: 15-33.

Lemon, A. 1993 'Political and security issues of small island states', In *The Development process in small island states*, Douglas G. L., Drakakis-Smith, D. and Schembri, J. (eds.) New York : Routledge, London.

Levy, R. 1999. 'Native title and the seas: the Croker Island decision', *Indigenous Law Bulletin*, Vol. 4, 17: 20-21.

- Linnekin, J. 1990. 'The politics of culture in the Pacific'. In Linnekin, J. and Poyer, L. (eds.) *Cultural Identity and Ethnicity in the Pacific*, University of Hawaii Press, Honolulu.
- Linnekin, J. 1992. 'On the theory and politics of cultural construction in the Pacific', *Oceania*, 62(4): 249-263.
- Lockhart, D. and Drakakis-Smith, D.W. (eds.) 1993. *The development Process in Small Island States*, Routledge, London.
- Lui, G. (Jnr.) 1994. 'A Torres Strait perspective', In Yunupingu, M., West, D., Anderson, I. Bell, J., Lui G. (Jnr.), Corbett, H. and Pearson, N. *Voices From the Land: 1993 Boyer Lectures*, ABC Books, Sydney.
- Maclellan, N. 'From Eloi to Europe: interactions with the ballot box in New Caledonia', *Commonwealth and Comparative Politics*, Vol. 43, No. 3: 287-311.
- McCall, G. and Connell, J. (eds.) 1993. 'A world perspective on Pacific Islander migration in Australia, New Zealand and United States of America', *Pacific Studies Monograph 6*, University of New South Wales, Sydney.
- McFarlane, J. 1998. 'Torres Strait: policing the open border', *Paper No 92, Trends and Issues in Criminal Justice*, Australian Institute of Criminology, Canberra.
- Maegawa, K. 1994. 'Strategic adaptation of entrepreneurs as middlemen in Badu, Torres Strait', *Man and Culture in Oceania*, 10: 59-79.
- Martin, D.F. 1997. 'Regional agreements and localism: A case study from Cape York Peninsula', *CAEPR Discussion Paper No. 146*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.
- Martin, D.F. 2001. 'Is welfare dependency "welfare poison"? an assessment of Noel Pearson's proposals for Aboriginal welfare reform', *CAEPR Discussion Paper No. 213*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.
- Martin, D.F. and Finlayson, J.D. 1996. 'Linking accountability and self-determination in Aboriginal organisations', *CAEPR Discussion Paper No. 116*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.
- Menham, G., Skehill, S. and Young, P. 2002. A fair share of the catch, (unpublished report) Torres Strait Protected Zone Joint Authority Independent Advisory Panel, Canberra
- Meyers, G. D. 2000. 'Part II – Defining the content of Aboriginal rights in Canada', *Discussion Paper No. 5, Environmental and Natural resources Management by*

Indigenous Peoples in North America: Inherent Rights of Self-Government, University of New South Wales, Sydney.

Moore, D.R. 1972. 'Cape York Aborigines and Islanders of the Western Torres Strait', In Walker, D. (ed) *Bridge and Barrier: the Natural and Cultural History of Torres Strait*, Research School of Pacific Studies, The Australian National University, Canberra.

Morwood, M. 1997. 'Prehistory overview: proposed corridor for the Papua New Guinea to Gladstone gas pipeline', unpublished report to the South Pacific Pipeline Company Pty. Ltd.

Mosby, T. (exhibition curator) 1998a. *Ilan Pasin: This is Our Way, Torres Strait Art*, (Catalogue) Cairns Regional Gallery, Cairns.

Mosby, T. 1998b. Statement made at a seminar given at Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.

Mullins, S. Cox, R., Fatnowa, K., Gistitin, C., Kennedy, R., and Warkill, J. (no date) *After Recognition: Access and Equity for Australian South Sea Islanders*, Rural Social and Economic Research Centre, Central Queensland University, Rockhampton.

Mullins, S. 1995. *Torres Strait: a History of Colonial Occupation and Culture Contact 1864-1897*, Central Queensland University Press, Rockhampton.

Mullins, S. 1998. 'Decolonising Torres Strait: a moderate proposal for 2001', Paper presented at the Torres Strait: Policing the Open Border seminar, at the Australian Defence Studies Centre, Canberra, 24 February 1998.

Nettheim, G. 1994. 'Mabo and Aboriginal political rights: the potential for inherent rights and Aboriginal self-government', In Sanders, W. (ed) *Mabo and Native Title: Origins and Institutional Implications*, CAEPR Monograph No. 7, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Newie, E. 1990. Statement made within an unpublished document prepared by the Muralag Tribal Torres Strait Islander Corporation, Horn Island.

Newman, D. and Paasi, A. 1998. 'Fences and neighbours in the postmodern world: boundary narratives in political geography', *Progress in Human Geography* 22.2: 186-207.

Nile, R. and Clerk, C. 1996. *Cultural Atlas of Australia, New Zealand and the South Pacific*, Andromeda, Reader's Digest, Oxford.

OEA (Office of Evaluation and Audit) 2001. *Evaluation of the Torres Strait Regional Authority*. ATSIC, Canberra.

- O'Rourke, D.J. (Chairman) 1988. *Report of the Interdepartmental Committee on the Torres Strait Islands*, Department of Aboriginal Affairs, Canberra.
- Ostrom, E. 1990. *Governing the Commons: the Evolution of Institutions and Collective Action*, Cambridge University Press, Cambridge.
- Paine, R. 1977. 'The path to welfare colonialism', In Paine, R. (ed) *The White Antarctic: Anthropological Essays on Tutelage and Ethnicity, Newfoundland Social and Economic Papers, No. 7*, Memorial University of Newfoundland, St Johns.
- Parker, R. 1971. 'Economic before politics – a colonial phantasy', *Australian Journal of Politics and History*, Vol. 17, No.2: 202-14.
- Peterson, N. 1985. 'Capitalism, culture and land rights', *Social Analysis*, 18: 85-101.
- Peterson, N. 1977. 'Aboriginal involvement with the Australian economy in the central reserves during the winter of 1970', In Berndt, R.M. (ed) *Aborigines and Change: Australia in the 70s*, Australian Institute of Aboriginal Studies, Canberra.
- Peterson, N. 1999. 'Hunter-gatherers in first world nation-states, bringing anthropology home', *Bulletin of National Museum of Ethnology*, Vol 23(4), March, Osaka.
- Poiner, I.R. and Harris, A.N. 1988. *Fisheries of Yorke Island, Torres Strait*, Commonwealth Scientific Industrial Research Organisation, Marine Laboratories, Cleveland, Queensland.
- Pollock, D. 1998a. 'Indigenous peoples and the state: a comparative study of the Ainu of Japan, Montagnards, of Central Vietnam and the Orang Asli of Malaysia', unpublished paper.
- Pollock, D. 1998b. 'Declaration of rights of Indigenous peoples', unpublished paper.
- Pond, P., Bishop M., and O'Brien V. 1995. *A Guide to the Management Arrangements for Torres Strait Fisheries*, Australian Fish Management Authority, Canberra.
- Poynton, P. 1996. 'Dream Lovers: Indigenous peoples and the inalienable right to self-determination', In Howitt, R., Connell, J. and Hirsch, P. (eds.) *Resources, Nations and Indigenous Peoples: Case Studies from Australasia, Melanesia and Southeast Asia*, Oxford University Press, Melbourne.
- Prescott, J.R.V. 1978. *Boundaries and Frontiers*, Croom Helm, London.
- Prescott, J.R.V. 1987. *Political Frontiers and Boundaries*, Allen and Unwin, London.
- PZJA (Torres Strait Protected Zone Joint Authority) 1986. *Annual Report 1985-86*, Australian Fisheries Management Authority, Canberra.

PZJA (Torres Strait Protected Zone Joint Authority) 1987. *Annual Report 1986-87*, Australian Fisheries Management Authority, Canberra.

PZJA (Torres Strait Protected Zone Joint Authority) 1988. *Annual Report 1987-88*, Australian Fisheries Management Authority, Canberra.

PZJA (Torres Strait Protected Zone Joint Authority) 1995. *Annual Report 1994-95*, Australian Fisheries Management Authority, Canberra.

PZJA (Torres Strait Protected Zone Joint Authority) 1997. *Annual Report 1996-97*, Australian Fisheries Management Authority, Canberra.

PZJA (Torres Strait Protected Zone Joint Authority) 1999. *Annual Report 1998-99*, Australian Fisheries Management Authority, Canberra.

Qalo, R. 1985. 'American Samoa', In Larmour, P. and Qalo, R. (eds.) *Decentralisation in the South Pacific; Local, Provincial and State Governments in Twenty Countries*, University of South Pacific, University of the South Pacific, Suva.

Quentin-Baxter, A. 1994. 'Sustained autonomy - an alternative political status for small islands?' *Victoria University of Wellington Law Review*, Vol. 24 No. 1 February: 1-18.

Renfree, H.E. 1984. *The Federal Judicial System of Australia*, Legal Books, Sydney.

Reynolds, H. 1996. *Aboriginal Sovereignty: Reflections on Race State and Nation*, Allen and Unwin, Sydney.

Richardson, B.J., Craig, D. and Boer, B. 1994. 'Regional agreements for Indigenous lands and cultures in Canada', a Discussion Paper, North Australia Research Unit, Australian National University, Canberra.

Rowse, T. 1998. *Coombs and the Torres Strait* (part one), unpublished draft of work in progress, with the permission of the author.

Rowse, T. 2002a. *The Rise of the Indigenous Sector: choice and development for Aboriginal and Islanders*, University of New South Wales Press, Sydney.

Rowse, T. 2002b. *Nugget Coombs: a Reforming Life*, Cambridge University Press, Melbourne.

Sanders, W. 1994. 'Reshaping governance in Torres Strait: the Torres Strait Regional Authority and beyond', *CAEPR Discussion Paper No. 74*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Sanders, W. 1995a. 'Regional agreements in Australia – filling in some policy context', ATSI Regional Agreements Seminar, Cairns, 29-31 May.

Sanders, W. 1995b. 'Reshaping governance in Torres Strait: the Torres Strait Regional Authority and beyond', *Australian Journal of Political Science*, 30 (3): 500-204.

Sanders, W. 1999. 'Torres Strait governance structures and the Centenary of Australian Federation: a missed opportunity?', *CAEPR Discussion Paper No. 184*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Sanders, W. 2000. 'Torres Strait governance structures and the centenary of Australian federation: a missed opportunity?', *Australian Journal of Public Administration*, 59 (3): 22-33.

Sanders, W. 2004. 'Torres Strait elections, 2000 and 2004: changes in political leadership and style?', *CAEPR Discussion Paper No. 268*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Sanders, W. and Arthur, W.S. 1997. 'A Torres Strait Islander Commission? possibilities and issues', *CAEPR Discussion Paper No. 132*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Sanders, W. and Arthur, W.S. 2001. 'Autonomy rights in Torres Strait: from whom, for whom, for or over what?', *CAEPR Discussion Paper No. 215*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Saunders, C. 2000. 'The implications of federalism for Indigenous Australians', In Ghai, Y. (ed) *Autonomy and Ethnicity: Negotiating Competing Claims in Multi-Ethnic States*, Cambridge University Press, Cambridge.

Shand, R.T. 1980. 'Island smallness – some definitions and implications', In Shand, R.T (ed) *Island States of the Pacific and the Indian Oceans; Autonomy of Development*, Development Studies Centre, Australian National University, Canberra.

Sharp, N. 1981. 'Homelands and the law: the Torres Strait example: the present context', *Arena*, 58: 16-23.

Sharp, N. 1982. 'Culture clash in the Torres Strait Islands: the maritime strike of 1936', *Journal of Royal Society of Queensland*, 107-26.

Sharp, N. 1992. *Footprints along Cape York Sandbeaches*, Aboriginal Studies Press, Canberra.

Sharp, N. 1993. *Stars of Tagai: the Torres Strait Islanders*, Aboriginal Studies Press, Canberra.

Shnukal, A. 1983. 'Torres Strait Creole: the growth of a new Torres Strait language', *Aboriginal History*, 7(2): 173-185.

Shnukal, A. 1992. 'Pacific Islanders and Torres Strait, 1860-1940', *Australian Aboriginal Studies*, No. 1: 14-27.

Short, I. 1987. 'The Cook Islands: Autonomy, Self-government and Independence', In Hooper, A., Britton, S., Crocombe, R., Huntsman, J., and Macpherson, C. *Class and Culture in the South Pacific*, Universities of Auckland and South Pacific, Suva.

Singe, J. 1989. *The Torres Strait: People and History*, University of Queensland Press, St Lucia.

Skinner, Q. 2002. 'A third concept of liberty', *London Review of Books*, 4 April, pp. 16-18.

Smith, D.E. 1992. 'An analysis of the Aboriginal component of Commonwealth fiscal flows to the Northern Territory', *CAEPR Discussion Paper No. 29*, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

Sohn, L.B. 1988. 'Models of autonomy within the United Nations framework', In Dinstein, Y. (ed) *Models of Autonomy*, Transaction Books, London.

Stavenhagen, R. 1994. 'Indigenous rights: some conceptual problems', In Assies, W. and Hoekama, A.J. (eds.) *Indigenous Peoples' Experiences with Self-Government: Proceedings of the Seminar on Arrangements for Self-Determination by Indigenous Peoples within National States*, International Working Group for Indigenous Affairs and University of Amsterdam, Copenhagen.

Sullivan, M.P. 1978. *South Pacific Dossier*, Australian Council for Overseas Aid, Canberra.

Sullivan, P. 1996. 'All things to all people, ATSIC and Australia's international obligation to uphold Indigenous self-determination', In Sullivan, P. (ed) *Shooting the Banker, Essays on ATSIC and Self-determination*, North Australia Research Unit, Australian National University, Canberra.

Sutherland, J. 1996. *Fisheries, Aquaculture and Aboriginal and Torres Strait Islander peoples: Studies, Policies and Legislation*, Dept. of Environment, Sport and Territories, Canberra.

Sutton, P. 1985. 'Suggestions for a bicameral system', *Anthropological Forum*, Vol. V, No. 3.

Taylor, J. 1997a. 'The contemporary demography of Indigenous Australians', *Journal of the Australian Population Association*, Vol.14, No. 1: 77-113.

Taylor, J. 1997b. A Socioeconomic Profile of Offshore Populations in the proposed Papua New Guinea-Gladstone Pipeline Corridor, unpublished report to Tallegalla Consultants Pty Ltd, December 1997, Centre for Aboriginal Economic Policy Research, The Australian National University, Canberra.

- Taylor, J. 2003. 'Indigenous people' In Demeny, P. and McNicall, G. (eds.) *Encyclopedia of Populations*, Macmillan Reference, New York. pp. 523-527.
- Taylor, J. and Bell, M. (eds.) 2004. *Population Mobility and Indigenous Peoples in Australia and North America*, Routledge, London.
- Taylor, J. and Arthur W.S. 1993. 'Spatial redistribution of the Torres Strait Islander population: a preliminary analysis', *Australian Geographer*, 24 (2): 26-38.
- Taylor J. and Arthur, W.S. 1994. 'The comparative economic status of Torres Strait Islanders in Torres Strait and Mainland Australia', *Australian Aboriginal Studies*, No. 1, 18-29.
- Taylor, J. and Gaminiratne, K.H.W. 1992. 'A comparison of the socioeconomic characteristics of Aboriginal and Torres Strait Islander people', *CAEPR Discussion Paper No. 35*, Centre for Aboriginal Economic Policy Research, the Australian National University, Canberra.
- Tonkinson, R. and Howard, M. (eds.) 1990. *Going it Alone: Prospects for Aboriginal Autonomy*, Essays in honour of Ronald and Catherine Berndt, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.
- Torres Strait Treaty (Treaty Between Australia and the Independent State of Papua New Guinea Concerning Sovereignty and Maritime Boundaries in the Area Between the Two Countries, Including the Area Known as Torres Strait, and Related Matters, Schedule.)
- Treadgold, M.L. 1973. 'Income flows and economic structure in the Torres Strait area', paper presented at the 45th ANZAAS Conference, August, Perth.
- Treadgold, M.L. 1974. *The Economy of the Torres Strait Area: a Social Accounting Study, The Torres Strait Islanders, Vol. VI*, Research School of Pacific Studies, The Australian National University, Canberra.
- Trigger, D. 1992. *Whitefella comin': Aboriginal Responses to Colonialism in North Australia*, Cambridge University Press, Sydney.
- TSRA (Torres Strait Regional Authority 1996. *Annual Report 1995-96*, Torres Strait Regional Authority, Thursday Island.
- TSRA (Torres Strait Regional Authority 1998. *Annual Report 1997-98*, Torres Strait Regional Authority, Thursday Island.
- TSRA (Torres Strait Regional Authority 2003. *Annual Report 2002-03*, Torres Strait Regional Authority, Thursday Island.

Tully, J. 1995. *Strange Multiplicity: Constitutional Change in an Age of Diversity*, Cambridge University Press, Cambridge.

Victor, F-C. 1995. 'France', In Mediansky, F.A. (ed) *Strategic Cooperation and Competition in the Pacific Islands*, Centre for South Pacific Studies, University of NSW, Sydney.

Viviani, N. 1970. *Nauru: phosphate and political progress*, Australian National University Press, Canberra

Waia, T. 1998. Paper presented at Torres Strait: policing the open border, seminar at the Australian Defence Force Academy, Canberra, 24 February.

Watts, R.L. 2000. 'Federalism and diversity in Canada', In Ghai, Y. (ed) 2000. *Autonomy and Ethnicity : Negotiating Competing Claims in Multi-Ethnic States*, Cambridge University Press, Cambridge.

Wilson, L. 1988. *Thathilgaw emeret Lu: a Handbook of Traditional Torres Strait Islands Material Culture*, Queensland Department of Education, Brisbane.

Wilson, T.M. and Donnan, H. (eds.) 1998. *Border Identities: Nation and State at International Frontiers*, Cambridge University Press, Cambridge.

Wolfers, E.P. 1994. 'Beyond convention – the law of the sea and international relations', paper presented to the annual conference of the Australasian Political Studies Association, October, University of Wollongong,

Zhang, Z. Zhang, T. and Zang, P. 1997. 'The push pull theory of migration and its application', *Chinese Journal of Popular Science*, 9(3): 255-63.

Zinsser, J.P. 1994. *New Partnerships: Indigenous Peoples and the U.N. System*, UNESCO Publishing, Paris.