

COMMONWEALTH GRANTS COMMISSION

INDIGENOUS FUNDING INQUIRY

DRAFT SUBMISSION

From: Torres Strait Islander Advisory Board

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**Commonwealth Grants Commission
Indigenous Funding Inquiry
Submission by
the Torres Strait Islander Advisory Board**

CONTENTS

1.

Introduction	2
Terms of Reference	3
Special Arrangements for Torres Strait Islanders	3
TSIAB	4
Mainland Torres Strait Islanders	4
Access to programs and services	5
Cultural Maintenance	6
Conclusion	6

Introduction

This submission addresses the terms of reference of the Indigenous Funding Inquiry as they relate to mainland Torres Strait Islanders.

It aims to provide a background and context for considering the issues of program and service delivery that impact on the mainland, and to provide a basis on which the Inquiry may consider its approach to them.

Partly as a result of history, but also for convenience of administration and policy-making, Indigenous issues are often dealt with as a single collective. There is no denying that Aboriginal people and Torres Strait Islanders suffer similar disadvantages. These are manifest in a range of indicators. Inherent in that disadvantage, however, is a significant difference in the needs of Aboriginal people and Torres Strait Islanders living on the mainland. This derives primarily from the distinctive cultural identities of Aboriginal people and Torres Strait Islanders.

These considerations may not have been taken into account sufficiently in the past. With the review by the Commonwealth Grants Commission, there is now an opportunity to ensure the differences are recognised in funding formulas and an appropriate weighting given to the presence of Torres Strait Islanders within ATSIC Regional Councils, in particular.

While the diversity of location of mainland Torres Strait Islanders, ranging from small individual groups to larger communities tends to make the needs of Torres Strait Islanders specific to their locations, there is a degree of commonality for all Torres Strait Islanders based on their cultural background and the general disadvantages they face as Indigenous people.

The issue that is particularly significant on the mainland where Torres Strait Islanders, being a minority within an Indigenous minority, often feel marginalised and left out as they seek to preserve and enhance their cultural identity as Torres Strait Islanders.

There is a strong perception that Torres Strait Islanders on the mainland are missing out in the competition for limited funding available to Aboriginal and Torres Strait Islander people through Regional Council programs and their lack of recognition by State Governments in their Indigenous assistance programs. Queensland is the only State that until recently specifically recognised Torres Strait Islanders. As a result of representations by TSIAB and Torres Strait Islander organisations, there are signs that this situation is improving, at least in the recognition of need.

Determining the precise extent of the failure to meet the special needs of Torres Strait Islanders on the mainland and how the situation might be rectified through funding has proven to be difficult. Therefore, TSIAB welcomes the inquiry by the Commonwealth Grants Commission in seeking to establish benchmarks against which funds might be distributed in future in recognition of the special needs of mainland Torres Strait Islanders.

Terms of Reference

Our understanding of the purpose of the Indigenous Funding Inquiry is that it is intended to develop measures of relative disadvantage that can be used to target resources more effectively to areas of greatest need.

The Terms of Reference require the Commonwealth Grants Commission to develop a method that can be used to determine the needs of groups of Indigenous Australians relative to one another across government and government-type works and services provided or funded by the Commonwealth, or by the States, Territories or local government with Commonwealth financial assistance through specific purpose payments.

Among other things, the Terms of Reference specifically require the Commission to develop a method that distinguishes, where possible, between the needs of Aboriginal people and Torres Strait Islanders, including those living outside the Torres Strait region.

This is an important aspect of the inquiry, as it goes to the heart of cultural, administrative and funding relationships between Australia's two groups of Indigenous peoples. Fundamental to these relationships is the situation of mainland Torres Strait Islanders, representing an historical, social and cultural phenomenon which requires acknowledgment and recognition in both public policy considerations and funding.

In seeking to establish a case for special consideration for mainland Torres Strait Islanders, we do not see ourselves in competition with Aboriginal people. Rather, we seek to provide a basis on which funding to particular regions will be distributed on a basis that recognises not only the relative disadvantage of Aboriginal people, but the presence of Torres Strait Islanders as a factor which should also influence the level of funding if the interests of Torres Strait Islanders are to be served.

Torres Strait Islanders have always recognised that mainland Australia belongs to the Aboriginal people. The protocols of Indigenous culture, therefore, acknowledge that there will be some programs to which mainland Torres Strait Islanders will not gain access. While this might put mainland Torres Strait Islanders at a disadvantage, there is a range of programs applicable to both Aboriginal and Torres Strait Islander people which require recognition of the particular needs of Torres Strait Islanders.

Special Arrangements for Torres Strait Islanders

Division 10 of the *Aboriginal and Torres Strait Islander Commission Act 1989* makes special provisions for Torres Strait Islanders. Significant outcomes in the development of these arrangements have been:

- The establishment within the Aboriginal and Torres Strait Islander Commission Act of the Torres Strait Islander Advisory Board and the Office of Torres Strait Islander Affairs, both with a focus on the rights and interests of mainland Torres Strait Islanders; and

- The creation of the Torres Strait Regional Authority to perform in the Torres Strait those functions previously performed by the Aboriginal and Torres Strait Islander Commission, replacing the former Torres Strait Regional Council under the ATSIC Act.

A strong link is established between the two arrangements by virtue of the automatic appointment under the Aboriginal and Torres Strait Islander Commission Act of the Torres Strait Commissioner as Chairman of TSIAB.

This link reflects the “oneness” of Torres Strait Islanders wherever they live, the retention of strong cultural ties between the Torres Strait and Torres Strait Islanders living on the mainland, and the reaffirmation of their cultural identity as Torres Strait Islanders.

TSIAB

The function of the Torres Strait Islander Advisory Board, as prescribed under the Aboriginal and Torres Strait Islander Act, is to provide advice to the Minister and the Aboriginal and Torres Strait Islander Commission for the purpose of furthering the social, economic and cultural advancement of Torres Strait Islanders living outside the Torres Strait area.

The goal of the Torres Strait Islander Advisory Board, as expressed in our Strategic Plan, is to:

- Secure for Torres Strait Islander people our inherent and special rights as a separate race of Indigenous people and, in recognition of these rights,
- Ensure that Torres Strait Islanders have equality of opportunity and access to services within Australian society.

The TSIAB Strategic Plan states:

“Torres Strait Islanders seek definitional distinction from other Indigenous Australians. This distinction is justified on the basis of differences in race, language, customs, traditions and heritage. Torres Strait Islanders have their own unique Ailan Kastom, which is recognised in the Aboriginal and Torres Strait Islander Commission Act.”

TSIAB is an integral part of the Aboriginal and Torres Strait Islander Affairs portfolio. It is an important link between Torres Strait Islanders living on the mainland, ATSIC, representative of all Indigenous peoples, and the Government.

Mainland Torres Strait Islanders

According to the 1996 census, approximately 39,000 people identified as Torres Strait Islanders in Australia. Of these, 33,000 lived on the mainland and 5760 lived in the Torres Strait. Of those identifying as Torres Strait Islanders on the mainland, approximately 10,000 people who identify as both Torres Strait Islander and Aboriginal.

Mainland Torres Strait Islanders live predominantly in large urban centres, particularly Brisbane, Townsville and Cairns. They are otherwise dispersed throughout the country and therefore have limited influence on local decision-making. Where their presence is recognised, they are likely to enjoy better outcomes.

As Torres Strait Islanders and because they are also a minority within an Indigenous population, they have particular cultural and program needs which are not always readily appreciated or understood. A lack of data prevents detailed description of these needs and the extent to which they are being met.

A survey by the Centre for Aboriginal Economic Policy Research showed that Torres Strait Islanders had a lower socio-economic status than non-indigenous Australians, but shared the same disadvantages with Aboriginal Australians.

Access to programs and services

Torres Strait Islanders living on the mainland have access to programs and services provided by both the Commonwealth and State Governments. Within the ATSIC structure, it has access to funding determined by Regional Councils.

A fundamental issue is the extent to which current statistical information is or can be disaggregated to provide information separately on Aboriginals and Torres Strait Islanders. Recognition of the needs of mainland Torres Strait Islanders adds another dimension to program management and performance reporting. TSIAB does not under-estimate the difficulties associated with the requirement to separately identify performance in relation to Torres Strait Islanders. However, given their numbers and their dispersal through ATSIC regional councils, there is a need to attempt to define benchmarks against the recognition of their special needs.

An evaluation by the Office of Evaluation and Audit of the level of access to ATSIC's programs and services by Torres Strait Islanders living outside the Torres Strait found that while not universal there was a general, strongly held belief amongst Torres Strait Islanders consulted that they do not have equitable access to ATSIC services and programs. On the other hand, many representatives of ATSIC and Aboriginal organisations felt equally strongly that Torres Strait Islanders do have equitable access. This is part of the dilemma which mainland Torres Strait Islanders face. Perceptions, as strongly held and valid as they might be, are not evidence of performance.

Another issue that emerged in the evaluation was the varying perceptions of 'difference' experienced by many Aboriginal and by many Torres Strait Islander people. Numerous representatives of ATSIC and Aboriginal organisations stated that they did not treat Torres Strait Islanders any differently from Aboriginal people. The response of Torres Strait Islanders is that Torres Strait Islanders want to be seen and treated differently because they are different.

This reflects TSIAB's position that Torres Strait Islanders are anxious to ensure that in the development of policies for Australian Indigenous peoples, there is a recognition of the special and distinct cultural characteristics of Torres Strait Islanders and Aboriginals. A general lack of recognition of the unique cultural differences between the two Indigenous peoples has been reflected in policy-making and administration which has tended to see all Indigenous Australians as a single group. Programs broadly developed for both are very often culturally inappropriate for Torres Strait Islanders. Such recognition will inevitably require special or additional funding. Achieving mechanisms to bring this about in relation to mainland Torres Strait Islanders is part of the "unfinished business" of the Torres Strait Islander agenda. One mechanism is in formulas to be used for the distribution of funds.

While there was a perception in the interviews conducted for the OEA evaluation that Torres Strait Islanders generally were less disadvantaged than Aboriginal people and, possibly, better able and/or more likely to access mainstream services, this does not take account of significant cultural factors associated with recognition of Torres Strait Islanders as a separate race of Indigenous people and in their relationship to Aboriginal people on the mainland.

While the OEA evaluation was able to document perceptions of various stakeholders regarding access by mainland Torres Strait Islanders to programs and services, the inadequacies of ATSIC's data systems to monitor the state of Torres Strait Islander access meant that reliable and sound judgments could not be made.

The OEA evaluation identified three aspects of access and equity for mainland Torres Strait Islanders. These were:

- Torres Strait Islander organisations receiving funds to deliver their own services;
- Access by Torres Strait Islanders to non-Torres Strait Islander specific funding, such as health services and legal services;
- On an individual basis, where programs such as the Business Funding Scheme and Home Ownership Programs are also directed to individuals.

Cultural Maintenance

A significant conclusion of the OEA evaluation was that probably the most critical program need identified was for support for Torres Strait Islanders, living across Australia, to sustain their cultural and cultural activities. This has been a central focus of TSIAB's representations to ATSIC and Government on the need for a national Torres Strait Islander-specific cultural support program.

Since many funding proposals by Torres Strait Islander organisations are culturally oriented, a national cultural program would go a long way towards removing some of the perceptions of lack of access and at the same time reinforce Torres Strait Islander identity on the mainland. This does not, however, remove the need for other programs, such as health, education and housing, to take into account special needs of Torres Strait Islanders which have been identified in a number of reports.

A report on implementing the legislative functions of the Office of Torres Strait Islander Affairs found that Torres Strait Islander cultural perspectives play a key role in determining access to and the nature of programs and services for mainland Torres Strait Islanders. It stated:

“Maintenance, awareness and recognition of the identity of mainland Torres Strait Islanders as an Indigenous community is central to them in meeting their identified needs. The sense of loss of their unique cultural identity being experienced by mainland Torres Strait Islander communities and a feeling of being left out serve to reinforce their determination to ensure they gain an equitable share. It is imperative, therefore, that programs and policies for Indigenous people recognise the separate status of Torres Strait Islanders, acknowledging their particular circumstances and address their changing needs and interests to assist them as they interface with non-islander cultures.”

The report confirmed the breadth of mainland Torres Strait Islander interests involved in programs for Indigenous people. As with Indigenous people generally, particular emphasis is given to programs of health, housing, education, employment, business development, and culture.

TSIAB's strategic plan also identifies as program priorities substance abuse, child abuse and neglect, customary adoption, mental health and youth.

A more recent report on the health and well being needs assessment of Victorian Torres Strait Islanders concluded that the greatest impediment to optimal health of Victorian based Torres Strait Islanders was their lack of connection to other Torres Strait Islanders and their unmet need for cultural reinforcement of their unique Indigenous identity. This reinforcement can be both separate from and integrated with programs in health, housing and education. Indeed, culture is integrally linked with education.

Torres Strait Islanders on the mainland have major concerns about the slow rate of change in educational institutions and particularly about the slow rate of progress being made to improve educational outcomes for our children. Torres Strait Islanders acknowledge that the raising of educational outcomes requires giving attention to the issues of access, support, and participation, and recognising the cultural concerns that transcend these issues.

Conclusion

The OEA Evaluation concluded that the concept of relative need was central to the evaluation of mainland Torres Strait Islander access to ATSIC programs and funding. However, measuring relative need is inherently difficult across programs as diverse as those covered by ATSIC.

There has been no detailed surveying of Torres Strait Islanders on the mainland to establish a qualitative picture of their needs. Hopefully the Inquiry by the Commonwealth Grants Commission will significantly alter this situation. TSIAB looks to the outcome of the Inquiry to assist in future decision-making in relation to funding.

Clearly, however, the preservation of cultural identity is a most significant factor in ensuring mainland Torres Strait Islanders achieve equitable access to programs and services based on their identified needs.

It is appropriate, therefore, to conclude this submission with the following observation from the report *A Health and Well Being Needs Assessment of Victorian Torres Strait Islanders*:

“The Torres Strait Islander community in Victoria is widely dispersed with Torres Strait Islanders minimally involved beyond their own family networks. It is a small community which has difficulties in establishing an identity of its own. However, there is a willingness from individuals and family networks to develop a sense of connectedness with other Torres Strait islanders in Victoria. Nearly all Torres Strait Islanders identified the importance of maintaining their culture through contact with other Torres Strait Islanders. This was the most consistent theme regarding unmet health and well being needs for all of the city and country Torres Strait Islanders interviewed.”