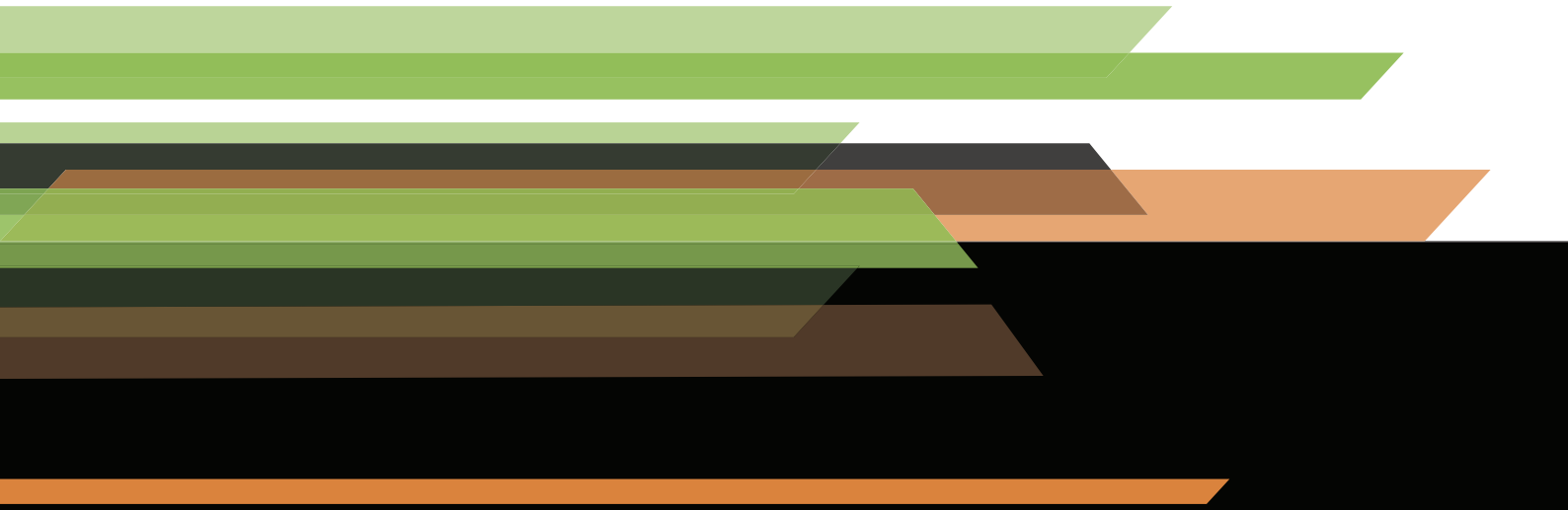


Palm Island: Future Directions
Resource Officer Report
January 2006



About the Resource Officer

Scott McDougall is the Director of Caxton Legal Centre Inc. and was granted leave to undertake this project as a consultant to the Department of Aboriginal and Torres Strait Islander Policy. Unless otherwise indicated, the views expressed in this report are solely attributable to Scott McDougall. Contact: scott@caxton.org.au

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Disclaimer

This report does not constitute legal advice. Any recommendations or discussion within the report affecting the legal rights of any person or organisation should not be relied upon as legal advice. Independent legal advice should be obtained before acting upon any legal matter arising out of the contents of this report.

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Acronyms and Abbreviations

ALA	<i>Aboriginal Land Act 1991 (Qld)</i>
CMC	Crime and Misconduct Commission
COAG	Council of Australian Governments
Council	Palm Island Aboriginal Shire Council
DATSIP	Department of Aboriginal and Torres Strait Islander Policy
DLGPSR	Department of Local Government, Planning, Sport and Recreation
DNRM	Department of Natural Resources and Mining
DoC	Department of Communities
DoH	Department of Housing
DPC	Department of Premier and Cabinet
DPW	Department of Public Works
DPC	Department of Premier and Cabinet
DOGIT	Deed of Grant in Trust
DSD	Department of State Development
ICC	Indigenous Coordination Centre (Cth)
ILUA	Indigenous Land Use Agreement
LA	<i>Land Act 1994 (Qld)</i>
NGDO	Non Government Development Organisation
NNTT	National Native Title Tribunal
PCYWA	Queensland Police-Citizens Youth Welfare Association
QPS	Queensland Police Service
SGFA	State Government Financial Assistance
SRA	Shared Responsibility Agreement

Executive Summary

After years of successive reports and planning processes the time has come for the Palm Island community and the Queensland and Federal Governments (collectively referred to here as 'government') to jointly act to change living standards on the Island.

Whenever intractable problems are tackled seriously by government there is usually an expectation that more funds will be allocated to ensure a successful resolution of the issues. It is recognised that funding itself is not a solution; however, the allocation of additional funding is essential in this instance. There are no excess funds in the Palm Island community that can be redirected to the purpose of achieving the aims outlined in this report, and the poverty stricken community is in dire need of a fully funded commitment by government to achieve sustained and real improvement to living conditions on the Island.

Convincing key ministers and Queensland Treasury to allocate the necessary financial resources is only one part of what is required to bring about structural change on Palm Island. To achieve sustainable improvements to life on Palm Island, there must also be a conscious attitudinal shift on the part of both Palm Island residents and government service providers away from a postcolonial dependent relationship.

The Palm Island Select Committee identified the nature and source of the problems facing the Palm Island community and highlighted that these problems are not the making of the Palm Island residents. Rather, they result from the unresolved trauma of dislocation, serial under funding and poor decision making of successive Queensland governments stretching back to 1918. Whilst this history underscores the moral obligation of existing governments to make a genuine commitment to remedy the problems, the focus of the Palm Island community needs to be on what is required to create a better future for their children. In order for the community to take the responsibility to create a different future, it must establish a confident decision making capacity and find a way of engaging effectively with government. However, the community must also look beyond the horizon and forge relationships with the non-government sector, including both non-profit and commercial organisations. The community must do so, if for no other reason than that for successive generations, the government has not delivered what Palm Island requires.

For its part, the government needs to facilitate major structural reform by providing adequate resources, removing impediments, altering governmental and bureaucratic attitudes, providing coordinated and flexible services, and helping to create an environment that encourages personal empowerment and private investment in the community.

There are four key areas identified which require active negotiation and resolution between the Palm Island community and government:

Land

It is imperative that a workable land tenure system be created to facilitate service delivery, strengthen residential rights, secure communal title, incorporate traditional owner interests and encourage sustainable economic development.

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Governance

The Palm Island Aboriginal Council became a shire council in 2005. The transition provides an opportunity for the Palm Island Aboriginal Shire Council (Council) and community to sit down with each other, and subsequently government, to consider the way decisions are made about Palm Island, who is involved in the decisions and how the decision makers account to the community. Flowing from these discussions should be important outcomes such as clearly defined roles of the three levels of government, the role of non-government organisations and what services should be delivered, how they should be delivered and by whom.

Included in these discussions should be a fresh approach to the issue of housing. There are compelling grounds for transferring responsibility for housing to a specialist housing entity that has the confidence of the community and transparent and accountable decision-making processes.

Economic Development

The Palm Island employment rate of 10% is debilitating and should not be acceptable to anyone in Australia. There is no reason why a target of 50% employment (which is also unacceptable) could not be achieved if the necessary structural reforms are implemented to encourage sustainable economic development. Economic development on Palm Island requires targeted assistance from government, private investment and community support. Land, governance and justice reforms are essential to creating mutual trust between the Palm Island community and those who would invest private capital on the Island. Government must create additional incentives to attract private investment. The establishment of a corporation with community and government shareholders, as proposed by the Department of Communities, offers exciting opportunities for the incubation of small local businesses, the transfer of the community store from the State Government and the possibility of joint ventures.

Justice

Law and order on Palm Island suffers as a result of continuing poor relations between the community and police. Recent events have led to the development of a 'siege mentality' which is draining valuable resources and providing inadequate policing services to which all Queenslanders are entitled. Leadership from the highest levels within government and the community is needed to create functional community policing on the Island to deliver a stable and safe environment within which the community can focus on other priorities.

Palm Island Future Directions Negotiation Process

The successful application of the *Partnerships Queensland* policy framework and the Council of Australian Governments' *National Framework of Principles* to the Palm Island context requires a workable community engagement model. The Palm Island *Future Directions Negotiation Process* (Future Directions Process) proposed in this report has been designed to enable the community to effectively carry out comprehensive internal negotiations and reach collective understanding prior to entering into negotiations with the government parties. A significant level of resources is demanded because of the highly emotive and sensitive, political and sometimes very complex nature of the issues at hand, such as land ownership and housing management. A poorly resourced process risks a breakdown of relationships between the parties, which may set back the resolution of the issues for several years.

Governments, both State and Federal, should see Palm Island as an opportunity to redress past wrongs, not an ongoing symbol of past failures to which there are no solutions. Genuine commitment from a ministerial level to delivering change will be pursued with vigour by departments and, once early changes are achieved and delivered on the ground on Palm Island, optimism and hope will guide the community response.

With respect to the State Government, a Palm Island Future Directions Ministerial Taskforce, led by two ministers including the Minister for Aboriginal and Torres Strait Islander Policy, should be established to reflect the gravity of the Queensland Government's commitment to achieving change on Palm Island.

The Council has recently displayed courage and leadership to engage with the community about the need for confronting discussions within the community and comprehensive negotiations with government. Members of the community have responded with willingness to volunteer personal time and energy toward the Future Directions Process. What is now required is the goodwill of government and a commitment of resources to bring about lasting change for the next generation of Palm Islanders.

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Summary of Recommendations

Note:

It is recognised that it is of course a matter for government, and in some cases the Council and Palm Island Community, whether or not to accept the recommendations of this report. The recommendations are, perhaps provocatively, 'action oriented' in an endeavour to maintain momentum and deliver outcomes within timeframes. The recommendations therefore identify which entities could have responsibility for delivering the outcomes, assuming the recommendations are accepted.

The recommendations are also directed predominantly toward the Department of Aboriginal and Torres Strait Islander Policy (DATSIP) and the Department of Premier and Cabinet (DPC) in recognition of their respective roles in the delivery of 'on the ground' outcomes and coordinating 'whole of government' responses to issues.

Recommendation 1

(see page 3)

The Council be provided an opportunity to make oral and/or written submissions to the Queensland Government about the recommendations of this report.

Implementation Responsibility: Council/DPC/DATSIP
Completion Date: March 2006

Recommendation 2

(see page 4)

The Queensland Government table a response to this report in the Legislative Assembly within three months.

Implementation Responsibility: DPC/DATSIP
Completion Date: May 2006

Recommendation 3

(see page 4)

The Queensland Government table a report on the implementation of recommendations in this report in the Legislative Assembly within 12 months.

Implementation Responsibility: DPC/DATSIP
Completion Date: February 2007

Recommendation 4

(see page 4)

The Queensland Government allocate adequate funds from the 2006/2007 Queensland Budget for the implementation of the Palm Island Select Committee recommendations.

Implementation Responsibility: DATSIP/DPC/ Treasury
Completion Date: June 2006

Recommendation 5

(see page 4)

The Palm Island CEO Committee closely monitor the implementation of the Palm Island Select Committee recommendations.

Implementation Responsibility: Responsible Directors General/DPC/Treasury
Completion Date: Ongoing

Recommendation 6

(see page 6)

The Queensland Government allocate adequate funds from the 2006/2007 Queensland Budget for the implementation of the Palm Island Future Directions Negotiation Process, as outlined in this report.

Implementation Responsibility: DPC/Treasury/DATSIP
Completion Date: June 2006

Recommendation 7

(see page 12)

Establish a Future Directions Resource Centre on Palm Island in the former library building.

Implementation Responsibility: Council/DATSIP/ICC
Completion Date: May/June 2006

Recommendation 8

(see page 12)

Establish a Community Resources Committee for Palm Island.

Implementation Responsibility: DATSIP/ICC/Council
Completion Date: May/June 2006

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Recommendation 9

(see page 13)

The Queensland Government establish a Ministerial Taskforce to oversee the implementation of the Palm Island Future Directions Negotiation Process.

Implementation Responsibility: DPC/DATSIP
Completion Date: April/May 2006

Recommendation 10

(see page 14)

The Queensland Government establish a branch office of the Government Coordination Centre on Palm Island and create a full-time position as Assistant Manager, Government Coordination Centre to manage the office.

Implementation Responsibility: DATSIP
Completion Date: June 2006

Recommendation 11

(see page 17)

Incorporate outcomes of the Palm Island Future Directions Negotiation Process into a Palm Island Future Directions Three Year Implementation Plan for 2008-2011.

Implementation Responsibility: DATSIP/ICC/Council/Palm Island community
Completion Date: June 2008

Recommendation 12

(see page 18)

Finalise and execute a Memorandum of Understanding about the Palm Island Future Directions Negotiation Process as soon as possible.

Implementation Responsibility: Council/DATSIP/ICC/Palm Island community
Completion Date: April 2006

Recommendation 13

(see page 18)

Monitor and review implementation of the task lists for the organisation of the parties on a fortnightly basis.

Implementation Responsibility: DATSIP/Council
Completion Date: until July 2006

Recommendation 14

(see page 26)

Incorporate a tenure rationalisation process in the Palm Island Future Directions Negotiation Process.

Implementation Responsibility: DNRM/DATSIP/Council
Completion Date: April 2006

Recommendation 15

(see page 26)

Incorporate community consultation and endorsement of a Sustainable Land Use Plan in the Palm Island Future Directions Negotiation Process.

Implementation Responsibility: DATSIP/Council/DPW
Completion Date: April 2006

Recommendation 16

(see page 33)

Appoint an independent facilitator to broker protocols about the respective roles and responsibilities of Palm Island Aboriginal Shire Council staff and Councillors.

Implementation Responsibility: DLGPSR/DATSIP/Council
Completion Date: March 2006

Recommendation 17

(see page 33)

Review the existing Mayor/Council electoral model within the Palm Island Future Directions Negotiation Process.

Implementation Responsibility: Palm Island community/DATSIP/DLGPSR/Council
Completion Date: December 2007

Palm Island: Future Directions

Recommendation 18

(see page 33)

Incorporate in the Palm Island Future Directions Negotiation Process an opportunity for the Palm Island community to consider and negotiate with government about:

- increases in capital funding for construction of houses to meet immediate needs;
- limits in land available for housing;
- housing design;
- long term leasing of housing;
- rights to sublet;
- the amount of rent that should be charged;
- opportunities for joint ventures with the private sector; and
- existing privately constructed housing.

Implementation Responsibility:

Council/Palm Island community/DoH/DATSIP/DPW

Completion Date:

December 2007

Recommendation 19

(see page 33)

The Council divest responsibility for the construction, maintenance, allocation and management of housing to a specialist housing entity.

Implementation Responsibility:

Council/Palm Island community/DoH/DATSIP/DPW

Completion Date:

December 2007

Recommendation 20

(see page 34)

Transfer ownership and control of the community store to a community based corporation.

Implementation Responsibility:

DATSIP/DoC/Palm Island community

Completion Date:

December 2007

Recommendation 21

(see page 34)

The Department of Local Government, Planning, Sport and Recreation cease making reductions in State Government Financial Assistance funding.

Implementation Responsibility:

DLGPSR/Treasury/DPC

Completion Date:

June 2006

Recommendation 22

(see page 34)

The Department of Local Government, Planning, Sport and Recreation consider whether special assistance is required to support the Council's transition to shire council including consideration of the stationing of a 'management consultant' on the Island on a full-time basis for 12 months.

Implementation Responsibility: DLGPSR/DATSIP/Council
Completion Date: May 2006

Recommendation 23

(see page 38)

An agreed outcome of the Palm Island Future Directions Negotiation Process should be the making of a joint commitment to achieve an effective employment rate of 50% by 2011.

Implementation Responsibility: DPC/DATSIP/DSD/Treasury/Council/
Palm Island community
Completion Date: December 2006

Recommendation 24

(see page 42)

The Attorney-General and Minister for Justice refer responsibility for the mediation of a community policing plan and development of an indigenous community policing training module to the Crime and Misconduct Commission to deliver within a timeframe consistent with the Palm Island Future Directions Negotiation Process.

Implementation Responsibility: Department of Justice and Attorney-General
Completion Date: April 2006

Recommendation 25

(see page 42)

Convene a community policing summit on Palm Island to:

- announce a joint commitment to work with the assistance of the Crime and Misconduct Commission and Palm Island community to develop a community policing plan;
- provide a commitment to fully implement any recommendations of the inquest into the death of Mulrinji;
- discuss expectations of what are acceptable standards of behaviour; and
- discuss expectations of appropriate standards of service to be delivered by the Queensland Police Service.

Implementation Responsibility: QPS/CMC/DATSIP/Council/Palm Island community
Completion Date: July 2006

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Recommendation 26

(see page 43)

Establish a target number of indigenous police on Palm Island as an agreed outcome of the Palm Island Future Directions Negotiation Process.

Implementation Responsibility: CMC/DATSIP/QPS/Palm Island community
Completion Date: June 2008

Recommendation 27

(see page 43)

Implement any recommendations from the inquest into the death of Mulrinji without delay as a demonstration of good faith on the part of the Queensland Police Service and the Queensland Government.

Implementation Responsibility: QPS/DPC
Completion Date: December 2007

Recommendation 28

(see page 43)

Queensland Police Service attend the quarterly meetings of the Community Resources Committee.

Implementation Responsibility: QPS
Completion Date: June 2006

Recommendation 29

(see page 43)

Consider establishment of a police cadet training facility on Palm Island with a view to conducting comprehensive indigenous issues training modules to all police cadets in Queensland.

Implementation Responsibility: DPC/Treasury/QPS/CMC/DATSIP/Council/
Palm Island community
Completion Date: June 2007

Recommendation 30

(see page 43)

The PCYWA vacate the management of the Palm Island Community Youth Centre within the next 12 months. The Department of Aboriginal and Torres Strait Islander Policy and/or the Department of Communities negotiate a lease from the Council to operate the community centre under a management agreement.

Implementation Responsibility: DPW/DoC/DATSIP/Council
Completion Date: February 2007

Recommendation 31

(see page 44)

The Queensland Police Service establish a register of requests for assistance and follow-up provided by QPS on Palm Island. Non-identifying information from the register be made available to the community upon reasonable notice.

Implementation Responsibility: QPS/CMC
Completion Date: June 2006

Recommendation 32

(see page 47)

The Queensland Government and the Council jointly engage an experienced land valuer to conduct an independent valuation of rent for the lease of Lot 74.

Implementation Responsibility: DPW/Council
Completion Date: April 2006

Palm Island: Future Directions

I. Introduction

The purpose of this report is to assist the Palm Island Aboriginal Shire Council (the Council), the Palm Island community and the government to establish a process for finding practical solutions to some of the outstanding issues which have hampered their ability to improve living conditions on Palm Island.

This report does not attempt to replicate the important work undertaken in recent years by various consultants, and indeed many Palm Island residents, in the preparation and development of various community plans and reports. Rather, the focus of this report is to build on that work by establishing a process committing the key parties¹ to structured negotiations about:

- land tenure;
- governance (including housing);
- economic development; and
- justice.

This report also makes suggestions regarding specific issues to be prioritised in the negotiations. Potential outcomes of the process are also identified, not to pre-empt negotiations, but to provide some encouragement to the parties about what may be achieved in return for their investment in the process.

I.1 Terms of Reference

On 31 August 2005 I accepted a contract with the Department of Aboriginal and Torres Strait Islander Policy (DATSIP) as a Resource Officer to the Council to:

- *provide support to Council to develop an Action Plan listing and establishing its priorities;*
- *assist Council to more effectively engage with government to facilitate effective; outcomes for the Negotiation Table process for the Palm Island community consistent with the Action Plan;*
- *provide recommendations that will sustain the initiatives you will develop to support Council during the course of your project; and*
- *ensure consistency with the attached Action Plan.*

On 25 August 2005 the Palm Island Select Committee (Select Committee) delivered its report. Recommendation 3 of the report concerned the appointment of a Resource Officer to enhance the Council's ability to effectively engage and negotiate with government, and recommended the Premier table the Resource Officer's report in the Legislative Assembly.

Having regard to the above terms of engagement and the Premier's indication of his intention to table the contents of this report in Parliament², I have included various recommendations directed toward the Queensland Government. It is important to note that the recommendations and

¹ Australian Government, Queensland Government, Palm Island Aboriginal Shire Council, Palm Island community and Traditional Owners of Palm Island.

² Queensland Government Response to the Palm Island Select Committee, November 2005, p 4.

views expressed in this report are made in my own capacity, and do not purport to represent the views of the Council or Palm Island community.³

In late September 2005 following discussions with the Queensland Government and the Council the following proposed project outcomes were also agreed to:

- 1. Queensland Government Response to Palm Island Select Committee Report**
Facilitate input from Palm Island community and Council identifying issues to be prioritised in the response.

Output: *Letter from Council to the Premier*

- 2. Improving Engagement between Council and Queensland Government**
Following consultation, design a tailored process for community engagement, building on and incorporating the existing Negotiation Table process.

Output: *Brief Report on Community Engagement Proposal*

- 3. Strengthening Council's Internal Governance**
Assisting Council and staff to:

- consider core services to be retained by Council;*
- improve communication with community;*
- address transitional Shire Council requirements;*

Output: *Hand over Report to Council*

- 4. Resolution of Tenure/Lease Issues**
Assisting Council to:

- settle outstanding lease issues; and*
- establish a leasing policy and procedure.*

³ See Recommendation 1 regarding the need for the Council to be able to respond independently to matters raised in this report.

2. Palm Island Select Committee Report

The *Palm Island Select Committee Report* was tabled in Parliament on 25 August 2005. On 14 October 2005, I provided an interim report to enable certain matters to be considered prior to the tabling of the Queensland Government's response to the Palm Island Select Committee Report (see Appendix A).

The Queensland Government's response to the report was tabled in Parliament on 10 November 2005. The Queensland Government has committed to implementing the majority of the Select Committee's recommendations; however, the government has not yet allocated any additional funding toward that task.⁴

The Palm Island Select Committee did an admirable job in undertaking wide consultations and compiling a list of recommendations within a limited timeframe and relatively narrow terms of reference. A follow up report on the implementation of the recommendations is due to be tabled in Parliament by the end of 2006. Notwithstanding this requirement, there is a risk that the Select Committee Report will join a long list of other reports⁵ which have identified issues and strategies, but have not been adequately implemented.

To prevent this from occurring it is recommended the Queensland Government:

- ensure that the Palm Island community and Council are effectively engaged in a structured process of implementation of ongoing change with set goals and timeframes (see Palm Island Future Directions Negotiation Process below);
- allocate substantial funds from the next Queensland Budget for the implementation of the Select Committee recommendations; and
- ensure that the implementation of Select Committee recommendations is closely monitored by the Palm Island Chief Executive Officer (CEO) Committee.

Recommendation 1

The Council be provided an opportunity to make oral and/or written submissions to the Queensland Government about the recommendations of this report.

Implementation Responsibility: Council/DPC/DATSIP
Completion Date: March 2006

⁴ In my interim report I identified 21 recommendations that appeared to carry funding implications, for example the establishment of a Youth Council.

⁵ In recent years there have been several reports, studies and planning processes about issues affecting the Palm Island Aboriginal Community including:

- Dillon C, *Review of the Indigenous Communities of Doomadgee and Palm Island*, April 2000;
- Buckby B, *Palm Island Aboriginal Council: Administrator's Handover Report*, Ernst & Young, April 2004;
- Morrison G, Gream J, Taylor M, *Palm Island Council Total Management Plan 2000 – 2010*, 2002;
- Pauline Peel Consulting and Transformational Change, *Palm Island Partnerships Community Engagement Model*, June 2005; and
- *Draft Sustainability Land Use Plan Version 4*, Project Services, Department of Public Works, Queensland Government, October 2005.

Recommendation 2

The Queensland Government table a response to this report in the Legislative Assembly within three months.

Implementation Responsibility: DPC/DATSIP
Completion Date: May 2006

Recommendation 3

The Queensland Government table a report on the implementation of recommendations in this report in the Legislative Assembly within 12 months.

Implementation Responsibility: DPC/DATSIP
Completion Date: February 2007

Recommendation 4

The Queensland Government allocate adequate funds from the 2006/2007 Queensland Budget for the implementation of the Palm Island Select Committee recommendations.

Implementation Responsibility: DATSIP/DPC/Treasury
Completion Date: June 2006

Recommendation 5

The Palm Island CEO Committee closely monitor the implementation of the Palm Island Select Committee recommendations.

Implementation Responsibility: Responsible Directors General /DPC/Treasury
Completion Date: Ongoing

3. Palm Island Future Directions Negotiation Process

3.1 Background to Negotiation Tables

Negotiation Tables form an important component of existing Queensland Government policy as outlined in both the *Partnerships Queensland* and *Engaging Queensland* strategic policy frameworks.

Negotiation Tables “involve a sustained process of consultation, planning and negotiation between community leaders and local, Queensland and federal government agency representatives”.⁶

Given that the issues confronting Palm Island require active participation on the part of the community and the three tiers of government, the Negotiation Table process may offer an ideal mechanism for addressing these issues.

Provided that adequate resources are made available, it would appear that the requirements for a successful negotiation of complex issues on Palm Island could be satisfactorily met.

3.1.1 Goodwill and Commitment to Change

By the completion of my contract in early December 2005, each of the five parties to the proposed negotiations had indicated ‘in principle’ support for a sustained negotiation process about key issues on Palm Island. It is clear that the goodwill exists amongst each of the parties to attempt a successful negotiation.

The problems on Palm Island require more than an injection of resources. Convincing the Queensland Government to allocate the financial resources required to redress decades of under funding and insufficient support is only one part of what is required to bring about change on Palm Island.

Equally important is a commitment to change. It is unlikely that sustainable improvements to life on Palm Island will be achieved until there is a conscious commitment on the part of both Palm Island residents and government service providers away from a postcolonial dependent relationship. One prominent resident described this need in the following terms:

“They closed the prison here on the Island years ago but no one has left the cells.”⁷

Moving out of the ‘prison cell’ state of hopelessness and helplessness to one of genuine empowerment is a difficult task, made all the more so by inadequate training, education and resources, and a lack of confidence in governance and service delivery.

For its part, the government needs to facilitate the attitudinal shift by providing realistic resources, removing impediments⁸ and helping to create an environment which encourages the empowering of the Palm Island community. Labelling the Palm Island community or its

⁶ *Partnerships Queensland 2005 – 2010*, DATSIP, Queensland Government, 2005, p 30.

⁷ The resident requested anonymity.

⁸ A good example of an impediment is the ‘bureaucratic maze’ of the existing land tenure arrangements on Palm Island which prevents the effective use of the land at both a community and private level.

leadership as 'dysfunctional' or calling for the forced removal of residents from the Island may be a manifestation of the frustration of politicians, but is unlikely to assist in establishing the genuine partnership required, or to encourage private investment on the Island.⁹

3.2 Proposed Negotiation Model for Palm Island

3.2.1 The Future Directions Negotiation Process

The community engagement model proposed below is largely consistent with the model prepared by Pauline Peel Consulting and Transitional Change in June 2005,¹⁰ the major differences being:

- the priority issues for negotiation should be limited to, at least initially, the four key areas of land, governance, economic development and justice;
- the proposed negotiation structure should have a limited lifespan of two years rather than comprise a vehicle for 'perpetual engagement'¹¹;
- a Ministerial Taskforce should be established to drive and coordinate the government's involvement in the process and implementation of outcomes (see below).

Recommendation 6

The Queensland Government allocate adequate funds from the 2006/2007 Queensland Budget for the implementation of the Palm Island Future Directions Negotiation Process, as outlined in this report.

Implementation Responsibility: DPC/Treasury/DATSIP
Completion Date: June 2006

Overview of the Process

To enable the community to actively participate with government in the making of critical decisions affecting Palm Island, a tailored process of goal setting, information gathering and dissemination, community consultation and awareness building, community discourse and decision making, and engagement with government is required.

⁹ 'Lindsay Wants Palm Closed', *Townsville Bulletin*, 5 January 2006.

¹⁰ Pauline Peel Consulting and Transformational Change, *Palm Island Partnerships Community Engagement Model*, June 2005. N.B. I was not informed about the existence of this report or of the consultations undertaken by Pauline Peel Consultants until mid December 2005. This illustrates the need for the Queensland Government to better coordinate its engagement with the community to avoid unnecessary duplication and frustration within the community about ongoing external reviews and consultation without delivery of outcomes.

¹¹ Given the nature of the issues involved, the negotiations will necessarily require an intensive approach on the part of all of the parties that would not be sustainable in the longer term. A less intensive community engagement structure should be one of the outcomes negotiated within the process. In the interim, a Community Resources Committee should be established as a forum for sharing information, coordinating service delivery and general engagement between the Palm Island community and government about issues outside of the Future Directions Process.

Palm Island: Future Directions

The structural components of the Future Directions Process are described in detail overleaf. The key procedural steps in the process are:

- *Goal setting*

A Project Team comprising a Project Manager, Community Coordinator and Project Workers (Project Team) will work with the Future Directions Steering Group (Steering Group) to identify desired outcomes of the process within each of the priority areas, for example, the establishment of a community based corporation, or an ILUA that resolves outstanding land tenure issues.¹²
- *Information gathering*

The Project Team and specialist consultants with practical expertise in each of the priority areas will undertake an information gathering exercise with the cooperation and involvement of the government parties to establish a shared knowledge base in each of the priority areas.
- *Community consultation, internal negotiation and development of proposals*

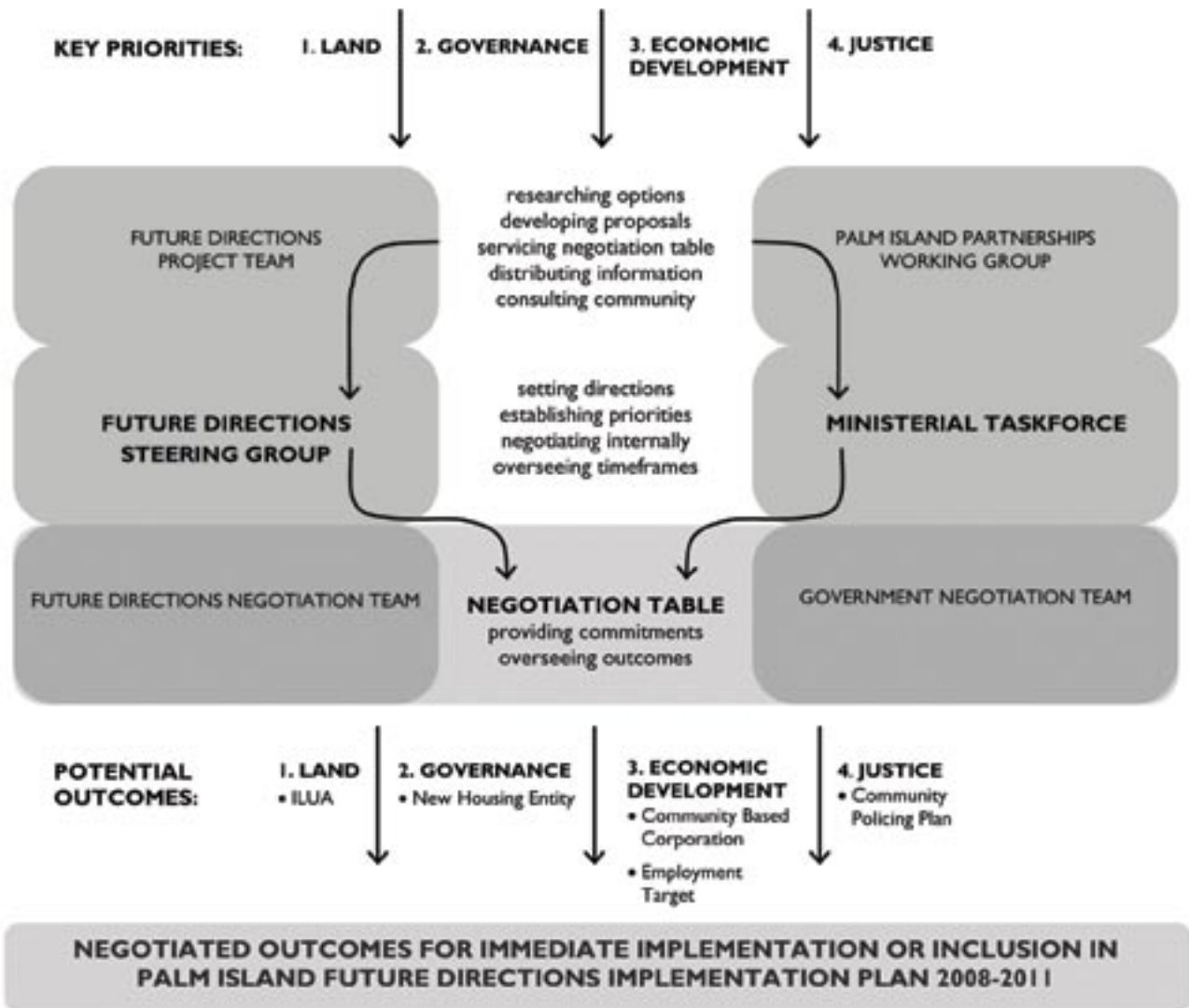
The Project Team and specialist consultants will undertake community consultation and work with the Steering Group to develop options and proposals for consideration at the Negotiation Table. The Project Team will facilitate negotiations within the community about particular proposed outcomes.
- *Negotiation with government*

The Future Directions Negotiation Team (Negotiation Team) will meet with government representatives at the Negotiation Table regularly (ideally every six weeks) to negotiate about issues and discuss proposals.¹³ In between meetings of the Negotiation Table, the Project Team and delegates of the Negotiation Team will meet with delegated government representatives to exchange information, monitor progress of implementation of Negotiation Table decisions and set Negotiation Table agendas.

¹² Note that some outcomes may be able to be implemented immediately. The immediate delivery of outcomes would help to foster community confidence in the Future Directions Process.

¹³ The availability of the Government Champions may be an issue constraining the regularity of Negotiation Table meetings.

Diagram of Palm Island Future Directions Negotiation Process



Palm Island: Future Directions

3.2.2 Organisation of Indigenous Parties

Future Directions Project Team

a. Project Manager

It is critical that overall responsibility for the indigenous parties' participation in the Future Directions Process be assumed by a Project Manager with significant experience and demonstrated expertise in community development in indigenous communities. A contract for the Project Manager position would need to be negotiated with the parties funding the Future Directions Process.¹⁴

The Project Manager would need to have the ability and be provided the resources to coordinate specialist consultants in the areas of land tenure, capacity building, community governance, housing, economic development and policing. The Project Manager must also have the ability to earn the trust and respect of Council, community and government and play a key role in Negotiation Table discussions.

b. Community Coordinator

A Community Coordinator is required to provide a permanent face of the Future Directions Process on the Island and for that reason alone should be a resident of Palm Island. The Community Coordinator would work under the supervision of the Project Manager and be responsible for:

- supervising two Project Workers;
- managing the Future Directions Resource Centre¹⁵;
- providing administrative support to the Steering Group and Negotiation Team;
- logistical support, e.g. organising community meetings including distributing notices, venue hire, catering, transport, or child minding;
- assisting the Project Manager and consultants to undertake community consultations, including by ensuring the observation of cultural protocols; and
- disseminating information to the community on the Future Directions Process.

c. Project Workers

Two Project Workers who are residents of Palm Island should be engaged to assist the Community Coordinator.

Future Directions Steering Group

This group is critical to the success of the negotiation process, as it will comprise the opinion leaders of the community who need to engage with the rest of the Palm Island community to effect change. The Steering Group will be the forum for setting broad directions, identifying priorities, making commitments, debating options and providing instructions to the Negotiation Team.

¹⁴ The ICC has suggested that the best way of resourcing indigenous participation in the Future Directions Process would be to engage a Non Government Development Organisation (NGDO) to administer the process on behalf of the community. A NGDO is also favoured by the ICC because they generally possess sound experience in undertaking community development activities. If an NGDO is engaged, it will need to consult with the community to ensure that a suitable Project Manager is retained to assume responsibility for the Future Directions Process.

¹⁵ The Council has resolved to make the former library building available for the establishment of a Future Directions Resource Centre.

Several meetings of a Future Directions Steering Group have been held; however, further work is required to establish the Steering Group including:¹⁶

- confirmation of its role;
- membership¹⁷;
- facilitation;
- capacity development; and
- protocols and lines of accountability.

There is scope for significant capacity building and leadership development to occur within this forum throughout the progress of the Future Directions Process.

It is essential that the Steering Group be properly facilitated, resourced and supported in return for its members' voluntary commitment. Ultimately, the success of the Future Directions Process will depend on whether the members of the Steering Group consider the emerging results are worth their time and emotional investment.

It is also important that the focus of the Steering Group be limited to the proactive resolution of the nominated issues rather than responding to ad hoc consultations and issues raised by the government or arising within the community.¹⁸

Future Directions Negotiation Team

The Negotiation Team would sit at the Negotiation Table as representatives of the Palm Island community.

The Negotiation Team will be comprised of a subset of the Steering Group, including at least two Councillors. It has been suggested that the representatives of the community on the Negotiation Team could be rotated on an issue-by-issue basis. The Project Manager and Community Coordinator (see below) would also be members of the Negotiation Team, which should be limited to a maximum of six people.

The Negotiation Team will need to work very closely with the Steering Group to bring the community's position to the Negotiation Table. It will be important that the members of the Negotiation Team adhere to protocols and put the overall community position forward rather than promoting any sectional interests borne from family or organisational allegiances.¹⁹ It will also be important that Negotiation Team members attend all meetings of the Steering Group.

If Negotiation Table meetings are to occur during work hours, consideration should be given to compensating the employers of the indigenous participants for lost work hours.

¹⁶ It is suggested that the Project Manager should undertake this work.

¹⁷ The question of the participation of traditional owners in the Steering Group needs to be addressed having regard to logistical constraints.

¹⁸ See discussion below regarding recommended establishment of a Community Resources Committee to perform a consultative role separate to the Future Directions Process.

¹⁹ The Project Manager should arrange for this issue to be addressed in skills and capacity development training for the Negotiation Team members.

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Establishment of a Future Directions Resource Centre

A Future Directions Resource Centre should be developed at the former library building owned by the Council. This centre could be used as a base for the Project Team and consultants, and provide an information hub for the Palm Island community about the progress of the Future Directions Process. It may be possible to co-locate a branch office of the State Government Coordination Centre in the same building.²⁰

Establishment of a Community Resources Committee

It has been suggested that the Steering Group could provide a 'community forum' to which general business between the community and government that falls outside the nominated issues could be brought. It is important that the Steering Group focus on the four priority issues of land, governance, economic development and justice. Therefore, a better approach would be to establish a Community Resources Committee comprising a representation of each of the community organisations, government agencies and informal groups on Palm Island, for example:²¹

- Council;
- Coolgaree Community Development Employment Project;
- Kootana Women's Centre;
- Community Elders;
- Traditional Owners;
- Joyce Palmer Health Service;
- Palm Island Community Mental Health Board;
- Bwgcolman Community School;
- St Michael's School;
- Barrier Reef Institute of TAFE;
- Centrelink;
- Goodoo Aboriginal Corporation for Day Care;
- Ferdy's Haven Rehabilitation;
- Palm Island Community Youth Centre;
- QPS;
- Australian Red Cross; and
- Emergency Services.

The Community Resources Committee would sit outside of the Future Directions Process and could meet quarterly to discuss issues impacting on the community, share information, coordinate service delivery and enable government to consult about matters extraneous to the Future Directions Process, for example, implementation of the Select Committee recommendations on education.

The Community Resources Committee would perform an interim function pending the resolution of governance issues in the Future Directions Process. The committee could be jointly facilitated and supported by the Council and the State Government Coordination Centre. Due regard for the responsibilities of the various participants, including the exclusive statutory functions of the Council, would be required in establishing agendas for meetings of the Community Resources Committee.

²⁰ See discussion regarding a Palm Island Government Coordination Centre below.

²¹ This is not intended to be an exhaustive list. There may be other organisations or informal groups who should be represented on the Community Resources Committee.

Recommendation 7

Establish a Future Directions Resource Centre on Palm Island in the former library building.

Implementation Responsibility: Council/DATSIP/ICC
Completion Date: May/June 2006

Recommendation 8

Establish a Community Resources Committee for Palm Island.

Implementation Responsibility: DATSIP/ICC/Council
Completion Date: May/June 2006

3.2.3 Organisation of Government Parties

Future Directions Implementation Manager

Work is required on the part of the government parties to sufficiently organise their effective participation in the Future Directions Process. The equivalent of the Project Manager for the indigenous parties is required to coordinate the involvement of the government in the Future Directions Process. It is suggested that a senior position be created within the Brisbane DATSIP office on a three year contract and reporting directly to the Director General of DATSIP. The Implementation Manager could be responsible for the Queensland Government's involvement in the Future Directions Process, including:

- facilitating ministerial decision making and providing the focal point for delivery of whole of government outcomes for the Palm Island Future Directions Negotiation Process;
- project managing implementation of recommendations within government, including compiling regular reports to the Ministerial Taskforce (see below) on progress and delivery of outcomes by responsible departments within set timeframes;
- coordinating meetings of, and providing support for, the Ministerial Taskforce;
- liaising with all relevant directors general about implementation of recommendations for which they have responsibility and reporting outcomes to the Ministerial Taskforce;
- liaising with the CEO Committee overseeing implementation of the recommendations of the Palm Island Select Committee to ensure consistency and avoid duplication of effort;
- liaising with the Government Champions, Townsville Palm Island Partnerships (PIP) Working Group; Government Coordination Centre Manager and Future Directions Project Manager;
- actively liaising with relevant senior federal officers to ensure continued close cooperation between State and Federal governments, development and implementation of complementary policies and resource allocation decisions; and
- attending Negotiation Table and PIP Working Group meetings.

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Ministerial Taskforce

It is recommended that a Ministerial Taskforce, chaired by the Minister for Aboriginal and Torres Strait Islander Policy, the Hon John Mickel MP, be established to:

- ensure that the Future Directions Process is given appropriate decision making capacity, priority and direction within Government;
- drive implementation of recommendations endorsed by government and to ensure that outcomes are delivered within set timeframes; and
- provide a direct link to Cabinet in the event that Cabinet endorsement of any proposals or negotiated outcomes is required.

Delivering improved living conditions on Palm Island requires a whole of government approach and outcomes to be delivered within most ministerial portfolios. It is recognised, however, that a ministerial taskforce incorporating all responsible ministers would be cumbersome and unworkable. It is recommended therefore that the Ministerial Taskforce be comprised of two ministers including the Minister for Aboriginal and Torres Strait Islander Policy and another minister from one of the following portfolios:

- Natural Resources and Mines;
- Communities;
- Housing;
- Local Government and Planning, Sport and Recreation;
- State Development
- Justice; or
- Police.

It is envisaged that the Implementation Manager would be the conduit for action and decision making between the Ministerial Taskforce and Directors General of relevant departments, and would attend meetings of the Ministerial Taskforce to provide information, propose items for implementation and report on ongoing implementation of decisions throughout the Future Directions Process.

Recommendation 9

The Queensland Government establish a Ministerial Taskforce to oversee the implementation of the Palm Island Future Directions Negotiation Process.

Responsibility: DPC/DATSIP
Completion Date: April/May 2006

Government Champions

The Director General for Public Works, Mr Mal Grierson and the Director General for the Department of Communities, Ms Linda Apelt, are the designated Government Champions for Palm Island. It is fortuitous that the Government Champions' departmental responsibilities coincide to some extent with the priority areas in need of negotiation.

It is important that the goodwill developed by the Government Champions be consolidated in the Future Directions Process. It is therefore suggested that at least one of the Government Champions be available for the Ministerial Taskforce and Negotiation Table meetings. The

Champions would also be pivotal in assisting the Implementation Manager with the task of liaising with other Directors General and ensuring timely implementation of decisions of Cabinet, the Ministerial Taskforce, and Negotiation Table.

Palm Island Partnerships (PIP) Working Group

The government has already prepared draft terms of reference for this group which is based in Townsville and comprised of representatives of the key agencies involved in service delivery to Palm Island. It is recommended that the PIP Working Group perform a similar role to that of the Future Directions Project Team, by researching options, developing proposals and giving practical effect to implementing outcomes determined at Negotiation Table meetings. The PIP Working Group could be coordinated and chaired by the Manager of the State Government Coordination Centre.

Queensland Government Coordination Centre

A State Government Coordination Centre has been established within the DATSIP office of Townsville to “coordinate and assist government and non-government entities in the delivery of services to Palm Island, and facilitate their ordered interface with Council and other organisations on the Island.”²² This is evidently a difficult role to fulfil from Townsville.²³

Consideration should be given to implementing the Peel and Watego recommendation that a Palm Island Government Coordination Centre (GCC) branch be established on the Island.²⁴ Palm Island residents could be encouraged to apply for the position of Assistant Manager of the Centre, thus providing local knowledge and continuity, providing opportunities to Palm Islanders to be involved in the process and avoiding the need to find any additional accommodation. The Council could consider co-locating the GCC with the Future Directions Resource Centre, at the former library building.

The Assistant Manager of the Palm Island GCC could, logically, play a key role in facilitating the Community Resources Committee and should also contribute to the discussions within the Negotiation Table.

Recommendation 10

The Queensland Government establish a branch office of the Government Coordination Centre on Palm Island and create a full-time position as Assistant Manager, Government Coordination Centre to manage the office.

Responsibility: DATSIP
Completion Date: June 2006

²² *Palm Island Select Committee Report*, p 3.

²³ During the term of the project Council members and staff complained regularly about government agencies failing to observe the coordinating responsibility of the GCC.

²⁴ *Palm Island Partnerships Community Engagement Model*, June 2005, p 8.

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Indigenous Coordination Centre

The Manager of the Indigenous Coordination Centre (Commonwealth) in Townsville has been involved in the Negotiation Table meetings and has been instrumental in the development of a draft Memorandum of Understanding (MoU) for the Future Directions Process. It is proposed that this MoU comprise a Shared Responsibility Agreement, pursuant to which community development funding can be distributed by the Commonwealth Government.

Palm Island Chief Executive Officer Committee (CEO Committee)

The Queensland Government CEO Committee was established to oversee implementation of the *Five Point Plan* presented by the Queensland Premier in November 2004. The CEO Committee presently has responsibility for overseeing the implementation of the Palm Island Select Committee Report recommendations. There may be an understandable temptation to disband this committee if the Ministerial Taskforce is established. It is recommended however, that the committee should continue to perform its role, as many of the Palm Island Select Committee recommendations concern matters extraneous to the Future Directions Process, such as education, and the monitoring of such implementation could distract the Taskforce from its focus on the priority issues.

Consideration would need to be given to the relationship between the committee and the Ministerial Taskforce to avoid duplication of effort. The Ministerial Taskforce should focus on the implementation of matters arising from this report, in particular the implementation of the Future Directions Process. The CEO Committee's focus should remain with the implementation of the Select Committee recommendations.

3.3 Progressing the Future Directions Process

3.3.1 Progress to Date

To facilitate the involvement of the Palm Island community in the Negotiation Table process, the Council has, at my suggestion, convened three meetings of the Palm Island Future Directions Steering Group.²⁵

At the first meeting of this group on 10 October 2005, approximately 60 community members including six councillors attended. A near unanimous decision was made that the community should engage in a negotiation process with government.

Further meetings of the Steering Group were convened on 19 October 2005 and 30 November 2005.

At present a draft MoU has been exchanged between the three levels of government. The MoU will comprise a Shared Responsibility Agreement (SRA) and thus secure financial support from the Commonwealth Government.

²⁵ The initial meeting of the Steering Group was by invitation to 65 members of the community nominated by the Council who had demonstrated a commitment to community development. Subsequent meetings of the Steering Group were by open invitation to all community members via public notices.

At the last Steering Group meeting, Queensland and Commonwealth Government representatives attended to outline the elements of the draft MoU. Important progress was made at that meeting including the securing of community support for the process and confirmation of the issues of greatest concern for the community.²⁶ On 1 December 2005, a community bulletin was distributed to explain the proposed Future Directions Process and its current status (see Appendix B).

3.3.2 Next Steps

There is now growing anticipation amongst the Palm Island community and an expectation that negotiations will commence this year. It is important that the government parties act quickly by committing the necessary resources to maintain the momentum and goodwill that has been generated in recent months.

Establishment of Shared Goals within Agreed Timeframes

The adoption of the four priority areas should be the first item of business of the Future Directions Negotiation Table. Further work will then be required amongst the parties to determine the shared goals within each of the four priority areas which will provide a clear focus for the negotiations. To ensure the goals are realistic and achievable, and having regard to the complexity and intensity of issues, it is important that the number of goals be limited. To assist those discussions, some suggested potential outcomes of the process are canvassed in section 4 of this report.

It is suggested that the implementation of outcomes be incorporated into a Palm Island Future Directions Three Year Implementation Plan for 2008-2011, thus providing a deadline for the completion of negotiations by 2008 and implementation by 2011. However, the implementation of negotiated outcomes need not wait until the completion of negotiations in 2008. It will be important that the parties adopt a sense of urgency to the negotiations and that unfolding outcomes are able to maintain the community's confidence in the process. The Palm Island community may quickly become disillusioned with the process if it is perceived as just another 'talk fest', with no tangible outcomes. Therefore, when determining shared goals and timeframes, the Negotiation Table should ensure that some visible and meaningful outcomes are scheduled for implementation within the short term as well as medium to longer term.

²⁶ A timetable was also laid out as follows:

January -	Appoint Community Coordinator and two community Project Workers
Late January -	Palm Island Future Directions Steering Group meeting
Late January -	Meeting between Steering Group and traditional owners
February -	Draft MoU/Shared Responsibility Agreement
March -	Community Meeting to endorse MoU
April -	Signing of MoU/Shared Responsibility Agreement

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Recommendation 11

Incorporate the outcomes from the Palm Island Future Directions Negotiation Process into a Palm Island Future Directions Three Year Implementation Plan for 2008-2011.

Implementation Responsibility: DATSIP/ICC/Council/Palm Island community
Completion Date: June 2008

Task lists to assist in the preparation of the parties are provided below.

Task List for Preparation of Indigenous Parties

Task	Responsibility
1. Appoint Community Coordinator	Steering Group
2. Appoint Community Project Workers	Steering Group
3. Appoint Non Government Development Organisation (NGDO) to facilitate indigenous parties' involvement in the process.	ICC/DATSIP
4. Appoint Project Manager	NGDO in consultation with Council and Community Coordinator
5. Meet with traditional owners and NNTT	Steering Group
6. Finalise establishment of Steering Group <ul style="list-style-type: none"> • representation • facilitation • capacity development (e.g. negotiation training etc) • protocols and accountability 	Project Manager Capacity Builder Steering Group
7. Issue Identification and prioritisation <ul style="list-style-type: none"> • establishing goals 	Project Manager Steering Group
8. Establish Negotiation Table forums	Project Manager Steering Group ICC/DATSIP
9. Retain expertise in issue areas	NGDO/Project Manager
10. Establish Future Directions Resource Centre/Government Coordination Centre	Community Coordinator Council GCC

Task List for Preparation of the Government Parties

Task	Responsibility
1. Appoint Future Directions Implementation Manager	DATSIP
2. Appoint GCC Assistant Manager	DATSIP
3. Establish Ministerial Taskforce	DPC/DATSIP
4. Establish PIP Working Group	DATSIP/ICC
5. Establish GCC Centre branch on Palm Island	DATSIP/GCC/ICC
6. Establish Community Resources Committee	Council/GCC/ICC

Recommendation 12

Finalise and execute a Memorandum of Understanding about the Palm Island Future Directions Negotiation Process as soon as possible.

Responsibility: Council/DATSIP/ICC/Palm Island community
Completion Date: April 2006

Recommendation 13

Monitor and review the implementation of the task lists for the organisation of the parties on a fortnightly basis.

Responsibility: DATSIP/Council
Completion Date: until July 2006

3.4 Ensuring Effective Participation of Indigenous Parties

The success of the Future Directions Process will rest on the ability of the Palm Island community to effectively participate in the negotiations, in particular being able to establish informed positions about issues to be taken to the Negotiation Table.²⁷

Access to Information and Expertise

It is critical that the Palm Island community is able to access high quality information transmitted in a culturally appropriate, timely and comprehensible manner. Experts in indigenous consultation who are able to gain the confidence of the community and commit to an ongoing relationship should be engaged in the process. Specialist expertise and advice in the four priority areas should also be made available to the Palm Island community throughout the process. The cost of this support will be significant and should be specifically met by government.²⁸

It is also important that the government parties commit to providing information held within the various departments to the community during the process. A common knowledge base about the status of various issues should assist the ability of the parties to reach agreement.

²⁷ O'Faircheallaigh C, *Negotiating with Resource Companies: Issues and Constraints for Aboriginal Communities in Australia*, in R. Howitt, J. Connell and P. Hirsch (eds), *Resources, Nations and Indigenous Peoples*, Oxford University Press, 1996, pp 85-202.

²⁸ A 'ball park estimate' of the costs of facilitating indigenous participation in the Future Directions Process over a two year period would be at least \$600,000.

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Logistics

Significant resources will be required to encourage strong community participation, including the provision of:

- venue hire;
- child minding services;
- appropriate catering;
- transport to and from meetings;
- radio bulletins;
- newsletters (including electronic); and
- visits to key organisations and institutions.

Training and Capacity Development

It is clear that a lot of work is required within the community to assist individuals and groups to make the attitudinal shift required for achieving empowerment. A fear of failure, expressed at collective and personal levels, prevents the community from taking the 'leap of faith' required to undertake structural change in the community.

The Project Manager or NGDO will need to engage consultants to work closely with the Steering Group and Negotiation Team to help empower individuals and foster confidence in the capacity of emerging community governance structures.

Negotiation Team members should be given specific training about negotiation processes and leadership.

4. Priority Issues for Palm Island Future Directions Negotiation Process

It is suggested that the following issues should be prioritised in the Palm Island Future Directions Negotiation Process:

- land tenure and management arrangements;
- community governance (including housing issues);
- economic development; and
- justice.

4.1 Rationale for Prioritisation of Issues

Obviously these are not the only issues requiring attention on Palm Island; other fundamental issues such as health and education are also critical, and in the course of my contract several Palm Island residents raised concerns about the standard of services in these areas. However, with the requisite goodwill from relevant quarters, there is opportunity to achieve important progress in the four nominated areas, which may hopefully lead to a better environment in which health and education services can be improved. There is also more scope for achieving results in these areas given the existing policy imperatives of the Queensland and Commonwealth Governments.²⁹

There are limitations on the extent of issues to which the community can be effectively engaged at any one time. Sorting out land issues, especially native title, usage, and ownership, is critical to facilitate expansion of services, housing and development.

Establishing effective governance arrangements within the community is also an essential step that must be taken if the Palm Island community is going to make any progress toward community empowerment and improvements in living standards.³⁰

Economic development is also suggested because it has been repeatedly raised by the community which is clearly hungry for employment.³¹ Employment is not going to be created through government sources alone. Sustainable economic development requires private investment. Just like many regional communities throughout Queensland, Palm Island needs a concentrated effort from government to create an environment which will attract private investment.

Justice is also nominated because, as noted in the Select Committee report, law and order issues impact on the other priority areas such as governance and economic development. Further, the tension between the community and police provides an undercurrent in the community, which if left unresolved, will continue to distract it from the important tasks involved in community development.

²⁹ The list of priority issues is consistent with the Five Point Plan, a list of action items by the Queensland Government described as follows: (1) Restoring law and order, (2) Re-establishing services, (3) Rebuilding infrastructure, (4) Finishing an alcohol management plan, and (5) Establishing new governance arrangements with the community. The priority issues are also consistent with the COAG National Framework of Principles for Government Service Delivery to Indigenous Australians.

³⁰ Graham J & Wilson J, *Aboriginal Governance in the Decade Ahead: Towards a New Agenda for Change*, Institute on Governance, Ottawa, 2004.

³¹ Peel P, *Palm Island Partnerships Draft Report*, page 3.

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4.2 Land Tenure and Management

4.2.1 Background

Why the existing land tenure arrangements on Palm Island are not working:

Land Shortage

Most visitors unfamiliar with the geography of Palm Island would be surprised to discover there is an acute shortage of 'buildable' land on the Island. There are a handful of lots within the township areas that are reserved for various government purposes and which are insufficient to meet the growing needs for government service provision.

Consequently, there is tension between the need for land to provide government services (including accommodation of government workers) and the need for land to provide community housing. Council is clearly hesitant to approve leases of more land for government services when no plan exists to adequately house the existing residents of the Island.

Inadequate Planning

Development on Palm Island appears to have progressed on an ad hoc basis without adequate planning for the location of residential areas and government services. Palm Island was established as a penal settlement, and the juxtaposition of government buildings and residential areas maintains this concept. The lack of a plan may have played a part in the reluctance of Council to proceed with the granting of leases for government services. In recent years considerable work has gone into the preparation of a Sustainable Land Use Plan to guide future decision making.³² The Plan requires community appreciation and endorsement.³³

DOGIT Constraints

The majority of land on Palm Island is held by the Council as the grantee of a Deed of Grant in Trust (DOGIT) under the *Land Act 1994 (Qld) (LA)*.

The Queensland Government must therefore obtain leases from the Council in order to secure additional land to provide services. On at least one occasion the Queensland Government has developed or effectively appropriated DOGIT land for its own purposes in a way which has ignored the Council's rights and obligations as the statutory holder of the fee simple.³⁴

The process of granting leases of DOGIT land is more cumbersome than that involved in the granting of a commercial lease of ordinary freehold. The complicating factors are:

- the bureaucratic requirements of the LA and the *Aboriginal Land Act 1991 (Qld) (ALA)* in requiring the consent of the relevant Ministers prior to the registration of the lease³⁵;
- the lack of financial support to the Council to obtain the necessary legal advice in negotiating and executing leases;

³² There is scope for the Sustainable Land Use Plan to form the basis of a statutory planning scheme at some point in the future, once the Council has developed its local government functions.

³³ A noticeable omission of the Plan is the identification of areas of ecological and or cultural significance that should be protected from development. Demonstrating that development will not have unsustainable environmental, social and cultural impacts is critical to obtaining community support.

³⁴ See discussion below about the PCYWA lease issue.

³⁵ s57(1) LA, s131 ALA.

- the lack of support provided to the Council to establish and implement policies and procedures for the granting of leases; and
- the lack of a consistent approach to the assessment of appropriate rent to be charged under a DOGIT lease (see discussion below regarding rental value of DOGIT leases).

Native Title

The Manbarra people assert native title rights and interests over Palm Island but have not yet lodged an application for a determination of native title.³⁶

Grants of leases and any construction involving major earthworks, including within the township areas, cannot proceed without prior authorisation under the *Native Title Act 1993 (Cth)*.³⁷ Of the authorisation options available under that Act the most practical is authorisation under an ILUA. The requirement to enter into such an agreement for each future land dealing is unduly cumbersome and expensive and is not being pursued by the Manbarra people.³⁸

An agreement with the Manbarra people to dispense with the requirements of the *Native Title Act 1993 (Cth)* is required to enable future development to occur without excessive delays. It is possible that that such an agreement could provide for consultation and protection of cultural heritage.

Insecurity about the Future of Communal Title

It is clear that many Palm Island residents hold fears about a perceived government agenda to change the land tenure of the Island to facilitate non-indigenous land ownership. This insecurity has been heightened recently in the wake of the debate about private ownership of indigenous land and the suggestion that Palm Island residents should be relocated to the mainland.³⁹ This climate of insecurity makes it difficult for Council to make decisions granting land to non-indigenous interests and impacts on the ability of the community to engage in constructive debate about making changes to a more workable tenure arrangement. The insecurity also holds back the community from embracing economic development for fear of being overrun by uncontrolled non-indigenous enterprise.

³⁶ An ILUA executed by the Manbarra has been registered by the NNNTT. It is understood that there were no objections to the registration made by any other group or person claiming a native title right or interest on Palm Island.

³⁷ In October 2003 the Federal Court of Australia delivered a judgment in *Erubam Le (Darnley Islanders) (No 1) v State of Queensland* (2003) 202 ALR 312, the practical effect of which means that unless there is clear evidence of extinguishment, native title must be presumed to exist even within township areas of DOGIT communities. As a result of this decision there are several buildings that have been constructed on Palm Island in recent years that are potentially susceptible to litigation arising out of their invalidity under the *Native Title Act 1993 (Cth)*.

³⁸ It is understood that the Manbarra people are prepared to consider the authorisation of future acts necessary for the delivery of essential services and infrastructure, provided environmental and cultural heritage concerns are adequately addressed.

³⁹ The local Federal Member, Peter Lindsay MHR, has been particularly vocal about the need for private home ownership on Palm Island. Mr Lindsay is also recently quoted as saying "If the island leadership won't respond and won't understand the disadvantages and the suffering (it is causing) it may be time to consider closing Palm Island down.", *Townsville Bulletin*, 5 January 2006.

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Lack of secure residential rights

Under existing arrangements residents of houses on Palm Island that are owned by Council hold limited rights under tenancy agreements. Residents are discouraged from leaving the island to pursue employment opportunities on the mainland for fear of losing their right to occupy their residence upon their return. There is presently no formal capacity to sublet a Council house, although this may be occurring in practice.

Upon the death of a 'registered' tenant, there is no existing right of the surviving family to the continuation of a tenancy; although, again in practice it seems that the interests of such families are respected by Council. Conflicts nevertheless arise, coupled with allegations of nepotism and favouritism.

There are several residences on Palm Island which have been constructed privately and for which presumably Council does not receive any rent. Aside from the planning, infrastructure, safety and native title issues raised by such ad hoc development, the private owners of these dwellings have no readily enforceable right to the occupancy of their homes.

There are also several Palm Island residents who may hold equitable interests in land arising out of previous dealings under the *Land Holding Act 1985* (Qld).⁴⁰

Lack of Home Ownership or Access to Capital Gains

Since late 2004, there has been a public debate in Australia about the merits of providing for individual ownership of Aboriginal land as a means of creating personal wealth and facilitating economic development in Aboriginal communities. The Select Committee received submissions from the Council and Palm Island residents expressing support for 'home ownership' on Palm Island.⁴¹

The debate about individualisation of property rights on indigenous land is complicated by the widely varying nature of indigenous communities in Australia, the different statutory land title schemes operating in the States and Territories and the low income levels of most indigenous communities. For example, the Council DOGIT area includes several pristine tropical islands of obvious tourism value, within relative proximity to an established market. The commercial value of such land is accordingly likely to dwarf the value of DOGIT land in most remote regions of Cape York.

Further work is required to explore the opportunities and implications of creating individualised land title on Aboriginal communities in Queensland, having regard to varying locations and demographics of the communities.⁴²

On Palm Island specifically, there is a need to clarify the aspirations of Palm Island residents to determine whether their desire for 'home ownership' is sought for the purposes of:

- security of occupation of residences;⁴³

⁴⁰ A number of residents are recorded as having made applications for leases under this legislation. It may be possible for these residents to assert equitable interests in land however this would entail complex legal argument in the Supreme Court jurisdiction.

⁴¹ Palm Island Council submission, n 6 at para 24.0, *Palm Island Select Committee Report* p 38.

⁴² The *Palm Island Select Committee Report* notes that an interdepartmental committee is investigating the viability of home ownership and is testing feasibility of home ownership in a number of communities.

⁴³ It may be that many Palm Island residents do not have a desire for individual ownership of land, but rather for long term security of occupation of their residences.

- facilitating alternative arrangements for housing provision, including via partnerships with the private sector;
- personal wealth creation;
- facilitating private indigenous business development; or
- employment creation through facilitation of non-indigenous private business development.

Once these aspirations are clarified it may be possible to consider the extent to which they can be accommodated within the existing statutory schemes operating in Queensland without having to wait for statutory reform.⁴⁴ For example, there is currently no statutory impediment to the Council granting leases of up to 30 years duration for Island residences within the DOGIT area. Similarly, commercial leases can be granted to indigenous and non-indigenous businesses for up to 30 years.

A significant issue to be considered is whether an employment base of 10% on Palm Island is able to support a viable 'home ownership' market. An obvious concern would be the potential for a minority of residents to acquire a grossly disproportionate distribution of land assets leading to the creation of elite suburbs and ghettos and resultant social discord.

Tenure Rationalisation

The ALA provides that DOGIT lands held by Aboriginal Councils are to be transferred as inalienable freehold to Aboriginal Land trusts "as soon as possible"⁴⁵, yet to date only two such transfers have occurred.⁴⁶

The recent transition of Aboriginal Councils to shire councils and the ongoing review of the ALA has created a renewed impetus to progress tenure rationalisation of DOGIT communities.

Given the preparedness of the indigenous parties to enter the Future Directions Process, there is good potential for a comprehensive resolution of outstanding land issues on Palm Island, including native title. The potential for success is enhanced by the availability of the NNTT to play a key role in facilitating negotiation within the indigenous parties.⁴⁷

There are therefore compelling grounds for the Queensland Government to expedite the tenure rationalisation process on Palm Island through the Future Directions Process.

⁴⁴ The administration and reform of the ALA has proceeded at a very slow pace which may reflect a lack of resources within the DNRM dedicated toward the administration of the Act.

⁴⁵ Section 29 *Aboriginal Land Act 1991* (Qld).

⁴⁶ Injinoo and Lockhart River Land Trusts.

⁴⁷ NNTT Member Graham Fletcher has successfully facilitated the authorisation of an ILUA on Palm Island and has indicated that, subject to the priorities of the NNTT, he would be available for the Future Directions land issues negotiations. Mr Fletcher's involvement would bring the additional benefit of his significant experience in ALA issues.

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4.2.2 Land Issues for Consideration in Negotiations

The Palm Island Select Committee has identified in detail most of the issues and tasks required to be addressed in a tenure rationalisation process for Palm Island.⁴⁸ Additional considerations might include:

- the establishment and composition of a Land Trust incorporating the interests of traditional owners;
- whether the Council should continue to hold any land or whether the entire DOGIT areas, including townships, should be transferred to a Land Trust;
- whether the 'central business district' should be subject to special tenure arrangements to facilitate economic development; and
- whether Indigenous Protected Areas can be created to protect areas within the Land Trust from certain types of development and enabling funding to be accessed for land and sea management activities.

Potential Outcomes

A shared goal of the Palm Island Future Directions Negotiation Process could be an ILUA which provides for:

- transfer of DOGIT to inalienable freehold under the ALA;
- establishment of a Land Trust incorporating the interests of the traditional owners as well as the 'historical' indigenous residents;
- a portion of rent charged on leases within township areas could be allocated to the Land Trust to support its administration and land management initiatives⁴⁹, with the balance going to the Council;
- validation (for native title purposes) of all existing land interests (e.g. houses and buildings constructed after 1996);
- dispensation of the need to obtain future authorisations under the *Native Title Act 1993* (Cth) in return for alternative procedures incorporating traditional owner interests;
- the creation of Indigenous Protected Areas;
- authorisation of long term residential leases;
- surveying of lots; and
- adoption of a Sustainable Land Use Plan.

There is clear potential for such an outcome. As is recognised in the Select Committee Report, tenure rationalisation will require substantial negotiation between the traditional owners and the rest of the Palm Island community. However, the promise and importance of such a potential outcome to each of the parties should comprise an incentive to keep the entire negotiation process focussed and to ensure that parties return to the Negotiation Table in the event of protracted dispute.

⁴⁸ *Select Committee Report*, p 38-39. Note that in contrast to the view of the Select Committee that 'substantial legislative amendment' would be required to undertake the rationalisation, the process should be able to proceed under existing legislation, albeit any leases granted would be limited to a maximum of 30 years, require Ministerial consent and if granted under the LA as DOGIT leases, would not be able to be sublet. This last constraint would mean that long term leases would not give rise to a 'private' property market on the Island.

⁴⁹ Land Trusts receive negligible funding barely sufficient to organise an annual meeting of members. Depending on the extent of the aspirations of the Land Trust to be actively involved in land and cultural resource management, the Land Trust may be required to find creative ways of generating operating revenue.

4.2.3 Recommendations

Recommendation 14

Incorporate a tenure rationalisation process in the Palm Island Future Directions Negotiation Process.

Implementation Responsibility: DNRM/DATSIP/Council
Completion Date: April 2006

Recommendation 15

Incorporate community consultation and endorsement of a Sustainable Land Use Plan in the Palm Island Future Directions Negotiation Process.

Implementation Responsibility: DATSIP/Council/DPW
Completion Date: April 2006

4.3 Governance

4.3.1 Background

Governance in the context of Palm Island

It is important to distinguish between government and *governance*. The terms are not synonymous. Governance refers to the process whereby communities “make their important decisions, determine who they involve in the process and how they render account.”⁵⁰ On Palm Island the elements of the process are not limited to the formal or statutory constructs, such as the Council, but also include ‘intangible’ factors affecting decision making such as “history, culture, technology and traditions.”⁵¹

Establishing effective governance arrangements on Palm Island therefore requires the Palm Island community to be involved in the negotiation of arrangements which accommodate and make best use of these intangible factors.

⁵⁰ *Aboriginal Governance in the Decade Ahead: Towards a New Agenda for Change*, page ii.

⁵¹ *Ibid.*

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A recital of the modern history of Palm Island is beyond the realms of this report; however, some salient features of that history must be borne in mind when considering the existing and future governance of Palm Island:

- Palm Island was established in 1918 as a penal settlement to which indigenous individuals and groups were sent from at least 57 different language speaking places throughout the state.
- Superintendents were given extraordinary powers to control even the most mundane aspects of the daily lives of residents, including restriction of movement, nightly curfews and vetting of mail.
- Residents worked at the direction of the Superintendent and later the Manager at a fraction of award pay rates.
- Palm Island workers have been instrumental in leading industrial action with a significant strike taking place in 1957 and a racial discrimination test case leading to an award of compensation in 1996 for payment of under award wages.
- In 1986, title passed to the community council in the form of a DOGIT (Deed of Grant in Trust). With the departure of the Department went much of the government infrastructure including shops, timber mill, and farming equipment.
- The Council has never received adequate funding or support from the Queensland Government to meet its statutory functions,⁵² notwithstanding that it has been primarily responsible for delivery of the majority of services on the Island, including housing;
- The Council has been viewed by the Palm Island community as its vehicle for self determination and the interface between it and the broader community. Chairpersons have been vested with authority to speak on behalf of the community about virtually all matters affecting the daily lives of residents.
- According to the Select Committee, in the three elections since 1997 there has been:
 - “• instability in Councils and the perceived legitimacy of the Council as a representative body;
 - a lack of continuity in councillors from one election to another;
 - councillors who are elected by relatively small numbers;
 - a large number of candidates standing for election [see below]; and
 - a trend in some families for a number of relatives to stand for election.”⁵³

The Fitzgerald Reforms

From 1 January 2005, Aboriginal Councils in Queensland were reconstituted as shire councils.⁵⁴ This reform formed part of the *Meeting Challenges, Making Choices* strategy developed in response to the *Cape York Justice Study* undertaken by Justice Fitzgerald QC in November 2001.

To return to the distinction raised above between government and governance, it is apparent that the profound effect of this statutory shift in the role of local government on Palm Island has not been fully comprehended by many individuals and organisations concerned with the ongoing *governance* of the Island.

⁵² *Palm Island Select Committee Report*, p 9.

⁵³ *Ibid*, p 16.

⁵⁴ Pursuant to the *Local Government (Community Government Areas) Act 2004* (Qld).

Divisive Electoral Model

It is also apparent that the existing electoral system which involves a separate election of the mayor on Palm Island is undermining good governance by:

- creating divisions within the leadership of the community; and
- failing to utilise the important pool of leadership resources.

This results from the fact that the losing mayoral candidates, many of whom obviously hold a significant degree of support from within the community, are excluded from the formal decision making framework of Council. Previous electoral systems operating on Palm Island involved one electoral race for Council with a Chairperson being elected by the successful councillors. The Queensland Government and the Palm Island community may want to consider reverting to electing the Council on this basis.

Alternatively, an option for addressing this problem may be to create local area committees which can be established under a local law and comprised of people who are not councillors, including unsuccessful candidates. Local area committees are able to exercise Council powers and accordingly members hold the same statutory duties as councillors. Unsuccessful mayoral candidates could therefore be brought within the formal decision making processes enabling their leadership qualities to contribute positively to the governance of the community. Careful consideration would need to be given to whether this proposal would lead to more effective power sharing relationships amongst the leadership of the community or whether the use of local area committees in this way would actually create more potential for conflict.

Large Numbers of Candidates

Whilst this may be a healthy sign of active participation in community governance, anecdotal evidence suggests that the relatively high numbers of candidates is a function of the Council's control over the allocation of housing. If, as has been recommended by the Select Committee,⁵⁵ responsibility for housing is divested by the Council, there may be a reduction in the intensity of competition for councillor positions.

Internal Governance and Service Delivery Capacity of the Council

During the course of the project Ms Deniece Geia was employed as the Acting Chief Executive Officer. Due to the extent of Ms Geia's workload and indeed the limited time available for the other components of the project, it was not possible to consider the extent of internal governance issues raised by the Palm Island Select Committee, for example, whether a financial controller should be appointed.⁵⁶ I am able to make some observations and recommendations about various matters, including those discussed below.

Administration and Funding of Aboriginal Shire Councils

The Select Committee noted:

- the Council had been delegated management of many programs "without adequate provision for associated administration."⁵⁷
- a need for "substantial support and assistance" for Council to improve its "governance capability".⁵⁸

⁵⁵ There would appear to be support from within the Palm Island community for divestment of housing from the Council to another specialist housing entity. This issue needs to be fully explored and resolved in the Future Directions Process.

⁵⁶ *Palm Island Select Committee Report*, p21.

⁵⁷ *Ibid*, p14.

⁵⁸ *Ibid*, p18.

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As a consequence of the reconstitution of the Council as a Shire Council, responsibility for the administration of Council now lies with the DLGPSR, which provides State Government Financial Assistance (SGFA) funding. It is unclear whether the new arrangements are assisting the Council to operate more effectively. During the course of the project, suggestions were made that the DLGPSR may hold funding in programs that had not been adequately implemented on the ground and that the 'fly in, fly out' approach of some consultants employed to improve governance capacity was not effective. DLGPSR should consider whether special assistance is required including a full-time presence on the Island for 12 months, especially given the fact that the Council has now been without a permanent Chief Executive Officer (CEO) for more than six months.

Role of Councillors vs. Role of Staff

It appears that due to the recent history of the Council, there has been a breakdown in transfer of protocols, procedures and corporate history. Current Councillors and staff have none the less applied themselves energetically to the responsibilities of local government. As a result, the time and energy of Councillors and staff have perhaps not been maximised through rigorously planned and scheduled meetings targeted at decision making, whilst leaving operational matters for implementation by staff.⁵⁹ Aside from making it difficult for staff to confidently perform their job descriptions, this approach to governance is not sustainable given the extent of responsibilities held by the Council and the fact that the Councillors personally hold other significant responsibilities including work and family commitments.

The extent of meetings increases the likelihood of inconsistent attendance and a lack of continuity in corporate knowledge, which can in turn create unnecessary misunderstandings and conflict. The lack of Council resources to conduct follow up research and provide information about issues under consideration also does not facilitate an informed decision making process by Council.

It is understood that some training has been delivered about the role of Councillors. It is also understood that portfolios have been assigned to councillors in accordance with the recommendations of the Administrator.⁶⁰ Neither of these initiatives appear to have been successful in reducing the number of meetings or in dividing the Council's pool of human resources toward specialised areas.

It is recommended that DLGPSR take immediate steps to ensure that the Council and new CEO are given specialist support to establish clear protocols regarding the distinction in their respective roles. These protocols should be brokered by an independent facilitator immediately upon the CEO's commencement of employment.

Another potential strategy to strengthen the Council's internal governance and service delivery capacity would be to establish local area committees (as described above) for various portfolios, for example water management. As noted by the Select Committee, local area committees would enable the Council to retain expert knowledge from within or outside of the community. However, such committees would require significant administrative support and resourcing and therefore carry funding implications. Also, given that decisions of local area committees are binding upon the Council, there is considerable scope for conflict arising from their creation.

The latter concern could be addressed by stipulating in the committee's terms of reference that the committee's powers are limited to making recommendations to Council.

⁵⁹ The extent of hours contributed by the Councillors to these meetings reflects their dedication to improving the management of Palm Island.

⁶⁰ *Palm Island Aboriginal Council: Administrator's Handover Report.*

Deductions in SGFA Funding

In 2003-04 DLGPSR provided an advance of \$1.72M to cover debts, Administrator's costs, and redundancies. Each month \$14,333 is deducted from SGFA funding to cover repayment of the advance.⁶¹ Clearly this reduction in funding impacts on the ability of the Council to perform its functions.

Recommendation 18 of the Select Committee Report, which has been supported by the Queensland Government, states that this repayment should cease upon a lease to the Queensland Government being granted by the Council for the Palm Island Community Youth Centre site. Aside from the fact that there is no nexus between these two issues, it is evident that the Council is unmotivated by such an incentive, and the holding out of a waiver of debt in return for the grant of a lease is inappropriate and inconsistent with good policy practice.

A better approach to the issue of the debt would be to simply waive it in recognition of the leadership recently displayed by the Council in facilitating and promoting structured negotiations with the community and governments. Alternatively, a performance based incentive relevant to the nature of the debt might be considered appropriate. For example, utilising the concept behind the Performance Development Plan, the debt could be waived upon satisfactory progress being made in relation to addressing the issues identified by the Auditor-General in the 2003-04 audit.⁶²

Divestment of Services and Establishment of New Entities for Delivery of Services

Notwithstanding the fact that the Council has never been and currently is not adequately resourced or supported to perform its various functions, it cannot be seriously disputed that it is not adequately delivering many of its services.

Housing

There are compelling grounds for the Council to divest itself of responsibility for the construction, allocation and management of housing. The issue of housing is intense on Palm Island and the source of much of the community's frustration and sometimes anger with the Council. As noted by the Administrator divestment of housing would:

- “- create transparency in the decision-making process;
- free up a considerable amount of Council's time spent on allocation decisions; and
- enable Council to concentrate on matters of policy rather than being embroiled in the allocation process.”⁶³

Divestment would also provide an opportunity for the community and governments to take a fresh look at the housing situation on the Island.

⁶¹ *Palm Island Select Committee Report*, p17.

⁶² *Ibid* p17.

⁶³ *Palm Island Aboriginal Council: Administrator's Handover Report*. The Administrator was appointed following the dissolution of the then Palm Island Council in October 2003.

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Community Based Corporation

The Department of Communities (DoC) in conjunction with DATSIP is responsible for administering the Palm Island Partnerships (PIP) program and has been considering the potential role of a community based corporation with government and community shareholders in the provision of services on the Island and in establishing a local economy on the Island.

The preliminary intent behind the PIP proposal is to establish an entity to:

- assist non government organisations to deliver services;
- undertake non core functions currently performed by the Council; and
- manage economic and social enterprises.

This is an ambitious and innovative initiative that could take the rhetoric of the government's partnership policy framework and put it into action. The initiative is also heavily reliant on engendering substantial community trust in order to succeed. However, if developed in close collaboration with the Palm Island community and in a way that reflects a genuine partnership (e.g. by responding to and incorporating design issues raised by the community), there is scope for the corporation to achieve the above purposes and to play a pivotal role in the establishment of sustainable economic development on the Island.⁶⁴

To successfully resource the operational costs of the Corporation, it would be prudent to transfer the community store from DATSIP to the Corporation. This would provide annual profits of approximately \$500,000 and enable adequate salaries to attract a high quality CEO to manage the corporation. Consideration could also be given to the Corporation assuming responsibility for other services such as the canteen, bank, post office and garage, either alone, or in partnership with community members or the private sector. Ultimately, however, these are services that may be better delivered by small businesses operated by members of the community.

It is not recommended that the corporation attempt to assume responsibility for construction or management of housing as this will necessarily embroil it in intense allocation issues which would threaten to undermine its important task of gaining the trust and confidence of the community.

Another potential role of the corporation (with assistance from relevant State Government agencies) would be to incubate local businesses. Residents seeking to establish businesses could be given assistance in preparing feasibility assessments, business plans, administration and accounting set up, pay roll, GST returns and so forth to enable the operator to focus on the other aspects of establishing their business. Training could be provided so that over time, say two to three years, the business takes on more responsibility for these functions.

4.3.2 Governance Issues for Consideration in Negotiations

A dialogue between the Council and the community it serves is required to address a number of outstanding questions which arise from the Council's shift to shire council status, and more broadly, arising from the question of how governance on Palm Island can be improved.

⁶⁴ See discussion below on role of community corporation in the economic development of Palm Island.

These questions include:

- Should the Council's role be limited to its core statutory functions?
- Should the Council have any functions beyond that of any ordinary local government? If so, what should these include?⁶⁵
- What is an adequate level of resources for the Council to discharge its functions?
- Should the Council continue to be responsible for the construction, maintenance, management and allocation of housing? If not what entity should be responsible?
- Should the Council continue to operate other non-municipal services⁶⁶ such as the canteen, post office, garage, motel and aged care hostel?
- What are the revenue implications for Council divesting itself of these services and how will that revenue be replaced?
- What gaps in service delivery presently exist? Which entities should fill those gaps?
- How should the government and non-government sectors interface with the Palm Island community?
- How can governance and service delivery on Palm Island be better coordinated?
- How should the Palm Island community make decisions about matters falling outside the ambit of the Council's local government functions?
- How can the Government parties better organise their delivery of services to the Island?
- Should a new electoral system for the Council be introduced?⁶⁷ If not, should a system of local area committees be established to harness the leadership resources of unsuccessful mayoral candidates or other community members with a particular interest or knowledge in issues?

It is recommended that housing form a major component of the governance discussions within the Future Directions Process. A team of consultants should be made available to the Palm Island community to facilitate internal discussions about issues and to enable proposals to be considered at the Negotiation Table. Aside from who should be responsible for housing other issues might include:

- increases in capital funding for construction of houses to meet immediate needs;
- housing design;
- long term leasing of housing;
- rights to sublet;
- the amount of rent that should be charged⁶⁸;
- opportunities for joint ventures with the private sector; and
- existing privately constructed housing.

⁶⁵ For example it is noted that the Council appears to play a significant role in assisting families with funeral arrangements.

⁶⁶ See discussion below regarding the economic and employment opportunities created by the divestment of such services.

⁶⁷ When consulted on this issue, the Council did not consider that it was an issue that should be included in the Future Directions Process.

⁶⁸ It is noted that according to the *Palm Island Select Committee Report*, rents charged on Palm Island averaged \$51 in 2004. I was informed that the average rent was around \$70 to \$80. Whatever the case, these rents are less than half the amount of the market value rent of three bedroom houses in Townsville which I am informed range from \$200 to \$300. Various issues and opportunities arise out of this disparity which should be discussed within the community and subsequently with the government in the Future Directions Process. For example the question as to what extent 'cheap rent' encourages persons addicted to alcohol or illicit drugs to reside on the Island rather than on the mainland, where significantly higher rental costs limit the amount of disposable income available to service their addiction. Detailed economic modelling, research on household expenditure and professional advice is required to inform such discussions which will necessarily be highly sensitive.

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4.3.3 Recommendations

Recommendation 16

Appoint an independent facilitator to broker protocols about the respective roles and responsibilities of Palm Island Aboriginal Shire Council staff and Councillors.

Implementation Responsibility: DLGPSR/DATSIP/Council
Completion Date: March 2006

Recommendation 17

Review the existing Mayor/Council electoral model within the Palm Island Future Directions Negotiation Process.

Implementation Responsibility: Palm Island community/DATSIP/DLGPSR/Council
Completion Date: December 2007

Recommendation 18

Incorporate in the Palm Island Future Directions Negotiation Process an opportunity for the Palm Island community to consider and negotiate with government about:

- increases in capital funding for construction of houses to meet immediate needs;
- limits in land available for housing;
- housing design;
- long term leasing of housing;
- rights to sublet;
- the amount of rent that should be charged;
- opportunities for joint ventures with the private sector; and
- existing privately constructed housing.

Implementation Responsibility: Council/Palm Island community/DoH/DATSIP/DPW
Completion Date: December 2007

Recommendation 19

Council divest responsibility for the construction, maintenance, allocation and management of housing to a specialist housing entity.

Implementation Responsibility: Council/Palm Island community/DoH/DATSIP/DPW
Completion Date: December 2007

Recommendation 20

Transfer ownership and control of the community store to a community based corporation.

Implementation Responsibility: DATSIP/DOC/Palm Island community
Completion Date: Dec 2007

Recommendation 21

The Department of Local Government Planning, Sport and Recreation cease making reductions in State Government Financial Assistance funding.

Implementation Responsibility: DLGPSR/Treasury/DPC
Completion Date: June 2006

Recommendation 22

The Department of Local Government, Planning, Sport and Recreation should consider whether special assistance is required to support the Council's transition to shire council including consideration of the stationing of a 'management consultant' on the Island a full-time basis for 12 months.

Implementation Responsibility: DLGPSR/DATSIP/Council
Completion Date: May 2006

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4.4 Economic Development

4.4.1 Background

There can be little doubt that sustainable economic development on Palm Island must form a key component of any strategy to improve living conditions.

The existing rate of employment on the Island is said to be about 10% and is generated mostly through government employment. An unemployment rate of 90%, being three times the worst rate ever experienced in 'mainstream' Australia, would be incomprehensible in any non-indigenous Australian community.⁶⁹ The interrelationship between unemployment, substance abuse and crime was recognised in the Select Committee report. In fact it is probably only as a result of continuing strong kinship relationships that the social impacts of such long term unemployment on Palm Island have been ameliorated to some extent.

An employment base of 10% is also inadequate to support a private property market on Palm Island of the sort contemplated in recent public debate. The creation of a private property market at this time, even one limited to indigenous owners, would likely lead to grossly disproportionate wealth distribution within the community and the establishment of ghettos on the Island.⁷⁰

A 10% employment base is also inadequate to raise the Palm Island community out of the cycle of poverty and welfare dependence that manifests itself in helplessness and destructive lifestyles.

The Role of the Governments in the Economic Development of Palm Island

The Centre for Independent Studies has recognised that in some indigenous communities "disadvantage is so entrenched that in addition to policy change, large additional investment is likely to be necessary if there is to be a transition from welfare to productive employment in the proximate future."⁷¹

An innovative and committed long term approach from both the Palm Island community and Queensland and Commonwealth Governments is required to attract private investment and to encourage the entry of indigenous people into the private sector.

Jointly Setting an Employment Target

Given that almost 40% of the Palm Island community are not eligible by age for employment, and a significant portion of the balance would be exempt from employment for other reasons including disability, there should be no reason why a target of 50% employment could not be achieved within the mid term if a dedicated effort is made by all of the parties to create and take advantage of employment opportunities. In reality, achieving an effective employment rate of 50% may equate to the creation of a few hundred jobs. Whilst such a target would no doubt pose a serious challenge to all concerned, it should not be viewed as purely aspirational. It should be remembered that the Queensland Premier was initially derided for setting a seemingly unattainable unemployment target of 5% for the general Queensland population, shortly after coming to office in 1998. Further it is the sort of challenge that needs to be taken up within the community, government and private sector as a means of providing a commonality of purpose.

⁶⁹ Australia recorded its worst unemployment rate during the Great Depression when in 1932 just over 29% of Australia's population were out of work, www.htansw.asn.au/teach/juniorhistorydocs/jun_depression_unemployed.doc.

⁷⁰ That is not to say that there should not be consideration of long term leasing of residences on Palm Island to provide security of residence and encourage personal or family based savings through innovative rental schemes.

⁷¹ Hughes, *The Economics of Indigenous Deprivation and Proposals for Reform*, Issue Analysis No 63, 23 September 2005.

4.4.2 Economic Development Opportunities

Human Resources

Having noted the official employment rate to be 10%, it must also be noted that there is evidence of a strong cash economy and elaborate informal trade network operating on Palm Island. Leaving aside the legality or morality of much of this trade⁷², there would appear to be numerous residents with raw entrepreneurial skills, who with training, support and mentoring could be brought to bear in the 'real' economy.

There is also a pool of human resources on Palm Island with some background and experience in enterprise and others who appear to possess sufficient basic skills and the motivation to establish businesses.

More information is required about the state of Palm Island's existing economy, income and expenditure patterns and available human resources (including a detailed skills audit). This should be gathered by suitably experienced consultants under the direction of the Project Manager and made available within the Future Directions Process.

Ecotourism

Ecotourism stands out as an obvious potential growth industry on Palm Island; however, its development will require:

- support from the community which remains anxious about communal title being usurped and about being marginalised on their own Island by uncontrolled or inappropriate tourism;
- significant capital expenditure to establish or upgrade infrastructure, for example the jetty, airport, accommodation; and
- the granting of interests in land or licences to use land required for business.

Existing Council Services

The potential divestment by Council of its existing non core municipal services creates opportunities for local residents to establish small businesses.⁷³ These opportunities include:

- canteen;
- post office;
- garage;
- motel; and
- aged care hostel.

⁷² I was informed anonymously by an Island resident that the practice of sly grogging is well established on Palm Island with approximately ten operators on and off the Island servicing a set market.

⁷³ It may be that in the short term, divestment of these services from the Council may lead to reductions in employment. However it is noted that rationalisation of the Council's employees was carried out by the financial controller during the 2003-2004 financial year resulting in significant redundancies and therefore the prospect of further significant employment loss should be reduced.

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Other Opportunities

The following areas may also offer opportunity for profitable enterprise:

- bakery;
- community markets;
- market gardens;
- aquaculture;
- seafood;
- school camps and conferences;
- day trip tourism, e.g. horse trails; and
- hairdressing salon.

Establishment of a Community Based Corporation

As noted above, the establishment of a community based corporation offers an opportunity to foster economic development on Palm Island via the incubation of small local businesses, the transfer of the community store from the State Government and the possibility of joint ventures. Indeed, the establishment of a community based corporation may be critical to gaining the necessary support and confidence of the community to enable economic development to flourish on the Island.

4.4.3 Economic Development Issues for Consideration in the Future Directions Process

The following potential initiatives should be discussed between the government and the community within the Future Directions Process:

- hosting a business summit on Palm Island seeking to match up potential local operators with joint venture opportunities⁷⁴;
- providing incentives to businesses to invest on Palm Island e.g. pay roll tax exemptions and traineeship schemes;
- matching training and skills development (e.g. TAFE courses) with the preferred opportunity areas identified by the parties;
- providing Commonwealth Government funding through the Sustainable Regions Program to assist in the establishment of industry on Palm Island⁷⁵;
- at a broader policy level the Commonwealth Government could consider introducing tax deductions to individuals and businesses who invest in a recognised indigenous business venture⁷⁶;
- retired business leaders from the mainland should be encouraged to mentor aspiring entrepreneurs on the Island by assisting with establishment of businesses and being available to provide support and advice along the way; and
- freeholding of the 'central business district'.

⁷⁴ An economic development 'summit' was convened by the Department of State Development last year. A business summit may provide an opportunity to follow up on any resolutions from that forum and create an opportunity for members of the community to create relationships with mainland business people.

⁷⁵ On 17 January 2006, under the headline 'Boutique industries to spawn job surge' the *Courier Mail* reported that private companies across the Atherton Tableland would receive \$4M from the Sustainable Regions Program to establish a saw mill, a tourism dairy farm and a production facility for crops.

⁷⁶ In a similar way such incentives have been used to encourage investment in the Australian film industry.

4.4.4 Recommendations

Recommendation 23

An agreed outcome of the Palm Island Future Directions Negotiation Process should be the making of a joint commitment to achieve an effective employment rate of 50% by 2011.

Implementation Responsibility: DPC/DATSIP/DSD/Treasury/Council
Palm Island community

Completion Date: December 2006

4.5 Justice

4.5.1 Background

The importance of establishing an effective and appropriate law and order regime on Palm Island to facilitate improvement in other areas such as governance and economic development is obvious. Given the history attending the initial placement of indigenous people on the Island, as well as the well-documented recent death in custody, it is difficult to see how medium term development will be achieved without considerable investment into improving police relations with the community.

The Select Committee identified the source of many law and order issues on Palm Island as being unemployment, alcohol and drug use and overcrowded housing. The Committee also noted the impact of high levels of crime on economic development and “the effective functioning of families and the community as a whole”.⁷⁷ However, perhaps as result of the narrow terms of reference, and a desire not to pre-empt any of the findings of the inquest, the Committee’s Report contains relatively few recommendations and, with the greatest respect, these are unlikely to lead to any significant improvements in law and order and policing on Palm Island.⁷⁸

It is well established that the relationship between the Palm Island Aboriginal community generally and the Queensland Police Service is very poor and more recently has been marked by increasing violence.⁷⁹

⁷² I was informed anonymously by an Island resident that the practice of sly grogging is well established on Palm Island with approximately ten operators on and off the Island servicing a set market.

⁷³ It may be that in the short term divestment of these services from the Council may lead to reductions in employment. However it is noted that rationalisation of the Council’s employees was carried out by the financial controller during the 2003-2004 financial year resulting in significant redundancies and therefore the prospect of further significant employment loss should be reduced.

⁷⁴ An economic development “summit” was convened by the Department of State Development last year. A business summit may provide an opportunity to follow up on any resolutions from that forum and create an opportunity for members of the community to create relationships with mainland business people.

⁷⁵ On 17 January 2006, under the headline ‘Boutique industries to spawn job surge’ the *Courier Mail* reported that private companies across the Atherton Tableland would receive \$4M from the Sustainable Regions Program to establish a saw mill, a tourism dairy farm and a production facility for crops.

⁷⁶ In a similar way used to encourage investment in the Australian film industry.

⁷⁷ Palm Island Select Committee Report, page 88.

⁷⁸ Recommendations 55 – 56. It is noted that the Recommendation 55 is only partly supported by the Queensland Government.

⁷⁹ On 7 January 2006, the *Townsville Bulletin* reported that “the number of rock throwing incidents targeting police has escalated in the past weeks to 11, including one Molotov cocktail which was thrown at police just before Christmas”.

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Whilst similarly poor relationships might be said to exist between the QPS and the broader indigenous community in Queensland, the breakdown in police relations on Palm Island impacts heavily on the quality of life of Palm Islanders due to the continuing dominant role of police in the management of the Island.⁸⁰ For example the cooperation of police is integral to the success of the Council's existing alcohol management laws which prohibit the possession of wine and spirits. For reasons unknown to the Council there has been reluctance on the part of QPS to enforce local by-laws targeting alcohol restrictions.

Furthermore, the Queensland Police Citizens Youth Welfare Association (PCYWA), which is seen in practice by the Palm Island community to be an arm of the QPS⁸¹, currently manages and controls a critical component of community infrastructure, namely the \$5.5M community centre. The breakdown in relations between the community and the QPS has affected the utilisation of this infrastructure by indigenous members of the Palm Island community for cultural and community purposes as well as for use by the community's young people.

Evidence of the breakdown in relations between the QPS and the Palm Island community includes:

- repeated attacks upon police officers and vehicles⁸²;
- apparent failure of the Indigenous Community/Police Consultative Group to operate effectively;
- alleged repeated failure of police to respond to requests for assistance;
- an admission by QPS Officer in Charge, that QPS has refused to attend disturbances because of a fear of damage being sustained to police vehicles from children throwing stones⁸³;
- complaints from Palm Island residents of verbal and physical abuse by QPS officers;
- an apparent refusal of QPS to pay the Council rent for a lease required to accommodate police officers⁸⁴;
- the unwillingness of the Council to grant a lease for the PCYWA to operate the community centre.

A demonstrable commitment from the leadership within both the QPS and the Palm Island community is needed to bring 'some normality' to policing on Palm Island.⁸⁵

In this regard, the proposition that a relationship breakdown of this magnitude can be solved by increasing police numbers⁸⁶, or through police control of essential community infrastructure, such as the community centre by the PCYWA, is misguided.

There is little utility in increasing police numbers if police are unable to effectively police within the community, for example, being unprepared to attend calls for assistance after nightfall or more genuinely integrate into community life. Increasing the quality of community policing in collaboration with the community will deliver better outcomes than merely relying on the force

⁸⁰ The history of strict authoritarian control over the people of Palm Island and the resistance of the community to such control distinguishes police relations on Palm Island to that of most other communities in Queensland.

⁸¹ It is understood that the PCYC staff have been directed by senior management to wear QPS uniforms at all times during work hours.

⁸² As recently as 3 January 2006, *The Australian* reported that two police officers had been injured in a "slingshot attack" on Palm Island.

⁸³ Statement made by Snr Sgt Paul James at a meeting held at Council Chambers on 28 September 2005 to discuss Palm Island Select Committee recommendations.

⁸⁴ See discussion of leases below.

⁸⁵ QPS has very recently displayed such leadership and demonstrated a capacity to negotiate policing agreements with local governments. Minister for Police, Press Release, 20 January 2006, "Landmark Agreement Signed to Improve Brisbane Safety and Security".

⁸⁶ The *Townsville Bulletin* reported on 7 January 2006 that police numbers had doubled since the 2004 riot.

of numbers to deliver control. Increasing the number of indigenous police officers, as distinct from the failed policy of community liaison officers, will require specific increases in government funding and attitudinal shifts in the policing culture. Doubling the numbers of police also absorbs valuable resources which would be better directed toward the costs of implementing effective community policing.

Also, whilst in normal circumstances the management of a sporting facility for a community would form an important bridge between the community and police, the insistence that the PCYWA manage the community centre in the face of opposition from the Council and members of the community, only serves to exacerbate the tension between the community and police. This is borne out by the fact that the majority of the attacks upon police appear to be at the hands of young teenagers who are the very target group intended to be utilising the community centre's facilities. It must be remembered that there are no other community facilities available to youth on the Island other than those controlled by the PCYWA. Furthermore, the Queensland Government rejected the Select Committee's recommendation for the construction of a cultural centre on the basis of its "existing investment of more than \$5.5M on the multi-purpose Palm Island Community Youth Centre".⁸⁷

There is also no other venue on the Island suitable for public meetings or conferences. I was informed on several occasions that there were significant numbers of people who would not attend the Palm Island Future Directions Steering Group meetings because of the presence of police at the community centre. If this is correct, the continuation of PCYWA's management of the community centre poses an unacceptable restraint on the ability of Palm Island residents to participate in community and cultural discourse and public debate.

Broader Considerations

The need for a significant display of leadership from the QPS and the Queensland Government about policing on Palm Island should be considered within the context of the Aboriginal Justice Agreement, which was executed in December 2000. The Aboriginal Justice Agreement commits the Queensland Government to achieving a reduction in indigenous incarceration by 50% by the year 2011. An independent progress report on the implementation of the agreement was due to be released by 2004, but has not yet been made available to the public. There is no sign that the halving of indigenous incarceration will be achieved by 2011, given that the rate of incarceration has in fact increased since the signing of the agreement.⁸⁸

The Aboriginal Justice Agreement was executed by five senior ministers including the Premier and the Hon Judy Spence MP, Minister for Police and Corrective Services in her then capacity as Minister for Aboriginal and Torres Strait Islander Policy Development. Indeed, given the wealth of experience gleaned from her previous portfolio, the Minister for Police should be ideally placed to provide the direction and impetus required to deliver improvements in the relationship between the QPS and Queensland's indigenous communities.

⁸⁷ Queensland Government Response to Recommendations of the Palm Island Select Committee Summary, p 4.

⁸⁸ Justice Negotiation Group Progress Report, January 2002 to June 2003, p 7.

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4.5.2 Issues for Consideration in the Future Directions Negotiation Process

Given the present state of police relations, there is a good case for mediation between the Palm Island community and the QPS rather than bringing the parties together unassisted at the Negotiation Table, or by relying on a consultation approach which presently is not working.

The Research function of the CMC would have developed a body of knowledge and expertise about community policing and may be a suitable honest broker in developing a trial framework for specially adapted community policing in an indigenous community.

It should include adaptations of QPS policy and procedure to be most workable within the Palm Island community, for example, in areas from diversion from custody to how to appropriately and successfully respond to domestic violence situations.

A potential spin-off benefit from the CMC's involvement in this way would be the development of training modules for the police academy.

It is recommended that the Attorney-General refer responsibility for the mediation of a community policing plan and training module to the CMC to deliver within a timeframe consistent with the Future Directions Process.⁸⁹

It is also recommended that the community policing plan be developed with the CMC's involvement in the Future Directions framework to take advantage of the community consultation 'infrastructure'.⁹⁰ This would also help to ensure that the outcomes are coordinated with outcomes from other priority areas and within timeframes monitored by the Ministerial Taskforce.

In the short term, consideration should be given to jointly convening a community summit by the QPS and the Palm Island community leadership. Young people in particular could be encouraged to attend the summit at which QPS and community leaders could:

- announce a joint commitment to work with the assistance of the CMC and Palm Island community to develop a community policing plan;
- provide a commitment to fully implement any recommendations of the inquest;
- discuss expectations of what are acceptable standards of behaviour; and
- discuss expectations of appropriate standards of service to be delivered by QPS.

Potential Outcomes

In the longer term, one initiative for QPS and the Palm Island community to consider would be the development of a compulsory five day training module for police cadets which involved their attendance at a Palm Island training facility and camp.⁹¹ Such an initiative could include specialist practice based training in indigenous issues, beyond the basic cultural awareness training offered under existing programs, including:

- gaining and maintaining respect in indigenous communities;
- addressing conflict in indigenous communities;
- domestic and family violence;

⁸⁹ In accordance with the research functions of the CMC conferred under section 52 of the *Crimes and Misconduct Act 2001*.

⁹⁰ including expertise of the Project Manager, Community Coordinator and various specialist consultants.

⁹¹ It is suggested that the training would best be undertaken in small groups of approximately six cadets.

- elder abuse;
- child abuse;
- sexual violence;
- alcohol management;
- indigenous shire councils' local law enforcement;
- diversion from custody;
- death in custody recommendations;
- community involvement in sentencing and rehabilitation of victims and offenders;
- initiatives aimed at decreasing indigenous incarceration;
- cultural heritage/indigenous natural resource management tours;
- recreational community based initiatives, e.g. bush tucker tours, fishing and camping.

The potential benefits of such an initiative would be far reaching. They would include significant employment and small business opportunities for local indigenous residents, including through use of infrastructure such as camping facilities and outstations. There should also be improved relations and greater respect between the Palm Island community and local police, greater understanding of indigenous issues by QPS officers generally thus leading to reductions in arrests for minor offences and resultant reductions in indigenous incarceration.

4.5.3 Recommendations

Recommendation 24

The Attorney-General and Minister for Justice refer responsibility for the mediation of a community policing plan and development of an indigenous community policing training module to the Crime and Misconduct Commission to deliver within a timeframe consistent with the Palm Island Future Directions Negotiation Process.

Implementation Responsibility: Department of Justice and Attorney-General
Completion Date: April 2006

Recommendation 25

Convene a community policing summit on Palm Island to:

- Announce a joint commitment to work with the assistance of the Crime and Misconduct Commission and Palm Island community to develop a community policing plan;
- Provide a commitment to fully implement any recommendations of the inquest into the death of Mulrinji;
- Discuss expectations of what are acceptable standards of behaviour; and
- Discuss expectations of appropriate standards of service to be delivered by Queensland Police Service.

Implementation Responsibility: QPS/CMC/DATSIP/Council/Palm Island community
Completion Date: July 2006

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Recommendation 26

Establish a target number of indigenous police on Palm Island as an agreed outcome of the Palm Island Future Directions Negotiation Process.

Implementation Responsibility: CMC/DATSIP/QPS/Palm Island community
Completion Date: June 2008

Recommendation 27

Implement any recommendations from the inquest into the death of Mulrinji without delay as a demonstration of good faith on the part of the Queensland Police Service and the Queensland Government.

Implementation Responsibility: QPS/DPC
Completion Date: December 2007

Recommendation 28

Queensland Police Service attend the quarterly meetings of the Community Resources Committee.

Implementation Responsibility: QPS
Completion Date: June 2006

Recommendation 29

Consider establishment of a police cadet training facility on Palm Island with a view to conducting comprehensive indigenous issues training modules to all police cadets in Queensland.

Implementation Responsibility: DPC/Treasury/QPS/CMC/DATSIP/Council/
Palm Island community
Completion Date: June 2007

Recommendation 30

The PCYWA vacate the management of the Palm Island Community Youth Centre within the next 12 months. The Department of Aboriginal and Torres Strait Islander Policy and/or the Department of Communities negotiate a lease from the Council to operate the community centre under a management agreement.

Implementation Responsibility: DPC/DoC/DATSIP/Council
Completion Date: February 2007

Recommendation 3 I

Queensland Police Service establish a record of requests for assistance and follow up provided by QPS on Palm Island. Non-identifying information on the register be made available to the community upon reasonable notice.

Implementation Responsibility: QPS/CMC
Completion Date: June 2006

5. Lease Issues

5.1 Introduction

During the term of the project, I attempted to assist the Council to reach agreement with the Queensland Government, in particular the DPW⁹², about several proposed leases of fee simple held by the Council. The significant leases subject to the negotiations include sites required for:

- Palm Island Community Youth Centre; and
- new police station.

5.2 General Issues

5.2.1 Native Title

As noted in the Land Issues section of this report, native title remains as a legal restraint on the ability of the Council (and Queensland Government⁹³) to grant leases.⁹⁴ This is the practical effect of the *Erubam Le* decision made by the Federal Court in October 2003 and means that the only viable option for authorisation of leases on Palm Island is via an ILUA with the traditional owners.

⁹⁵

An ILUA typically requires at least 12 months to negotiate, draft, execute and register. It is therefore regrettable that the impact of *Erubam Le* was not apparent to DPW earlier and that discussions with the Manbarra people did not commence until December 2005.

5.2.2 Value of Fee Simple Held by Aboriginal Trustees

A clear sticking point in the negotiations is the apparent unwillingness of the government agencies to pay anything other than nominal rent and specifically their apparent objection to pay 'market value' rent for leases.

The ALA imposes an obligation on the Council to charge "*the highest rent that can be reasonably obtained having regard to the use, and the community benefit and purpose of the trustee lease*".⁹⁶ It may be that 'community benefit' in this context requires consideration of the fact that the provision of essential services is an entitlement of all Queenslanders and not something that a particular class of landowners must bear the costs of, by virtue of diminished rental returns.

Although there are some differences between the quality of DOGIT fee simple⁹⁷ and ordinary fee simple, Government agencies presumably do not demand leases at peppercorn rates from non-indigenous holders of fee simple when they require land in other areas of Queensland. Accordingly, their approach regarding the value of the Council's fee simple may risk offending racial discrimination legislation.

⁹² In accordance with recommendations of the Select Committee, DPW have been authorised to negotiate with the Council about leases on behalf of Queensland Government agencies.

⁹³ The Minister cannot consent to the grant unless authorised under the *Native Title Act 1993* (Cth).

⁹⁴ Except over land where native title has been subject to clear extinguishment.

⁹⁵ *Erubam Le (Darnley Islanders) (No 1) v State of Queensland* (2003) 202 ALR 312. This position was confirmed during discussions with Andrew Luttrell, Department of Natural Resources and Mines.

⁹⁶ s63(2)

⁹⁷ For example DOGIT leases cannot be sublet or subject to options to renew.

As a matter of policy, a principled approach to negotiating appropriate rental for leases on Palm Island is required. The aim should be to normalise the assessments and bring certainty to all of the parties about the process.

It would be prudent for the Queensland Government and the Council to jointly engage an experienced land valuer to conduct an independent valuation of some of the leases in question. Factors that could be considered in the valuation could be:

- the size, location and condition of the land, including any improvements;
- the statutory considerations referred to above including the purpose of the lease;
- the duration of the lease;
- any planning restrictions;
- the availability of suitable land on the Island;
- the opportunity cost to the Council in granting the lease; and
- the fact that the holder of a DOGIT lease does not have a right to sublet or an ability to acquire an option to renew.

Once a formal valuation as to appropriate rent for a DOGIT lease on the Island has been made, an identifiable market value for land (particularly in the central business district) will emerge which should guide future negotiations. An independent valuation should not be required for each and every lease.

By maintaining an ad hoc approach to the assessment of rent for leases, both parties risk negotiations about leases being dogged by inappropriate demands and political undercurrents. The 'horse trading' approach to lease granting may also discourage prospective investors seeking secure land bases from which to commence enterprises.

A rationalised approach to tenure transactions is required which respects the rights and obligations of the land owners and the needs of the community for service delivery and a responsive and reliable tenure system.

5.2.3 Palm Island Community Youth Centre

As noted elsewhere in this report, Recommendation 18 of the Select Committee Report, which has been supported by the Queensland Government states that upon a lease to the Queensland Government being granted by the Council for the Palm Island Community Youth Centre site, reductions in SGFA funding will be ceased.

The holding out of a waiver of the reductions in return for the grant of a lease is inappropriate and inconsistent with good policy practice.

The background to the objection of the Council and community to this proposed lease is set out in other sections of this report. Aside from the substantial hurdle arising out of the fact that the Council does not consider it appropriate to grant a lease under which the PCYWA manages the Centre, the two other obstacles outlined above, namely native title and rent, also apply to this lease. The Council also object to the proposal that the lease be granted at peppercorn rates. Further, the centre has been constructed on land where there is no clear evidence of extinguishment of native title.

There is therefore currently no lawful basis for the PCYWA's occupation of the Centre nor does there appear to be any prospect of gaining lawful occupation within the foreseeable future.

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To avoid further unnecessary conflict and the divisive and costly potential consequences of any legal dispute, and to foster some goodwill with the Council and community, the Queensland Government should:

- enter discussions with the Council about an alternative management arrangement for the Centre;
- jointly obtain an independent valuation of rent; and
- jointly commence discussions with the Manbarra people about the negotiation of an ILUA to authorise the granting of a lease for the Centre.

5.2.4 *New Police Station*

The Queensland Government is seeking a lease to construct a new police station over Lot 74 of the DOGIT, which is vacant land within the 'central business district' immediately adjacent to police and courthouse buildings and community residences. Given the limited land available in this area, it is of significant value to the Council.

The Council has been able to identify that a former residence was constructed on a portion of Lot 74 which may have extinguished native title. At a recent meeting with the Government Champion, Director General of Public Works, Mal Grierson, the Council indicated a preparedness to grant a lease to the QPS over a portion of Lot 74, subject to appropriate rent being agreed.

The resolution of this lease (without the need for an ILUA) is a significant development as it will enable construction to commence redeveloping the government services buildings over the site of the existing police station and within a faster timeframe than would have been the case if an ILUA was required.

Accordingly, the Queensland Government should move quickly to obtain an independent valuation of rent with a view to finalising the lease as soon as possible.

5.2.5 *Recommendations*

Recommendation 32

The Queensland Government and the Council jointly engage an experienced land valuer to conduct an independent valuation of rent for the lease of Lot 74.

Implementation Responsibility: DPW/Council
Completion Date: April 2006

6. Conclusion

No one can visit Palm Island and leave untouched by the stark contrasts of the stunning natural beauty of the island and the third world conditions under which many of its residents are compelled to live. In being forcibly relocated, the forebears of the people of Palm Island, and subsequent generations, have been dispossessed of their connection to traditional lands, culture and kin. Despair, despondency and poverty have marred the lives of many in the community. Urgent action is required by government, the Palm Island Aboriginal Shire Council and the Palm Island community to begin to improve living conditions on the Island.

The challenge, particularly for the Queensland Government, is to redress these past wrongs decisively and with a genuine commitment. It must not allow the failures of the past to prevent realisation of a vision for the future. In the course of the community discourse on the possibilities outlined in this report, a respected community elder remarked about government, “once they start treating us like human beings, and not just as a problem for them, things will change.” That is the primary challenge for government.

A further challenge is for both State and Federal Governments to recognise and accept that they must first invest in this community’s decision making capacity before they can expect any changes in its political and executive functionality. This report endeavours to map a process for this investment by government.

The Palm Island community is not without hope. It has strength in human and natural resources and a resilient community spirit built on an elaborate system of kinship. However, in the face of so many seemingly insuperable difficulties, it would be understandable if the Palm Island community felt overwhelmed by the daunting tasks that lie ahead. Rather than attempting to tackle all of these tasks at once, the Future Directions Process aims to steer community effort toward finding solutions to priority issues. The challenge for the leadership of Palm Island will be to maintain a clear focus on delivering positive outcomes from the process without succumbing to inevitable distractions.

Ultimately, all the processes and recommendations set out in this report can not succeed without two essential elements from government: commitment and resources. Unless the government is genuinely committed to delivering real improvements in quality of life on Palm Island, they will again fail that community. This requires real commitment from ministers, directors general, the Palm Island Champions and public service officers to delivering real and meaningful outcomes. The process must also be appropriately resourced to succeed. In the overall scheme of things, the cost of a properly funded response now is minor if it opens the possibilities of a brighter future for the children of Palm Island.

Appendix A: Interim Report 14 October 2005

INTERIM REPORT

To: Warren Hoey, Director General, Department of Aboriginal and Torres Strait Islander Policy (DATSIP)

c.c. Kathryn Anderson, Director, Social Policy
Department of Premier and Cabinet

c.c. Erykah Kyle, Chairperson, Palm Island Aboriginal Shire Council

From: Scott McDougall, Resource Officer, Palm Island Aboriginal Shire Council (the Council)

Date: 14 October 2005

Introduction

On 31 August 2005 I accepted a contract as a Resource Officer to the Palm Island Aboriginal Shire Council to:

- *Provide support to the Council to develop an Action Plan listing and establishing its priorities*
- *Assist the Council to more effectively engage with government to facilitate effective outcomes for the Negotiation Table process for the Palm Island community consistent with the Action Plan*
- *Provide recommendations that will sustain the initiatives you will develop to support Council during the course of your project*
- *Ensure consistency with the attached Action Plan*

I have prepared this interim report to provide an update on the progress of the project and to make recommendations about various matters, some of which may require the urgent attention of the Queensland Government.

Refinement of Tasks

On Monday 19 September 2005, I met with you to discuss the refinement of the resource officer role and the proposed project outcomes. On the same day I also met with Kathryn Anderson, director of Social Policy, Department of Premier and Cabinet. On 20 September 2005 I presented to a meeting of the Palm Island Chief Executive Officer Committee the following overview of the Resource Officer position and proposed project outcomes:

1. *Queensland Government Response to Palm Island Select Committee Report*
 - *Facilitate input from Palm Island community and Council identifying issues to be prioritised in the response*
Output: Letter from the Council to the Premier
2. *Improving Engagement between Council and Queensland Government*
 - *Following consultation, design a tailored process for community engagement, building on and incorporating the existing Negotiation Table process*

Output: Brief Report on Community Engagement Proposal

3. *Strengthening Council's Internal Governance*

- *Assisting Council and staff to:*
 - *consider core services to be retained by Council;*
 - *improve communication with community;*
 - *address transitional Shire Council requirements;*

Output: Handover Report to Council

4. *Resolution of Tenure/Lease Issues*

- *Assisting Council to:*
 - *settle outstanding lease issues; and*
 - *establish a leasing policy and procedure.*

On 27 September 2005, I met with the Council and confirmed the proposed project outcomes.

The council, and individual councillors have been very co-operative with the role that I have sought to play in this process. There is presently considerable goodwill from councillors in respect of my engagement.

Palm Island Select Committee Report

Section 107 of the *Parliament of Queensland Act 2001* requires the Queensland Government to respond to the Palm Island Select Committee Report within three months of its tabling in Queensland Parliament, however, this may be an interim response with a final response being tabled within six months. The report was tabled on 25 August 2005.

On 28 September 2005, I met with members of the Council and the community to discuss the recommendations of the Palm Island Select Committee's Report. The Council has not yet had the opportunity to formulate a comprehensive response to the Select Committee Report.

The Queensland Government would need to allocate significant funding in order to implement all of the Select Committee's 65 recommendations. In this regard I note that the following recommendations appear to carry significant funding implications:

- | | |
|-------------------------|--|
| • Recommendation 9 | Creation of a community corporation; |
| • Recommendation 17 | Survey costs of registering approx. 30 leases; |
| • Recommendation 23 | Housing delivery; |
| • Recommendation 24 | New housing management arrangements; |
| • Recommendation 26 | Apprenticeships; |
| • Recommendation 28 | New Council Chambers; |
| • Recommendation 29 | Aitkenvale reserve master plan; |
| • Recommendations 30-33 | Education initiatives; |
| • Recommendation 35 | Training programs; |
| • Recommendation 36 | Library/indigenous knowledge centre; |
| • Recommendation 37 | Skills audit; |
| • Recommendation 42 | Establishment of Youth Council; |
| • Recommendation 44 | Establishment of Sport & Rec Association; |

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- Recommendation 45 Establishment of Community Cultural Centre;
- Recommendation 46 Protection of cultural heritage sites;
- Recommendation 51 Health issues;
- Recommendation 54 Cultural awareness training for police;
- Recommendation 55 Establishment of diversion centre/murri watch;
- Recommendation 56 QATSIP officers;
- Recommendation 57 Legal services; and
- Recommendation 60 Establishment of safe house, family support hub.

If it is intended to selectively fund some of the Select Committee's recommendations or to attempt to implement the recommendations within existing departmental budgets, additional consultation should be conducted to determine the community's priorities for expenditure. For example, Recommendation 45 proposes the establishment of a cultural centre. Given my consultations to date, I would think that such a proposal, whilst needed to assist in the maintenance and promotion of cultural identity, would attract less priority than say the construction of more houses or the establishment of a Family Support Hub or a Diversion Centre.

It would be prudent for the Queensland Government to frame the bulk of its response to the Select Committee Report around the community engagement and negotiation process discussed below. This would enable resources to be targeted toward priority issues and in ways that have been jointly developed and negotiated. Obviously the implementation of all the recommendations need not be referred to the negotiation process, as in fact several recommendations have already been implemented. Further, some recommendations relate to issues that arise strictly within the Council's statutory functions and therefore would not be suited to ventilation in a community based negotiation. However a significant portion of the recommendations could be incorporated into a negotiation process leading to the development of a 'community owned' Action Plan.

It is recommended that the Queensland Government defer its final response to the Palm Island Select Committee Report to allow input from council and the community on issues to be included in a community engagement and negotiation process.

Improving Engagement between the Palm Island Community and Queensland Government

The Negotiation Table comprises one of the key strategies in the Partnerships Queensland Policy Package.

On 8 September 2005 I attended a Negotiation Table meeting at the PCYC Hall. Those in attendance included Government Champions Linda Apelt and Mal Grierson. The meeting was not well attended by the Palm Island community which appears to be the result of several factors including cynicism about government engagement, consultation fatigue without tangible outcomes and limited preparation within the community in the lead up to the meeting. Notwithstanding these limitations it was evident that a degree of goodwill existed, at least amongst those in attendance, and the meeting resulted in several commitments being made including by three Councillors to pursue the endorsement of the Land Use Plan by the end of 2005.

On 9 September 2005 I prepared a memorandum to the Council confirming the outcome of the Negotiation Table.

On 27 September 2005, I met with the Council to discuss arrangements for a meeting of key members of the Palm Island community who might be interested in participating in a *Palm Island Future Directions Steering Group* to guide a negotiation process with the Queensland and Australian Governments. As a result of this meeting I assisted the Chairperson of the Council, Ms Erykah Kyle, to forward a letter to approximately sixty community members inviting them to attend a community meeting on 10 October 2005. Subsequently notices of the meeting were distributed to community organisations and people were advised that the meeting was open to all community members.

On 10 October 2005, I attended the meeting of the Steering Group. There were at various times up to about sixty people in attendance at the meeting which was facilitated by Alfred Lacey a community leader who is not a councillor. The purpose of the meeting was to establish:

- a. whether the community wished to engage in structured negotiations with the Queensland and Australian Governments;
- b. how any such negotiations should be conducted; and
- c. what issues should be included in negotiations.

The main outcome of the meeting was a decision that the community should enter into a structured negotiation process with government¹. Whilst this may appear to be a modest outcome, it is nonetheless a significant development and a fundamental step in securing community endorsement of any process that may be developed shortly. The meeting was also significant in that it was apparently the first major meeting in which the Council had engaged with the community since the incidents of late 2004.

It was also apparent at the meeting that within the community there is:

- considerable mistrust of government;
- anxiety about potential changes to land tenure, long term leasing and home ownership proposals and uncontrolled commercial development;
- anger (including toward past and present Councils) about the lack of housing and overcrowded living conditions;
- need for the distribution of clear information to allow for reasoned debate and decision making by the community.

In response to the meeting the Council decided to call a community meeting for 13 October 2005 in the Mall area to allow community members to raise any issues of concern with the Council. I understand that this meeting was attended by between 200 to 250 community members and that most of the concerns raised related to the proposed introduction of the Alcohol Management Plan (AMP) and land tenure issues.

The Council also decided to call another community meeting for Wednesday 19 October 2005 to seek direction about how the community can have input into the negotiations and who should conduct the negotiations on the community's behalf. I will be attending this meeting.

¹ It should be noted that there were a small number of community members who indicated that they did not wish the community to negotiate

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Additionally the Council has decided to establish the former library building as a centre for the community to access any information regarding any negotiation process that is established.

On Tuesday 11 October 2005, the Manager of the Indigenous Co-ordination Centre, Ms Anne-Marie Roberts, met with the Council to discuss the Australian Government's potential involvement in a negotiation process. Ms Roberts indicated that the ICC had \$300,000 in a community development program that may be able to be allocated toward the process. Ms Roberts indicated an agreement in the form of a signed statement of intent or 'MoU' would be required to access the funding.

Issues for Negotiation

Whilst the issues would be subject to the wishes of each of the parties to the negotiations potential issues could include²:

- Housing
 - construction/repair budget and scheduling;
 - transfer of responsibility for maintenance and allocations to another specialist housing entity.
- Land Tenure
 - addressing deep seated fears about dispossession of land by government and recognition of fundamental significance of community title
 - resolution of outstanding leases;
 - agreed position on native title processes;
 - long term 'home ownership' leasing arrangements;
 - creation of 'protected areas';
- Community Governance
- Employment Creation
- Establishment of a Community Controlled Corporation
 - transfer of the retail store;
 - transfer of non-core Council functions e.g. garage, bank etc;
 - joint venture eco-tourism;
 - establishment of a family friendly social venue;
 - private enterprise support to individuals and family businesses.
- Management Agreement and Lease for PCYC
- Community Infrastructure
 - community renewal project implementation;
 - sport and recreation;
 - Council chambers;
 - Family Support Hub;
 - Youth Council;
 - establishment of a land and sea ranger program;
 - Child Safety.

² These issues have not been the subject of consultation with the Council or community and are my suggestions only.

- Policing and justice
 - diversion from custody;
 - QATSIP officers;
 - cultural awareness training
 - bail and correctional options and programs within the community.
- Education
- Health

It is anticipated that the negotiation process would be designed to build upon the Negotiation Table convened by the Government Champions, Mal Gnierson and Linda Apelt. A timeframe for the negotiations would be eighteen months to two years commencing in February/March 2006.

The Council and community needs to be further supported to continue to consult and reflect the community needs and aspirations. They are seeking to organise workshops involving independent experts regarding land management and land use from the Queensland University of Technology. I understand that this was facilitated by Mr Boe and the Oodgeroo Unit of the QUT. I understand that these initiatives would enable the Council and community to access high quality professional advice at no cost to the Council. It is recommended that these initiatives should be supported by government and incorporated into a structured process of providing information to the community about issues within the negotiation process.

It is intended that the negotiation process would lead to the successful development of an Action Plan and in doing so would establish a process for resolution of many of the issues arising out of the Select Committee Report.

The successful negotiation of issues within such a structured process would also assist in the establishment of a more trusting relationship between the Palm Island community and all three levels of government. Such relationships would be vital to underpin the necessary community ownership of any community-controlled corporation established to take on responsibility for non-core Council functions and to promote economic development.

Resources

The implementation of the proposed negotiation process will necessarily require substantial funding to enable the community to effectively inform itself and participate with adequate professional advice. It is encouraging that funding from the Commonwealth Government for the process appears to be available within the timeframe contemplated.

I am presently liaising with Mr Bruce Walker of the Government Co-ordination Centre and Ms Roberts of the ICC about the development of a draft MoU to confirm an agreement about key principles, resourcing, list of issues for negotiation, timeframes and processes to guide the negotiations. It is hoped that in-principle agreement about the MoU may be reached at the conclusion of the Negotiation Table meeting scheduled for 3 November 2005, although this timeframe may require review depending upon the outcome of the next community meeting on 19 October 2005.

Palm Island: Future Directions

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It is recommended that the Queensland Government allocate funding and support to enable the Council and Palm Island community to establish and participate effectively in a comprehensive negotiation process.

Respective Roles in Engaging the Palm Island Community

In order for the Council and the community to sensibly engage in a negotiation process considerable resources and time will need to be provided to assist the Council to formulate the community's perspective in an informed and consultative manner. Ownership within the community of the implementation of government initiatives will be necessary if these programmes are to succeed.

I view it to be my responsibility to gain the confidence of the Council so that I may more adequately assist them in their engagement with government. Given the very limited timeframe of my engagement, the relationship that I have developed with the Council to date needs to be supported in order for me to fulfill my role. Thus any matter that might portray me as a government emissary in respect of government policy should be avoided e.g. such as conveying a decision to implement an Alcohol Management Plan.

To assist the engendering of trust within both the Council and community necessary for my role in facilitating effective engagement with the Government, I have received helpful advice and assistance from Mr Andrew Boe of Boe Lawyers. Mr Boe continues to provide pro bono advice to the Council about various matters and attended the meeting of 6 October 2005.

The meeting of 6 October also revealed that there are very strong voices in the community outside of the elected council and that this feature creates a complexity in the community governance dynamic. The Council has shown considerable courage in publicly including the greater community in public meeting processes, at my suggestion, in the promotion of the proposed negotiation process. This has not always been easy for the councillors as there is considerable emotion in the community in respect of housing allocation and fear regarding any concept of tenure change that might result in any further social disadvantage for sections within the community. The public comments of some State and Federal politicians and others have done little to allay this fear.

I regard the courage displayed by the Council in this context to be indicative of their commitment to enter into an effective negotiation process with Government to improve living conditions on the Island.

Alcohol Management Plan

At the commencement of my engagement I was advised that the Alcohol Management Plan (AMP) would not be included in the matters for which my assistance to Council would be required. I understood part of the reasoning for this to be that the controversial nature of AMP restrictions would hinder the likelihood of successfully engaging with the community. Consequently, until very recently, I have not directed my attention to the history of dealings about the draft AMP nor have I included the AMP in any of my discussions with the Council or community members.

On Tuesday 11 October 2005, Mr Wayne Briscoe, Executive Director of the Alcohol Management Program, attended a meeting of the Council to advise that the Queensland Government intended to proceed with the introduction of an AMP prior to the end of the year.

I understand that late on Wednesday 12 October 2005, the Council convened an urgent meeting with community members and released a press statement strongly opposing the introduction of the draft AMP.

On Wednesday 12 October 2005 upon the request of his adviser, Peter Le Grand, I met with the Minister for Child Safety, Mr Mike Reynolds, whose constituency includes Palm Island.

There are clearly concerns held in various quarters about the introduction of the draft AMP on Palm Island. The high attendance at yesterday's community meeting demonstrates the level of concern held about the AMP on Palm Island.

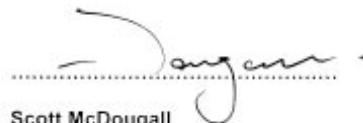
I am aware that the history of the development of the draft AMP was marked by the fracturing of the now disbanded Community Justice Group. I am also aware that it is asserted that hospital and police statistics demonstrate that the existing by-laws restricting alcohol have resulted in significant reductions in alcohol related violence, comparable to reductions in communities where AMPs have been introduced. If this is correct it would appear to legitimately raise the option of measures being adopted to support the Council's by-laws as an alternative to the imposition of an AMP.

There is little doubt that the imposition of the AMP on the community at this time will make it far more difficult to engender the goodwill necessary to enter into a process of negotiations about sensitive community issues such as the control of housing and land tenure.

It is recommended that consideration be given to withdrawing the AMP to allow for an alcohol management resolution to be negotiated in an orderly manner within the negotiation process. Such action would represent an act of considerable goodwill and a real indication that the Queensland Government is committed to establishing a genuine partnership relationship with the Palm Island community.

Summary of Recommendations

1. It is recommended that the Queensland Government provide only an interim response to the Palm Island Select Committee Report at this stage, to allow input from council and the community on issues to be included in a *Palm Island Future Directions Negotiation Process*.
2. It is recommended that the Queensland Government allocate funding and support to enable the Council and Palm Island community to establish and participate effectively in a comprehensive negotiation process with the Queensland and Australian Governments.
3. It is recommended that the Queensland Government does not proceed with the immediate introduction of the AMP however includes alcohol management as a key issue in the negotiation process.



Scott McDougall
14 October 2005

Appendix B: Community Bulletin I December 2005

PALM ISLAND'S FUTURE COMMUNITY NEGOTIATION PROCESS

COMMUNITY BULLETIN

December 2005

Thank you to everyone who has participated in the community meetings over the past couple of months to discuss how the community can become involved in planning Palm Island's future.

At the last meeting (30 November 2005) good progress was made about how the community can become more organized around matters of importance for the community.

What is the Community Negotiation Process?

A forum has been established for the Council and members of the community to come together to find joint solutions to some of the key issues facing the Palm Island community. The forum will build on the work that the community has already done in the Vision Plan (in 1999) and the more recent Community Renewal plans.

The purpose of the forum is to discuss issues and come to agreement on a range of matters. This will enable the Council and the community to have a stronger position when negotiating with the Queensland and Australian Government.

At the last meeting, it was agreed that a community coordinator would be employed (and two part-time workers) to organize further meetings around specific issues, including the best way for the community to have a say about Council business and be involved in the formal "negotiation table process" with the Queensland and Australian Governments (Linda Apelt, Mal Greirson and Anne-Marie Roberts). Other ways of consulting with the community will also be worked out to ensure that all of the community is able to have their say.

All community members are welcome to come to the meetings.

How will the community be involved in the "negotiation table" process with Government?

The "negotiation table process" involves Government sitting down and discussing local issues and matters of importance with the Council and members of the wider community. Their aim is to establish a direct relationship between senior Government officers and community members.

Two negotiation tables have been held on Palm Island this year.

While the negotiation tables are an important way for senior Government officers to understand local issues through face-to-face meetings, a formal Memorandum of Understanding (Shared Responsibility Agreement) will be finalised next year outlining how government will work with community members and the Council to respond to the issues facing Palm Island. The MOU/SRA will commit all levels of Government (and their

different agencies) to work with the community to discuss issues, reach joint solutions and make positive changes.

One role of the coordinator will be to work with the community to decide how the community will be involved in the formal “negotiation table process” and the MOU/SRA.

What are some of the key issues the forum will discuss?

- Land Tenure and Management

Land tenure and management arrangements (who owns and controls the land on Palm Island) is a major issue on Palm Island.

The goal of the process would be to reach agreement about communal title, native title, environmental protection, land use planning and leasing arrangements for residential and commercial purposes.

- Delivery of Essential Services

The community and Council have the opportunity of working out the role to be played by the Council and other government and non-government organisations in the provision of services to the Island.

- Economic Development

The process offers the opportunity for the community to develop an economic development and employment creation plan.

- Justice/Community Policing

The process will allow the community to work out ways in which the justice system can be improved to better meet the needs of the community.

- Other issues (ie housing, health, education etc)

What are the next steps?

Dec 05	A community coordinator and two community project workers will be appointed by a selection panel of community members.
Jan 06	Next meeting of Palm Island Future Directions Community
Jan 06	Meeting between traditional owners and community
Feb 06	Finalisation of Memorandum of Understanding (Shared Responsibility Agreement)
Mar 06	Palm Island Future Directions Workshop
April 06	Signing of Memorandum of Understanding (Shared Responsibility Agreement).

For more information contact Deniece Geia at Palm Island Shire Council.