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INTERIM REPORT TO THE AUSTRALIAN GOVERNMENT INDIGENOUS VOICE CO-DESIGN PROCESS

SUBMISSION – APRIL 2021

We, the Torres Strait Island Regional Council, acknowledge our Traditional Owners, our Elders past and present, and all of our Community Members across the length and breadth of Zenadth Kes, from where the sun rises on Mer in our east, to where the sun sets on Boigu in our west. We also recognise all First Nations people throughout Australia, acknowledging our shared connection to the land, sea and a cultural practise that has existed since time immemorial.

Introduction

The Torres Strait Island Regional Council strongly supports the *Uluru Statement from the Heart* and the pathway to constitutional recognition of Australia's First Nations people. We acknowledge the efforts of those involved in the Indigenous Voice Co-Design Groups, and the tireless work of our Elders, past and present, which has led to the proposal before us today.

This proposal aligns to a key advocacy priority area for our Council, which is the acknowledgement of, and transition to, a Regional Assembly Model, principally focusing on the following outcomes:

1. Formal acknowledgement of the Torres Strait region's rightful name, being Zenadth Kes, through:
 - a. Council's name change from the 'Torres Strait Island Regional Council' to the 'Zenadth Kes Regional Council'.
 - b. Local Government Area name change from 'Torres Strait Island Regional' to 'Zenadth Kes'.
 - c. Place name change from the 'Torres Strait' to 'Zenadth Kes' with the applicable State and Federal instrumentalities.
 - d. Adjustment of existing local government boundary in alignment with the intent and movement of traditional inhabitants under the Torres Strait Treaty, and to effectively facilitate marine infrastructure responsibility.
2. Formal support of the Zenadth Kes Regional Assembly entity, encapsulating Local, State and Commonwealth Government functions, through:
 - a. The establishment of a secretariat function to coordinate the transition plan.
 - b. The establishment of a Special Policy Zone, acknowledging the KOD system of governance.



- c. The Zenadth Kes Regional Assembly entity be endorsed, and appropriately funded as a third group within the Indigenous Voice Co-Design process.

Moving to a Regional Assembly model means a greater level of autonomy to discharge Local, State and Commonwealth powers in one governing entity, reducing unnecessary duplication and formally recognising the principles of Ailan Kastom, and traditional systems of governance.

Regional Assembly Transitional Plan:

The Regional Assembly Transition Plan, as authorised by the Torres Strait Regional Authority in June 2018 (and published in July 2018), provides a detailed regional history, articulation of a preferred model, and a roadmap for the successful delivery of the Regional Assembly body.

The abovementioned plan, as previously endorsed by regional leaders, was formally endorsed by Council during a Special Meeting on 28 July 2020.

The plan can be viewed or downloaded here:

<http://tsirc.qld.gov.au/sites/default/files/TSRA%20Regional%20Governance%20Committee%20Transition%20Management%20Plan%20July%202018.pdf>

The Zenadth Kes Name:

Council formally endorsed both the local government name change (to Zenadth Kes Regional Council), and the place name change (to Zenadth Kes) during its Ordinary Meeting on 21 July 2020.

The Zenadth Kes name originated as part of discussions led by the late Adhi Ephraim Bani during a Cultural workshop in 1989.

The origins of the Zenadth Kes name can be viewed or downloaded here:

<http://tsirc.qld.gov.au/sites/default/files/Zenadth%20Kes%20Acronym.pdf>

Response

Council has several key response points to the Proposal for an Indigenous Voice, as articulated below.

1. National Voice - Function & Scope:

The detailed proposal articulates the core function and scope of the National Voice as:

“Parliament and the Australian Government obliged to consult the National Voice on a narrow range of proposed laws which are exclusive to Aboriginal and Torres Strait Islander people and would be expected to consult on a broader component.

Parliament and the Australian Government to engage as early as possible in development of policy and laws.

The obligation would be non-justiciable, nor affect the validity of any laws.”

Council acknowledges the plausible approach to consult Aboriginal and Torres Strait Islander people on relevant policy and laws, however echoes and supports statements made by the



Torres Shire Council in their submission to this process, that “*this advice must have legal force by being enshrined in the Australian Constitution*”.

Council would also like to reinforce the importance to “*engage as early as possible in the development of policy and laws*”; this is a fundamental principle for our region, which often due to our geographical constraints and communication challenges, the engagement process does not extend our remote local communities, unless arranged by and at a cost to Council.

2. Local & Regional Voice – Purpose:

“To enable Aboriginal and Torres Strait Islander people in every community to have a greater say in public policy, programs and service delivery affecting their lives through shared decision making in partnership with governments.”

In a direct misalignment with Torres Strait Islander aspirations to re-govern their own affairs, the Torres Strait region today, has excessive and often duplicated levels of governance. The Westminster System in Australia over the past century has introduced intermittent legislative changes to the region, however as outlined in the Torres Strait Regional Authority’s Regional Assembly Transition Plan (2018), there is still significant reform required to address these aspirations.

At a high level, the purpose articulated within the Local and Regional Voice, aligns to Ailan Kastom, and traditional systems of governance, by ensuring greater autonomy and engagement within our remote local communities.

Although there are many duplicated levels of governance centred around the commercial hub of Thursday Island, as stated in the point above, due to our geographical constraints and communication challenges, engagement models more often than not, do not extend our outer island communities, unless arranged by Council and at great expense to Council.

3. Membership Models:

Council acknowledges, and was pleased to see within the Interim Report, the recognition of the Torres Strait Islander Members articulated within both the ‘Structural Link’ and ‘Direct Election’ models.

Council also acknowledges that each region’s pathway to setting up their Local and Regional Voice will be different. Due to the level of work already undertaken by former and current leaders within our region to develop a Regional Assembly model, we strongly recommend this model and approach for our region.

Conclusion

Council acknowledges the Co-Chairs; Professor Dr Marcia Langton AO, Professor Tom Calma AO, and other Members of the Senior Advisory, National, and Local and Regional Co-Design Groups for their work on the *Australian Government: Indigenous Voice Co-design Process* and appreciates the opportunity to provide feedback on the Interim Report.



We are, in principle, a supporter of this proposal and are of the belief that the existing work conducted by our former and current local leaders to develop a Regional Assembly model aligns well to the proposal's overall intent.

As Australia's northern most municipality, and arguably one of the most remote, we are in favour of formalising a more in depth and empowered engagement process for our communities, whether that be at the local, state or federal levels.

Our Voice (Meriba Gedira Wakai) is an established Voice. For at least over the last three decades leading up to the turn of the century, the Voice of Torres Strait Islanders were well articulated by our leaders and acted upon by both the State and Commonwealth Governments. We are now seeking to enhance the tempo of our aspirations to be able to have the authority and the capacity to manage and control our own affairs, to make decisions that affect our everyday lifestyle, and to be influential in the shaping of Policy Decisions by the State and Commonwealth Governments that will impact on our Communities and Region.

Council welcomes the opportunity to provide future feedback or elaborate further.

Koeyma Eso / Au Esoau / Many Thanks,

Cr. Philemon Mosby
Mayor

