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- 7 MAY 2003

**LEGAL, CONSTITUTIONAL AND
ADMINISTRATIVE REVIEW
COMMITTEE**

No 40

PARLIAMENTARY COMMITTEE OF INQUIRY INTO ABORIGINAL AND TORRES STARIT ISLANDER PARTICIPATION IN QUEENSLANDS DEMOCRATIC PROCESS.

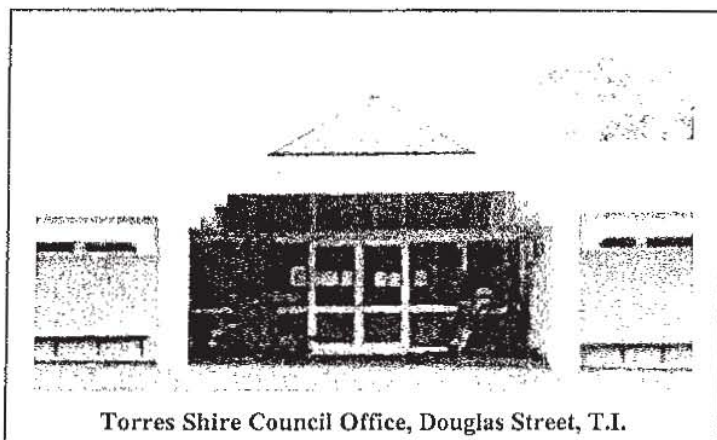
Representations to the Committee by Mayor Napau Pedro Stephen, Torres Shire Council, during the Committee's public consultations at Port Kennedy Hall, Thursday Island on May 7th 2003.

Council's Mission - Our Purpose

To provide through the machinery and processes of Local Government, those services and facilities which best meet the social, economic and environmental needs of the Shire and the Region; to liaise and collaborate with the Community and other levels of Government in doing so, and to effectively represent the Community interest by actively pursuing quality of life issues for the residents of the Torres Shire and the Torres Strait.

TORRES SHIRE PROFILE

The Shire of Torres is the northernmost Queensland local government, and it comprises all of the State lying north of latitude 11 degrees south. This includes the northernmost part of Cape York Peninsula, together with the islands of Torres Strait. The Shire's administrative centre is located on Thursday Island, which provides the primary service centre for the region. Torres Shire is the only Australian local government which abuts an international border, and which hosts regular cross border movement between Australia and Papua New Guinea. The International Protected Zone (IPZ) established under the Torres Strait Treaty lies within the Shire Area.



Torres Shire Council Office, Douglas Street, T.I.

However Torres Shire Council's administrative jurisdiction does not extend over the whole of the Shire Area and excludes a number of Torres Strait Island and Aboriginal Communities

throughout the Torres Strait and on Northern Cape York. Land tenure is held by these Councils in the form of Deeds of Grant in Trust issued under the Queensland Lands Act, (except Murray Island) and Local Government status and services are delivered through the Community Services Acts (1984) of Queensland. Native Title has also been recognised over certain areas, including the lands held in trust under the Aboriginal Land Act by the traditional representatives of the Kaurareg people, principally on Ngurupai (Horn Island) and Murulag (Prince of Wales Island)

The actual land area administered by the Council is comprised of several Islands and portions of Cape York Peninsula, principally.

- | | | |
|--------------------------|-------------------------|--------------------|
| * Albany Island | * Dayman Island | * Entrance Island |
| * Friday Island | * Goods Island | * Horn Island |
| * Little Adolphus Island | * Mount Adolphus Island | * Packe Island |
| * Port Lihou Island | * Possession Island | * Prince of Wales |
| Island | | |
| * Thursday Island | * Turtlehead Island | * Wednesday Island |

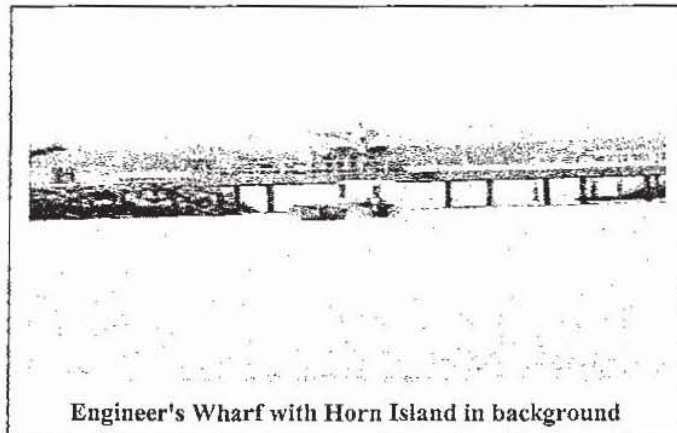
More than 50% of the population of the Torres Strait Islands reside within this land area.

Historical Background

The Torres Strait area was first traversed by Luis Vaez de Torres, aboard the Spanish vessel "San Pederico" in 1606.

The second recorded passage was by Captain James Cook in the "Endeavour" during August 1770. Cook formally proclaimed British sovereignty on Possession Island, and passed through the Straits by the Endeavour Channel.

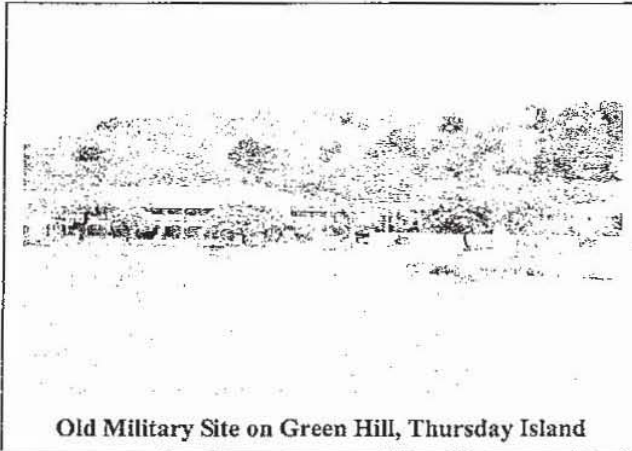
Captain Bligh also traversed the Torres Strait after being set adrift from HMS Bounty following the mutiny aboard that vessel. During this passage Bligh is purported to have named Tuesday, Wednesday, Thursday and Friday Islands.



Engineer's Wharf with Horn Island in background

A pearling industry commenced on Warrior Reef in 1868, and this was to generate a vibrant regional economy and export market based on Thursday Island for more than a century, bringing people and skills to the Torres Strait from many parts of the world. Gold was mined on Horn, Hammond and Possession Islands, during the 1890's.

The Government settlement was transferred from Somerset to Thursday Island at Port Kennedy in 1877 in order to administer more adequately the



Old Military Site on Green Hill, Thursday Island

scattered islands in an area of approximately 11,400 square kilometres. In 1885 Local Government administration came to Thursday Island in the form of the Divisional Board of Torres followed by the creation of the Torres Shire Council in March 1903. A major change took place in 1912, when the Shire of Torres was abolished; the Town of Thursday Island was

simultaneously created and, in the same year, many of the islands become "protected" as Aboriginal Reserves. Some of the islands, notably a number in the vicinity of Thursday Island, thereupon ceased to be subject to either local authority control or protection as reserves.

The Torres Strait region played an important part in World War II as a forward base for the United States and Australian forces. A light infantry battalion was recruited from the Torres Strait Islanders, and Horn Island experienced heavy Japanese air raids

In December 1973, Torres Town had been declared encompassing Cape York north of 11 degrees south latitude and a variety of islands in the Torres Strait and in 1974 it was renamed the Shire of Torres.

After almost 40 years of administration by a State Government Administrator the Torres Shire Council was restored to elected Council status in March 1991 and is now administered by a mainstream local government established under the Local Government Act comprising an elected Mayor and six Councillors.

Torres Shire Council's recommendations for increasing representation for the Indigenous people of Torres Strait in the democratic processes in Queensland.

The Council met in special session on May 2nd 2003 and gave close and careful consideration to the scope for heightening the level of effective Indigenous representation in the decision-making processes of the Parliament. In particular, the Council gave extensive consideration to the stimulating concepts contained in the issues paper released by the Parliamentary Committee in December 2002 entitled *Hands on Parliament*. Council also was persuaded to address in its deliberations some of the key questions influencing discussion on this issue, including;

- What are some of the reasons that Torres Strait Islanders and Aborigines are underrepresented in the Parliament?
- Are there reasons why Torres Strait Islanders and Aborigines might chose not to become involved in Queensland's Parliamentary political system?
- What factors make it difficult for Torres Strait Islanders and Aborigines to better participate in the democratic system of Government
- Would an Aboriginal and Torres Strait Islander Assembly be a good idea? If so how would members be selected?
- Are dedicated seats a good idea? If so how many should there be? How would they be allocated?

The Council viewed favourably and supported suggested initiatives including;

1. Heightened Education Programming – about the system of Government in Queensland and initiatives to increase awareness within Indigenous people and Communities concerning entry into the broader political environment.

2. Political Party encouragement – Political Parties can play a better role in persuading more Indigenous membership, by providing special support programmes, and by encouraging greater levels of Torres Strait Islander membership.

However Members of the Council were unanimous in concluding that the most appropriate and beneficial strategy to deliver increased Indigenous representation for the Torres Strait region in the Queensland Parliament lay in the dedication of an additional seat as discussed in Strategy 4 of the Issues Paper. Council members are of the view that the interests and needs of Torres Strait Islander and Aboriginal people in this Region would be best served through a dedicated Parliamentary seat. Members felt however that it was important to ensure that this additional seat would carry the same rights and responsibilities for the sitting member as for any other elected MP including the right to make statements and ask questions on the floor of the House; to sit as an equal member of Parliamentary Committees; to speak on Bills and other debates of public interest before the House; to vote on legislation and other matters which members are called to vote upon; and to Parliamentary privilege.

It was generally agreed also by members that a new electoral district would advisably need to be delineated encompassing geographically all land contained within the Area of the Shire of Torres as defined pursuant to the Local Government Act; including also land comprising the member Communities of the Island Coordinating Council (ICC) which are established pursuant to the Community Services (Torres Strait) Act 1984, and those lands held in trust for the Kaurareg people pursuant to the Aboriginal Land Act.

The Council are of the further view that voting to select a candidate for the dedicated seat would be held at the same time as the general election for the existing State seat of Cook. However only Indigenous people resident within the new Torres Strait electoral district would be eligible to nominate as a candidate for the dedicated seat.

In their deliberations Members gave close consideration to some overseas examples of dedicated seats in State or National Legislatures for representatives of Indigenous populations, including the State of Maine, USA, as well as the system of dedicated seats for Maori people in the Parliament of New Zealand. It was noted that in New Zealand however that Maori people must make a choice between two electoral rolls; the general roll and a special Maori electoral roll. People on the Maori roll are only entitled to vote for dedicated Maori seats.

Torres Shire Council were strongly of the view however that no separate electoral rolls should be introduced in Queensland to facilitate elections for members of dedicated Indigenous seats. Voters on the general electoral roll for the seat of Cook who are resident within the Torres Strait for instance would have the right to vote for the Member for Cook and in addition a right to vote for an Indigenous Member of Parliament for the Torres Strait to a dedicated seat held on the principles outlined above.

It is important to mention also that the views expressed in this submission are shared by all the Communities of the Torres Strait Region.

The Torres Shire Council respectfully submits these representations to the Parliamentary Committee and urges that they receive full and careful consideration in the context of the Inquiry.

Mayor Napau Pedro Stephen
May 7th 2003