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DISCUSSION PAPER

**Towards greater autonomy
for Torres Strait: political and
economic dimensions**

**J.C. Altman, W.S. Arthur and
W. Sanders**

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Professor Jon Altman
Director, CAEPR
The Australian National University
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ABSTRACT

After a brief introduction, this paper comprises the text of a submission to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs for its inquiry into greater autonomy for 'the people of the Torres Strait'. The paper distinguishes between the political and economic dimensions of greater autonomy and discusses each in turn. Under political autonomy, it discusses current representative structures in the Torres Strait region and their possible future restructuring into a more fully-fledged form of regional government. Under economic autonomy, it examines major resource and financial flows to and from the Torres Strait region and the current pattern of control and influence over these flows. It suggests some possibility for renegotiating this pattern of control and influence under a future regional government. The final section of the paper identifies comparative models of self-government drawn from the Australian external territories and from international experience. It suggests that, while these may provide useful ideas for Torres Strait, they will not provide ready-made solutions. It also suggests that Torres Strait will not become a precedent for other developments towards greater Indigenous group autonomy elsewhere in Australia, although Torres Strait, too, may provide ideas for other Indigenous groups in other areas. The paper concludes that it should be possible to satisfy expressed desires for a greater degree of autonomy in Torres Strait, but that to advance the process much further will probably require a constitutional convention of interested constituencies.

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Professor Jon Altman is Director of the Centre for Aboriginal Economic Policy Research, Faculty of Arts, The Australian National University, Canberra.

Bill Arthur is Research Fellow at the Centre for Aboriginal Economic Policy Research, Faculty of Arts, The Australian National University.

Will Sanders is Research Fellow at the Centre for Aboriginal Economic Policy Research, Faculty of Arts, The Australian National University. He is, in that capacity, also coordinator of the Institutions of Aboriginal Australia Strand of the University's Reshaping Australian Institutions Project.

In recent years, several calls have been made for the restructuring of government institutions relating to Torres Strait Islanders and the Torres Strait. Partly in response to these calls, a Torres Strait Regional Authority (TSRA) was established in 1994 as an enhanced regional council within the Commonwealth-created Aboriginal and Torres Strait Islander Commission (ATSIC). Members of the TSRA soon, however, made it known that they saw the new authority as a 'transitional arrangement providing a basis for a progressive negotiated movement towards greater regional autonomy in the delivery of programs and services' (TSRA 1994a: 3).

In July 1996, the chairperson of the TSRA, Getano Lui (Jnr), met with the Prime Minister, John Howard, in Canberra to discuss the next steps in this progressive negotiated movement. He called for a 'single line appropriation' for the TSRA direct from the Commonwealth Department of Finance, rather than through ATSIC, and for a Commonwealth/State task force to examine the possibility of Torres Strait self-government, hopefully by the year 2000 (*The Canberra Times*, 16 July 1996).

While the Howard Government did not establish such a Commonwealth/State task force, a month after the meeting with Lui the Minister for Aboriginal and Torres Strait Islander Affairs, Senator John Herron, did refer the issue of Torres Strait autonomy to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (HRSCATSIA). The terms of reference for the committee were to:

Inquire into and report on:

- i Whether the people of the Torres Strait would benefit from a greater degree of autonomy;
- ii If so, what forms should a greater degree of autonomy take; and
- iii 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 (HRSCATSIA 1996: 1).

The most crucial words in these terms of reference are those identifying the subjects of a possible greater degree of autonomy, 'the people of the Torres Strait'. This phrase can be interpreted both racially/ethnically and geographically. If interpreted racially/ethnically, 'the people of the Torres Strait' can be taken to refer to Torres Strait Islanders. If interpreted geographically, 'the people of the Torres Strait' can be taken to refer to long-term residents of the Torres Strait, whether Torres Strait Islander or not.

The following is the text of a submission made to the HRSCATSIA based on an interpretation of the phrase 'the people of the Torres Strait' which combines both geographic and ethnic elements. It assumes that the greater

degree of autonomy being talked about relates primarily to people resident in the Torres Strait *region*. However, the third term of reference clearly requires that the position of Torres Strait Islanders resident outside the Strait be taken into account in thinking about moves towards a greater degree of autonomy for the Torres Strait region. This introduces a clear racial/ethnic aspect to the inquiry's key phrase, 'the people of the Torres Strait'. We have taken 'the people of Torres Strait' to mean *all* long-term residents of the Torres Strait, whether Torres Strait Islander or not, and *all* Torres Strait Islanders, whether resident in the Strait or not, but with the emphasis being primarily on *regional* autonomy.

Since writing this submission and this discussion paper, we have become aware that others are interpreting the terms of reference for the inquiry somewhat differently. They are focusing on autonomy for Torres Strait Islanders as a racial/ethnic group. They have seen the inquiry as an appropriate forum in which to make calls for a separation of Torres Strait Islander concerns, nationwide, from Aboriginal concerns. One idea with some currency has been to establish a separate Torres Strait Islander Commission, to take the 'TSI' out of ATSIC as it has been catchily put. This interpretation of the terms of reference raises important but different issues from those discussed here. It will be the subject of a subsequent submission to the HRSCATSIA and a CAEPR Discussion Paper. At this stage, however, we thought it best to publish our original submission virtually unchanged.

Submission

The first two terms of reference from the Minister ask the HRSCATSIA to inquire into and report on 'whether the people of the Torres Strait would benefit from a greater degree of autonomy' and 'if so, what forms should a greater degree of autonomy take' (HRSCATSIA 1996: 1). The issue of benefit is a strange place to begin. Benefit will depend to a large extent on the form of greater autonomy devised and so at this stage must be largely unknown. What is known is that a number of calls for greater autonomy have been made by various people and organisations in Torres Strait over recent years in response to dissatisfaction with past and current institutional arrangements for the region. There is something of a desire in the Strait to explore possibilities for greater autonomy. Responding to and meeting this expressed desire would be the first benefit of devising a greater form of autonomy. Other benefits should, if the new form of autonomy is well devised, also follow. We believe it is problematic, therefore, to focus at the outset on benefits. We start with expressed desires for greater autonomy and see the challenge as devising a form of greater autonomy which will be of benefit to the people of Torres Strait, as well as being acceptable to the larger Australian community.

We begin by suggesting that it may be useful to distinguish analytically between greater political autonomy, meaning some revised and enhanced form of self-government for Torres Strait, and greater economic autonomy, meaning greater control and influence over important economic resources both within and flowing to and from the region. These two dimensions of greater autonomy may be linked and developed together, but equally they may not (Arthur 1990: 1).

It should also be noted that this is a condensed discussion built in part on earlier work. Although we hope it makes sense in its own right, it would perhaps be better read in conjunction with our earlier works, to which reference is made throughout this submission.

Greater political autonomy

Greater political autonomy can generally be taken to mean some significant changes in the current governance structures of Torres Strait. In theory, these could range from achieving the status of a full independent nation state, alongside Australia, within the international community, to some slightly amended form of the current governance structures for the Torres Strait region within the Australian nation state. Some support may be found in the Strait for a number of differing positions along this continuum. Our sense is that the general body of Strait opinion will probably favour a fairly significant strengthening of the existing structures of regional governance within the Strait without seeking a move to full independent statehood within the international community. This intermediate ground may, perhaps, be referred to as the development of regional self-government; even within this terminology, however, there are large areas for debate and many different possibilities.

To understand future prospects for regional self-government in Torres Strait, it is first necessary to understand the current structures of local and regional political representation in the area. Sanders (1994, 1995) has outlined elsewhere the history and current status of the 18 local and two regional structures of political representation in the Strait. In summary, these structures are as follows.

Seventeen of the 18 local government structures in Torres Strait are Island Councils incorporated under the Queensland *Community Services (Torres Strait) Act 1984*. Holding office on these councils is restricted to Aboriginal and Torres Strait Islander people who have lived in the area for not less than two years. Voting, however, is open to all residents of the area who meet the standard Queensland *Local Government Act 1993* criteria. As 14 of these Island Councils operate in the outer islands and two operate in the Cape York Islander communities, where there are few residents who do not identify as either Torres Strait Islander or Aboriginal, the number of residents who can vote, but not hold office in these Island

Councils, is probably very few (see Table 1 for 1991 Census population figures for the region and sub-regions within it).

Table 1. Self-identified population of Torres Strait region, 1991 Census.

Sub-region/region self-identification	Number	Per cent of sub- regional/regional population	Sub-regional percentage of total regional population
Inner Islands			
Islanders	2,001	58	
Aborigines	123	4	
Others	1,332	39	
Sub-total	3,456	100	48
Outer Islands			
Islanders	2,792	92	
Aborigines	60	2	
Others	168	6	
Sub-total	3,020	100	42
Cape Islander communities			
Islanders	604	78	
Aborigines	34	4	
Others	138	18	
Sub-total	776	100	11
Total Torres Strait region			
Islanders	5,397	74	
Aborigines	217	3	
Others	1,638	23	
Total	7,252	100	100

Source: Sanders (1994, 1995).

The eighteenth local government structure is the Torres Shire Council (TSC), in which both office holding and voting rights are open to all residents who meet standard Queensland *Local Government Act 1993* criteria. Theoretically, the land and residential area of the TSC covers all the islands of the Strait plus Cape York down to 11 degrees. However, through the concurrent operation within this area of the *Community Services (Torres Strait) Act 1984* and the *Community Services (Aborigines) Act 1984*, the TSC is effectively restricted to being a local government for Thursday, Horn and Prince of Wales Islands in the inner Torres Strait Islands group. This is because the 17 Island Councils (and three Aboriginal Councils) within the larger theoretical TSC area are given the functions of local governments within their areas and also because residents in these areas who vote for the Island (and Aboriginal) Councils are not allowed to vote for the TSC (see Sanders 1994, 1995 for a more extensive discussion).¹

At the regional level, there are two structures of political representation for Aboriginal and Torres Strait Islander people, but effectively none, beyond the TSC, for other residents. The chairpersons of the 17 Island Councils come together as the Island Coordinating Council (ICC), also established under the *Queensland Community Services (Torres Strait) Act 1984*. The ICC has an additional member elected by Aboriginal and Torres Strait Islander residents of Tamwoy and other areas on the northern half of Thursday Island. The TSRA, established under the *Commonwealth Aboriginal and Torres Strait Islander Commission Amendment Act 1993*, comprises all these ICC members plus two other Aboriginal or Torres Strait Islander representatives; one of these is drawn from the southern Port Kennedy area of Thursday Island and the other from Aboriginal and Torres Strait Islander residents of Horn and Prince of Wales Islands combined.

Sanders suggests that one of the key issues in moving towards regional self-government for Torres Strait will be the precise constituency to which any new structure is directed. The present arrangements combine Aboriginal and Torres Strait Islander-specific constituencies for the Island Councils, the ICC and the TSRA with a more general residential constituency for the TSC.² This hybrid arrangement works quite well as a way of accommodating different interests in the Strait, but probably needs to be built on and developed in the process of working towards greater political autonomy for the region.

One of the difficulties of the present arrangement is that the two structures of regional political representation in Torres Strait are Aboriginal and Torres Strait Islander-specific. While this enhances their ability to speak strongly for the Aboriginal and Torres Strait Islander interests in the region, it also limits their ability to present themselves as fully-fledged regional representative structures. To do this, they would need to accommodate and represent the other non-Indigenous population of the Strait, currently accommodated at the local level within the TSC. In the more populated inner islands of the Strait, the proportion of people not identifying as either Islander or Aboriginal rises to around 40 per cent (see Table 1). This is a significant number, some of whom would probably resist any move to fuller regional self-government unless they felt represented within it. Sanders (1994, 1995) has suggested that to overcome this problem the TSC and the Island Councils, or close derivatives of them, could come together in some new confederal regional government structure. The constituency of this confederal regional government would include all long-term residents in the Torres Strait region; there would, however, still be future debates about who could qualify for inclusion in the constituency and how the representation of various parts of the confederation might be balanced (see Sanders 1994, 1995).

One implication of such a broadening of the constituency of the regional structures of political representation within Torres Strait would be, as

Sanders notes, that these structures would probably need to move outside the Aboriginal and Torres Strait Islander-specific ATSIC structure. This does not, however, mean that Aboriginal and Torres Strait Islanders within the Torres Strait region could not maintain representation within ATSIC. Sanders suggests a likely way forward would be for the Queensland and Commonwealth Parliaments to pass complementary legislation focusing specifically on regional governance structures for Torres Strait. This might be framed, for example, as Torres Strait Regional Government Constitution legislation. Changes to the ATSIC legislation would probably follow from, but be quite separate to, this new legislation.

Sanders' earlier papers pay relatively little attention to a third constituency which has a considerable interest in any move towards greater political autonomy for Torres Strait and which is mentioned specifically in the standing committee's third term of reference. This constituency is Torres Strait Islanders currently residing outside Torres Strait. The 1991 Census enumerated some 21,200 such Torres Strait Islanders, significantly outnumbering the 5,680 that were counted in the Torres Strait (Taylor and Arthur 1992; Arthur and Taylor 1994). This constituency has a range of interests in greater political autonomy for Torres Strait which could be addressed in a number of different ways.

One obvious interest of these non-resident Torres Strait Islanders is likely to be preserving some right of return to Torres Strait. It is also possible that they would like some ongoing input to the governance of their homeland while absent from it. It is interesting in this regard that the 1994 National Aboriginal and Torres Strait Islander Survey suggested a strong sense of attachment to their homeland among Islanders residing outside the Strait (Arthur 1996). How these desires for a right of return, and also for some ongoing involvement in the governance of the region while absent, might be accommodated raises important questions.

One possibility is that non-resident Torres Strait Islanders could be given some form of representation within the Torres Strait regional government. They could, for example, retain some right to vote in their Island Council or TSC election while absent for certain periods, just as Australians absent overseas retain some right to vote in Commonwealth and State elections. If such votes were of equal value to those of residents and large numbers of non-resident Torres Strait Islanders were given such rights, there may be potential for resident Islanders to feel that non-resident had too much influence and voting power, given their relative numbers. This could be handled in several ways. The value of non-residents votes could in some way be reduced or the numbers of non-residents who qualified to vote in some way restricted. Alternatively, a separate electoral division or divisions within the confederal regional government structure could be set aside for non-resident Torres Strait Islanders, in which case their voting

power within the regional government structure would be determined by the number of divisions allocated to them.

The previously mentioned possible Queensland and Commonwealth Torres Strait Regional Government Constitution legislation could play a significant role in laying down some of these basic institutional arrangements for Torres Strait regional government and entrenching them at a higher level than the ordinary law of regional government. Substantive rights, such as the right of return of non-resident Torres Strait Islanders, could also be constitutionally specified. However, before that stage is reached, some broad constitutional development process needs to be engaged in by all the constituencies with an interest in the possibility of Torres Strait regional government. We would argue that something like a Torres Strait regional government constitutional convention needs to be convened. Only then can the range of possible alternatives for Torres Strait regional government be aired and understandings reached about what might and might not be acceptable to various members of the three interested constituencies.

Besides constituency and confederal representation, Sanders (1994, 1995) identifies two other key issues in moving towards greater regional self-government for Torres Strait. These are the marine environment and the role of other government authorities in Torres Strait.³ The role of other government authorities in relation to a proposed regional government is a potentially vast area for negotiation, ranging over subject areas as diverse as health and education, policing, customs, quarantine and immigration, social security and tax, fisheries and the marine environment. One group of these subject areas, customs, quarantine and immigration, relates to Torres Strait's position as an international border region, which the committee identifies in its *Inquiry Information* as a possible 'major issue' (HRSCATSIA 1996: 7). We would agree that this is a significant issue, but would argue that being a border region does not present insurmountable problems for moving towards greater political autonomy.⁴ The marine environment is a particularly important issue because Torres Strait Islanders view it as the very basis of their culture and also as perhaps offering the best resource base for future regional economic development (Arthur 1990; Mulrennan and Hanssen 1994). Other areas, such as social security and tax, are of importance because of their current contribution to fiscal flows in the region. In all these areas there is considerable potential for renegotiation of current understandings and arrangements as part of a move towards greater political autonomy. Equally, however, there may be subject areas in which regional self-government ends up substantially endorsing current arrangements.

The TSRA has already indicated that, as part of the move towards greater political autonomy for the Strait, it is seeking 'devolution' or 'greater local control and authority over decision making' in many of these substantive

areas in which other government authorities operate (TSRA 1994b: 3). Sanders (1994, 1995) argues, however, that new arrangements and understandings in these subject areas do not need to be finalised before regional government can proceed. These are matters which a regional government could pursue over time, rather than ones that need to be settled at the outset. Clearly, however, new arrangements and understandings in these areas could involve substantial changes in the control of and influence over financial and economic resources both within and flowing to and from Torres Strait. This relates to our second dimension of greater autonomy, greater economic autonomy.

Greater economic autonomy

In common with many remote regions, the Torres Strait economy is characterised by a narrow industry base and a sizeable public services sector. The private sector industry base is restricted to fishing, tourism and a limited number of service industries such as retailing, banking and transport. The public sector generally reflects a fairly full range of services. We will attempt to identify some of the major financial and economic flows within these two sectors for the region.

Arthur (1990) calculated that in 1989-90 Queensland government expenditure in the region amounted to some \$24 million, of which at least \$7 million was on capital items (see Table 2). Major items within the non-capital expenditure category were \$5.6 million in education salaries, \$2.4 million in hospital salaries and \$2.0 million in salaries from the then Department of Community Services and the Island Industries Board.⁵ Arthur also identified \$5.2 million in State government income from the region, of which \$3.1 million was hospital income and \$1.3 million electricity charges. This does not include State government taxes. Although Queensland government expenditure in the region in recent years may not be precisely as in 1989-90, particularly on capital items, these figures are at least indicative. It should also be noted that the ICC is presently consulted about much of this expenditure, but ultimate control rests with individual Queensland government agencies.

Arthur (1990) calculated that in 1989-90 Commonwealth government agencies, excluding the then Department of Aboriginal Affairs (now ATSIC and the TSRA), expended \$21m in Torres Strait (see Table 2). The largest items were \$7m in Department of Employment, Education and Training program expenditure and \$6m in Department of Social Security payments. Within the remainder significant expenditures were \$3m in defence, \$1.2m in fisheries, \$0.9m in telecommunications and \$0.6 million in postal services. Income derived from the region amounted to \$4.4 million, including \$2.9 million in telecommunications charges and \$0.8 million in postal charges. Again, this does not include tax income and even

though these figures are for 1989-90, they are at least indicative. It is likely that the TSRA is increasingly consulted about much Commonwealth expenditure, but as with State agencies ultimate control remains with individual Commonwealth agencies.

Table 2. Principal fiscal flows of the Torres Strait public services sector.

Administration	Expenditure \$ million	Income \$ million
State government (1989-90) ^a	24.0	5.4
Commonwealth government (1989-90) ^b	21.0	4.4
Commonwealth, TSRA (1994-95) ^c	24.5	1.0
Torres Shire Council (1993-94) ^d	3.8	1.6

a. Arthur (1990: 82, 26) and O'Rourke (1988).

b. Department of Aboriginal Affairs expenditure is excluded to avoid double counting as TSRA expenditure is separately identified. 1989-90 data from Arthur (1990: 81, 29).

c. TSRA (1995: 31, 33, 41, 42, 62).

d. Australian Bureau of Statistics (1995: 11, 15).

The TSRA, established in 1994, currently has an annual expenditure in the region of \$24.5 million (see Table 2). Major items include \$14 million on the 'work-for-the-dole' Community Development Employment Projects (CDEP) scheme, \$1.6 million on community infrastructure and housing and \$0.9 million on local government funding allocations to Island Councils. The TSRA currently derives own source income amounting to \$1.0 million from property rents and interest (TSRA 1995). At present most funds come to the TSRA from the Commonwealth via the ATSIC budgetary process. However, it has already been suggested that, as part of the pursuit of greater autonomy, funding may be separated from ATSIC from 1997-98 and be negotiated directly with the Department of Finance (*Courier Mail*, 17 July 1996). The TSC currently expends \$3.8 million in the region, \$1.6 million of which is derived from local rates and service charges (see Table 2).

Fishing is the largest industry in Torres Strait. Altman, Arthur and Bek (1994) calculated a value, to the fishers, of \$26.7 million in 1992. The largest component was \$20.5 million in the prawn fishery which is carried out entirely by fishers from outside Torres Strait. Thus, although prawns are a significant regional export, income to the region from the prawn fishery is virtually nil. This may be contrasted with the lobster fishery, value \$4.5 million, and the trochus shell fishery, value \$0.4 million, which return significant income to fishers in the region. Altman, Arthur and Bek (1994) estimated that the potential value of Torres Strait commercial

fisheries may be up to \$40 million, with a possible increase in utilisation being primarily in the lobster fishery.

The current regulation of fisheries in Torres Strait is shared between the Commonwealth and Queensland governments. Commonwealth involvement derives in part from obligations under the Torres Strait Treaty signed between Australia and Papua New Guinea and the establishment under that treaty of a Torres Strait 'protected zone'. The Torres Strait Protected Zone Joint Authority (TSPZJA), comprising the relevant Commonwealth and Queensland ministers, oversees much fisheries management in the area. The TSPZJA has management, consultative and advisory committees, as well as more specific working groups, on which the ICC, and hence TSRA, have representation. Ultimate authority, however, rests with the joint authority and the Queensland and Commonwealth ministers. The TSPZJA expended \$3.2 million in the region in 1993-94 (TSPZJA 1994). This expenditure may be partially offset by income from licensing, but we were unable to ascertain the extent of such income.

Altman (1995: 8) estimated the value of tourism at the Seisia community on the tip of Cape York in 1994 to be \$0.87 million. This accrued to a number of small private enterprises, many of which made lease or rent payments to Seisia Island Council. There are, to our knowledge, no figures available on the value of tourism elsewhere in Torres Strait. However, there is also a small tourism industry established on Thursday Island. There is arguably potential for further development of tourism in Torres Strait (Emery et al. 1996). But there are also significant obstacles. Competing with other tourism destinations in North Queensland may be difficult and fresh water supplies in the Strait are limited. Also, Islanders, at this stage, appear to have limited interest in being involved in areas of comparative/competitive advantage, such as cultural aspects of tourism (Arthur 1990; Altman 1995).

Arthur (1990: 91) estimated retail turnover in the region in 1986 to be in the order of \$20 million. The retail industry presently comprises stores operated by the Islander Board of Industry Services and some private retailers. Shipping turnover in the region was estimated at \$7.5 million for 1989 and air transport between the outer and inner islands at \$2 million (Arthur 1990: 91).

There are clearly numerous significant economic and fiscal flows both within, and to and from, the Torres Strait region. Control and influence over these flows is diverse, being shared between industry operators and a large number of public sector authorities. Patterns of control and influence could be significantly renegotiated as part of a move towards regional self-government, with local representative structures assuming greater roles than at present. However, the TSRA has recently suggested that 'whatever

form of self-government is finally determined' it envisages 'continuing responsibility for a range of matters' by the Queensland and Commonwealth governments (TSRA 1995: 22). This, along with the mixed public/private nature of the regional economy, suggests that some significant diversity of control and influence over economic flows will remain.

Another significant avenue for renegotiation of control and influence over resources and economic flows in the region may develop through native title processes. There are at present over 60 registered claims for determination of native title in Torres Strait, covering both land and marine aspects. How these might progress, alongside moves towards regional self-government and the operation of the Torres Strait Treaty, is at this stage largely unknown. However, any future determination which recognised Islander property rights in marine resources would certainly be a significant development.

Comparison and precedent

The committee states in its *Inquiry Information* (HRSCATSIA 1996) that, while it has no wish to pre-determine views, there are a number of issues which are likely to arise. Two of these, comparison and precedent, which we have not previously mentioned, warrant some discussion.

The committee suggests that, while Torres Strait is 'working towards a unique form of self-government', it might also be useful to consider comparative 'international models for self-determination of indigenous people' (HRSCATSIA 1996: 8). The models which have been mentioned most frequently in recent years by Torres Strait Islanders as potential comparisons have not been international, but Australian external territories models, particularly Norfolk, Christmas and Cocos-Keeling Islands (see, for example, Lui 1994: 70).

Unlike Torres Strait, none of these Australian external territories models deal with a situation in which one group within the resident population has a clear claim to being Indigenous. However, all three do deal with ethnically-diverse local populations resulting from the last couple of hundred years of settlement. In this sense they may be quite good models from which Torres Strait can draw a sense of possibility and optimism about its own exercise in accommodating diverse ethnic interests. Norfolk Island, for example, which has been substantially self-governing within the Australian nation state since 1979, has attempted to ensure the ongoing rights of descendants of the Pitcairn Islanders, while at the same time accommodating a population of more recent settlers.

The Australian external territories models encompass a variety of arrangements concerning the applicability of Commonwealth and State laws (see House of Representative Standing Committee on Legal and Constitutional Affairs 1991). They also encompass a variety of arrangements relating to standards of service and fiscal capacity. The Commonwealth Grants Commission (1993, 1995) has already done extensive work on service standards and fiscal capacities in some of these territories in comparison to other remote Australian localities. If ministerially requested, the Commission could undertake a similar exercise for Torres Strait. There is clearly much that can drawn on from arrangements for these external territories (Fletcher 1992).

One international example which might also be relevant in an indirect way is the relationship between New Zealand and the Cook Islands, even though the Cook Islands are closer to an independent nation state than Torres Strait is likely to become. One relevant aspect of this example is that it involves a population of Cook Islanders resident in New Zealand which greatly outnumbers the resident population in the Cook Islands, that is 37,000 to 18,000 (see Henderson 1994). The desire of these absent Cook Islanders to have some say in the ongoing governance of their homeland has been accommodated by allocating one seat to them in the Cook Islands' 25-member Legislative Assembly. Another relevant aspect of the Cook Islands model is that it attempts to balance representation between a central island group, accounting for about half the population, and numerous outer islands with a large range of far lesser populations (Larmour 1985). The Cook Islands case also, however, demonstrates that tensions can arise when autonomy in taxing leads small self-governing jurisdictions to become tax havens in relation to the larger jurisdictions with which they are associated (see Henderson 1994).

One other international example which might be of some relevance is Nunavut in northern Canada. There, a new form of regional self-government will come into effect in 1999, involving a population of approximately 18,000 of which 80-85 per cent are Indigenous Inuit. The new public governance structure was negotiated over a period of 20 years alongside a land claims settlement process which ensured control over large portions of Nunavut land for the Inuit (see Okalik 1995). This may suggest how native title issues in Torres Strait may be addressed in tandem with regional self-government issues. It may also suggest likely time scales required for moves in these directions.

There is, clearly, an array of both domestic and international comparative experience which could be drawn on in devising workable arrangements for greater political and economic autonomy for Torres Strait. However, comparative experience will not provide ready-made solutions for Torres Strait.

On the issue of precedent, the committee notes that 'Torres Strait Islanders rely on their unique culture and unbroken relationship with their islands and sea as the basis for their claims for self-determination' and then goes on to wonder whether this 'would be seen as a precedent for other distinct and homogenous groups' (HRSCATSIA 1996: 7). There seems no doubt that the Torres Strait experience may be looked to by other regions of Australia attempting to balance Indigenous and non-Indigenous interests. The use of the term precedent may, however, be somewhat too strong, implying some strict legal patterning. The relationship between developments in the Torres Strait and those in other regions of Australia is likely to be looser than this. Torres Strait regional government will become an example to be drawn on for ideas, rather than a strict precedent; just as some of the domestic and international comparative examples mentioned above are being drawn on for the Torres Strait.

Conclusion

The foregoing discussion suggests that expressed desires for greater autonomy in Torres Strait should be able to be satisfied by some form of regional self-government within the Australian nation state. We have identified a number of issues which will need to be addressed and debated in devising such regional self-government. Without being prescriptive, we have suggested some possible ways forward and noted that none of these issues appear to be insurmountable. We have foreshadowed the possibility of some close derivatives of the existing Island Councils and the TSC coming together as a confederal regional government based on complementary Torres Strait Regional Government legislation passed by the Commonwealth and Queensland parliaments. However, we have also suggested that to advance the process of devising an appropriate form of regional self-government there will need to be a constitutional convention of interested constituencies.

Notes

1. TSC does take on some local government responsibilities on the tip of Cape York outside the two Island Council and three Aboriginal Council areas north of 11 degrees; for example, it takes some responsibility for roads in this area.
2. The word 'effectively' is added to allude to the fact that technically all residents in Island Council areas can vote, although only Aboriginal and Torres Strait Islander people can hold office.
3. The marine environment is not separately identified as a key issue in Sanders (1994). This is one of the few changes between these two similarly titled pieces.
4. For a description of some of the issues relating to the cross-border relationship see Arthur (1992) and Davis (1995).
5. Since renamed the Department of Family Services and Aboriginal and Islander Affairs and the Island Board of Industry Services.

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