

LEGISLATIVE ASSEMBLY OF QUEENSLAND

**PALM ISLAND SELECT COMMITTEE**

**Report**

**August 2005**

# **PALM ISLAND SELECT COMMITTEE**

## **51<sup>ST</sup> PARLIAMENT**

**CHAIR:** Mr Peter Lawlor MP, Member for Southport  
**DEPUTY CHAIR:** Mr Vaughan Johnson MP, Member for Gregory  
**MEMBERS:** Hon Ken Hayward MP, Member for Kallangur  
Mrs Dorothy Pratt MP, Member for Nanango  
Mr Bob Quinn MP, Member for Robina  
Mr Kerry Shine MP, Member for Toowoomba North  
Ms Barbara Stone MP, Member for Springwood

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## **COMMITTEE CONTACT DETAILS**

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## **CHAIR'S FOREWORD**

Although Palm Island is located in an idyllic part of Queensland, the many social and other problems affecting the community significantly impact on the quality of life for its residents. The basic desires of many Australians—such as their own home, a job, a healthy lifestyle, a safe community, and a secure future for their family—are also held by, but not available to, many Palm Island residents.

There is a range of reasons behind the problems confronting the Palm Island community. These include the historical treatment of Aboriginal and Torres Strait Islander people generally, Palm Island's particular history, and the approach of successive governments and Island councils. The fact that the community is located on an island is also a contributing factor.

Against this background, it is not surprising that many of the issues facing the Palm Island community are complex and cannot be dealt with in isolation.

Key principles emerged from the committee's consultation in terms of the approach that is required if these problems are to be effectively addressed. These principles concern cultural respect, recognising the impact of unresolved trauma, engaging with the community, building community capacity, sharing responsibility, and integrating and co-ordinating government service delivery.

These principles are reflected in the committee's recommendations and need to underlie governments' future dealings with the Palm Island Council and community. Commitment by the Council and community is also required in relation to many aspects of these principles.

It is important to acknowledge that issues on Palm Island will not be solved overnight. Nevertheless, some of the committee's recommendations require action to address critical issues on the Island in the short term.

The Palm Island Council—a shire council from the beginning of this year—requires on-going advice and assistance to strengthen leadership and governance capacity. The range of services expected to be provided by the Council far exceeds what is expected of other local governments. There is a need for the Council to immediately rationalise the services it provides to enable it to concentrate on effectively providing core municipal services. This requires an examination of alternative service delivery models including shared service provision arrangements with other local and community governments.

In particular, there is a need for housing on the Island to be provided through a different model in order to address the critical shortage of housing on the Island and the impact that this shortage has on the community.

Concurrent strategies to strengthen the capacity of the non-government sector on the Island are required to assist the Council devolve some of its service provision.

There have been on-going issues regarding the Council's financial management. The Committee recommends that the need to appoint a statutory financial controller be examined once the Auditor-General's audit of the Council's 2004-05 financial statements is complete.

Land related issues are also significant. The current process to develop a land use plan for the Island should underpin and inform decisions and action regarding planning and infrastructure in the community. The Committee also recommends a review and rationalisation of land tenure arrangements which operate on the Island to enable a new form of tenure which may facilitate home ownership and economic development.

Other recommendations in the report relate to addressing more systemic issues in the community and, while they should also be implemented as a matter of priority, have a longer term focus. In particular, there is a need to focus on the young people of Palm Island and provide them with the opportunities, skills and services to achieve the future they desire for Palm Island. Areas in which the committee makes recommendations in this regard include: education and training; employment; leadership development; sport and recreational activities; community and cultural enhancement; health; law and order; child safety; and alcohol and drug use.

As the discussion in chapter one reflects, the committee met with a wide range of people either in an individual or representative capacity to discuss issues under consideration. These meetings were an integral part of the committee's consultative process and the committee thanks all of these people for their time and assistance.

In particular, the committee thanks Mayor Erykah Kyle and Councillors of the Palm Island Council for their assistance and co-operation throughout the Committee's inquiry.

Many other people also assisted the committee throughout the course of its inquiry. On behalf of the committee, I would like to particularly acknowledge:

- Ms Kerryn Newton, Ms Renee Giskes and Ms Jodie Martin of the committee's secretariat for their hard work and efficient research and administrative assistance, especially given limited timeframes and the range of complex issues under consideration;
- Ms Karen O'Brien, Principal Indigenous Advisor, Department of Public Works who was not a part of the committee's secretariat but very ably assisted the committee in facilitating its meetings on Palm Island;
- the Chief Reporter and officers of the Parliamentary Reporting Service (Hansard) for transcribing the committee's many meetings and providing editorial assistance. Special thanks go to Ms Jenny Martin who accompanied the committee on its visits to Palm Island;
- various Parliamentary Research Officers, particularly Ms Deborah Jeffrey, Ms Meg Hoban, Ms Joanna Fear and Mr Michael Zeremes for their assistance in researching various issues associated with the committee's inquiry; and
- Parliamentary Travel officers for their efficiency in organising the committee's travel.

Finally, I would like to thank my fellow committee members for their hard work and cooperation throughout the course of the committee's inquiry.

The membership of the committee has enabled a cross-party examination of issues facing Palm Island. All Committee members have approached this task with a common purpose; that is, to develop solutions in order to secure a better future for the Palm Island community. This purpose underpins all of the recommendations in this report.

**Peter Lawlor MP**  
Chair

## GLOSSARY OF TERMS

ABS	Australian Bureau of Statistics
ALA	<i>Aboriginal Land Act 1991</i> (Qld)
ALGAQ	Aboriginal Local Government Association of Queensland
AMP	Alcohol Management Plan
ASSPA Program	Aboriginal Student Support and Parent Awareness Program
ATODs	Alcohol, Tobacco and Other Drugs
ATSIC	Aboriginal and Torres Strait Islander Commission
CDEP	Community Development Employment Projects
CEO	Chief Executive Officer
CGIS	Community Governance Improvement Strategy
CJG	Community Justice Group
CMC	Crime and Misconduct Commission
CQLC	Central Queensland Land Council
'community government'	Another term for Aboriginal councils which were reconstituted as shire councils from 1 January 2005
CYJS	Cape York Justice Study
DATSIP	Department of Aboriginal and Torres Strait Islander Policy (Queensland)
DCS	Department of Child Safety (Queensland)
DEWR	Department of Employment and Workplace Relations (Commonwealth)
DLGPSR	Department of Local Government, Planning, Sport and Recreation (Queensland)
DOGIT	Deed of Grant in Trust
DPW	Department of Public Works (Queensland)
DSQ	Disability Services Queensland
DYAP	District Youth Achievement Plan
HRM	Human Resource Management
ICPCG	Indigenous Community/Police Consultative Group
IKC	Indigenous Knowledge Centre
ILUA	Indigenous Land Use Agreement
Island	Palm Island
LGAQ	Local Government Association of Queensland
MOU	Memorandum of Understanding
NAHS	National Aboriginal Health Strategy
PCAP	Priority Country Area Program
PDP	Performance Development Plan
PIP	Palm Island Partnerships
QAO	Queensland Audit Office
QATSIP	Queensland Aboriginal and Torres Strait Islander Police
QIWG	Queensland Indigenous Working Group
QPCYWA	Queensland Police-Citizens Youth Welfare Association

## **GLOSSARY OF TERMS**

QPS	Queensland Police Service
RATEP	Remote Area Teacher Education Program
SGFA	State Government Financial Aid
SRA	Shared Responsibility Arrangement
TAFE	Technical and Further Education
'the Committee'	Palm Island Select Committee
'the Council'	Palm Island Aboriginal Shire Council
'the Island'	Palm Island

## SUMMARY OF RECOMMENDATIONS

### RECOMMENDATION 1.....12

The following key principles should underlie governments' future dealings with the Palm Island Council and community:

- cultural respect;
- recognising the impact of unresolved trauma;
- community engagement;
- building community capacity;
- shared responsibility and partnerships; and
- an integrated and coordinated approach to service delivery.

These principles underlie the Committee's approach to its inquiry and the recommendations in this report.

Some aspects of these key principles also require commitment on behalf of the Palm Island Council and community.

### RECOMMENDATION 2.....20

The Palm Island Council and its senior administrative staff continue to require advice and assistance to strengthen leadership and governance capacity.

In this regard, the Committee endorses:

- the assistance being provided under the *Community Governance Improvement Strategy* through which the Council is required to develop and implement a Performance Development Plan and the specific improvement projects it details for the short, medium and long term; and
- other initiatives which build leadership and governance capacity in the community.

In turn, a commitment from the Council to undertake the training and other opportunities made available is required.

The Minister for Local Government should monitor the progress made by the Council through these various strategies and provide any further appropriate support that is required.

### RECOMMENDATION 3.....20

The resource officer to be appointed by the Queensland Government to assist the Palm Island Council enhance its capacity to effectively engage and negotiate with Government should, at the completion of his/her term, prepare a handover report for the Council. This report should canvass: issues identified by the officer; strategies recommended to address those issues; implementation of those strategies by the Council (and any outcomes); and other observations and recommendations for improved engagement and negotiation between the Council and Government.

A copy of this report should also be provided to the Premier for tabling in the Legislative Assembly.

### RECOMMENDATION 4.....20

The management consultants assigned to the Palm Island Council under the *Community Governance Improvement Strategy* should assist the Council identify and pursue opportunities for assistance and information sharing between experienced representatives and officers from other community governments and appropriate Aboriginal and Torres Strait Islander organisations.



**RECOMMENDATION 5.....20**

The Minister for Local Government should ensure that programs are in place on Palm Island to:

- assist prospective Councillors understand the roles and responsibilities of Councillors; and
- provide new Councillors with an appropriate induction package.

**RECOMMENDATION 6.....23**

The Minister for Local Government, in consultation with the Minister for Aboriginal and Torres Strait Islander Policy, should examine the need to appoint a financial controller for the Palm Island Council under the *Local Government (Community Government Areas) Act 1984* (Qld) once the Auditor-General’s audit of the Palm Island Council’s 2004-05 financial statements is complete. Apart from issues raised in that audit report, other factors the Minister should take into account in making this assessment are:

- the views of the Council and senior administrative staff;
- the role that the financial controller would perform vis a vis the management consultants assigned to the Palm Island Council under the *Community Governance Improvement Strategy*;
- stability in the Council’s Chief Executive Officer position;
- any observations made by the resource officer to be appointed by the Queensland Government in that officer’s handover report (see section 3.2.1); and
- any recommendations resulting from the review proposed in recommendation 7.

**RECOMMENDATION 7.....23**

The Minister for Local Government should undertake, as a matter of priority and in conjunction with other relevant agencies, a review of the following matters in relation to community governments:

- the level of detailed reporting required and whether this can be minimised without compromising accountability;
- the desirability of introducing a ‘service provider’ model; and
- the current system of grant acquittals and whether this can be rationalised to reduce complexity without compromising accountability.

**RECOMMENDATION 8.....27**

The management consultants assigned to the Palm Island Council under the *Community Governance Improvement Strategy* should assist the Palm Island Council examine:

- ways by which the Council can rationalise the services it provides so as to enable the Council to concentrate on the provision of core municipal services;
- appropriate alternative service delivery vehicles, particularly for the provision of non-core municipal services; and
- shared service provision arrangements with other local and community governments which might, in particular, enhance the Council’s provision of core municipal services.

However, it is important that the Council devolve service provision to entities which have the capacity to deliver the relevant service and appropriate governance and financial accountability capacity.

Further, key issues which need to be addressed in negotiating and documenting any service provision arrangements include: the scope, terms and conditions of the arrangements; decision-making responsibilities, processes and timeframes; and payment of costs and fees. State Government Financial Assistance funding should be directly earmarked for, and provided to, relevant entities under such arrangements.

**RECOMMENDATION 9.....27**

In order for the Palm Island Council to be able to devolve non-core municipal functions to other entities within the Palm Island community, the Queensland Government needs to ensure that appropriate assistance and support is provided to the community to enhance non-government organisations’ service delivery capability.

The Committee acknowledges that the *Palm Island Partnerships* strategy is designed to address the critical deficiencies in the capacity of the non-government sector on Palm Island and to deliver services normally funded through that sector. The Committee supports the objectives behind this strategy. However, it is imperative that:

- the development of any such strategy (including the entity under the strategy) occurs in consultation with the Palm Island Council and community;
- any entity formed as part of the strategy includes community representation; and
- a genuine attempt to build capacity in the community through activities such as transferring skills, mentoring and training underpins the strategy.

**RECOMMENDATION 10.....30**

The management consultants assigned to the Palm Island Council under the *Community Governance Improvement Strategy* should work with the Palm Island Council to, as matter of priority:

- rationalise costs relating to its service provision;
- address its significant debtors problem, especially Councillors’ debt;
- separately account for the motel as an enterprise; and
- divest the Council of enterprises.

Any tender processes relating to the divestment of enterprises must be conducted in a fair and open manner, and the Council should use its best endeavours to encourage, facilitate and support any enterprises taking over a particular service.

**RECOMMENDATION 11.....31**

The Committee does not support the Palm Island Council being amalgamated with another local government. Practically, the Committee believes it would be extremely difficult to meet the legislative requirements for this to occur. Moreover, the option is contrary to principles of self-determination and the notion of building capacity in the community.

If, at some later stage, it is considered that some form of amalgamation is necessary or desirable then the relevant Minister should review the applicable legislation regarding the requirements for an amalgamation, taking into account the practical difficulties that might be encountered in meeting current legislative requirements and considering principles of self-determination.

**RECOMMENDATION 12.....33**

The Minister for Aboriginal and Torres Strait Islander Policy should pursue transferring ownership and management of the Palm Island retail store from Government to an entity capable of demonstrating appropriate capacity, pricing policies, product selection, local employment policies and profit investment.

In this regard, the Minister should examine the structure under which the Yarrabah retail store is owned and managed.

**RECOMMENDATION 13.....34**

The Council should seek the advice and assistance of:

- other local governments in exploring options to address animal control problems; and
- the Government Champions for Palm Island in resolving the difficulties with the three-phase power connection to the Council workshop and the prospects of alternative power sources.

**RECOMMENDATION 14.....39**

The Minister for Natural Resources and Mines should pursue, in consultation with relevant communities, a rationalisation of land tenure in DOGIT communities resulting in a form of ‘Aboriginal freehold’ tenure in township areas. This form of tenure should enable councils to grant long-term leases, say to a maximum of 50 years, via less complex approval processes than currently exist for trustee leases. The granting of longer term leases may, in turn, facilitate home ownership and economic development.

To expedite this process of tenure rationalisation, the Minister for Natural Resources and Mines should investigate the possibility of enabling development to proceed once an ILUA has been signed but before registration.

Any such tenure rationalisation will need to be accompanied by structures and transparent and formal policies which ensure a fair and independent process to govern decisions for the granting of leases.

**RECOMMENDATION 15.....40**

The Minister for Public Works should ensure that the current process to develop a land use plan for Palm Island, in consultation with the Palm Island Council and community, is progressed as efficiently and expeditiously as possible.

**RECOMMENDATION 16.....43**

The Government Champions for Palm Island, on behalf of the Queensland Government, and the Palm Island Council should immediately negotiate a lease agreement for the Palm Island Community Youth Centre site.

**RECOMMENDATION 17.....43**

Immediately following the release of the final draft land use plan in September 2005, the Queensland Government should negotiate with the Council the granting of leases for critical government infrastructure on Palm Island. (See also section 4.6 in this regard.)

**RECOMMENDATION 18.....43**

That proportion of reductions in the monthly State Government Financial Aid payments to the Council relating to the administrator’s fees (see section 3.1.3) should cease immediately upon the Council doing all things necessary (including passing relevant resolutions and executing relevant documentation) to:

- secure a lease to the Queensland Government for the Palm Island Community Youth Centre site; and
- enable critical government infrastructure to proceed.

To facilitate this, the Government Champions should document with the Council:

- the leases required immediately for critical government infrastructure; and
- the steps required of the Council to enable critical government infrastructure to proceed.

**RECOMMENDATION 19.....44**

The Committee supports the current work by the Queensland Indigenous Working Group to develop a template Indigenous Land Use Agreement to assist in resolving native title issues in DOGIT communities and, pending that, specific ‘infrastructure’ ILUAs with appropriate parties.

In the meantime, once the land use plan for Palm Island is finalised, priority must be given to negotiating ILUAs regarding:

- critical government infrastructure; and
- identified housing sites given the critical nature of housing on the Island.

**RECOMMENDATION 20.....45**

To assist in the more coordinated and efficient negotiation of leases for government infrastructure on Palm Island, the Queensland Government should:

- identify a central point through which all negotiations for government infrastructure leases on Palm Island occur; and
- formulate, in conjunction with the Council, standard lease terms and conditions for leases relating to government infrastructure and a consistent policy regarding rental under such leases.

**RECOMMENDATION 21.....45**

The Minister for Natural Resources and Mines should review provisions of the *Land Act 1994* regarding rent to be charged under trustee leases to establish whether statutory amendment or some form of non-statutory guidance is required regarding appropriate rent levels to be charged by councils where government infrastructure is providing a critical service to the community.

**RECOMMENDATION 22.....46**

The management consultants assigned to the Palm Island Council under the *Community Governance Improvement Strategy* should assist the Palm Island Council to:

- formalise the various tenancies on the Island which are currently not subject to formal agreement;
- develop policies to ensure that non-government tenancies are based on standard terms and conditions, and rent calculation basis; and
- establish and maintain a register of all leases granted and attend to any registration requirements as soon as practicable.

**RECOMMENDATION 23.....51**

The Minister for Housing should negotiate with appropriate federal counterparts the delivery of Commonwealth funding for Aboriginal and Torres Strait Islander housing by the State.

**RECOMMENDATION 24.....51**

The Palm Island Council should not be responsible for housing (both capital delivery and housing management) on Palm Island.

The Minister for Housing should pursue with the Council an alternative housing delivery model as a matter of priority. This model should:

- address both aspects of housing delivery, that is, capital delivery and housing management;
- be independent from the Council;
- incorporate mechanisms for Council and community consultation regarding factors such as housing location, design and planning;

- ensure proper planning so that housing being constructed matches the demographics of the Island and examine other ways to address the housing shortage;
- deliver transparent decision-making regarding housing allocation which is based on a fair process and which is subject to independent scrutiny; and
- aim to maximise community employment in housing construction, upgrades and maintenance, and build the capacity of the community by providing associated training and skills development.

**RECOMMENDATION 25 .....52**

The Minister for Housing should continue to pursue economic models through which home ownership in Aboriginal and Torres Strait Islander communities can be achieved. This modelling should be undertaken in close consultation with those communities and in light of relevant land tenure reform.

**RECOMMENDATION 26 .....52**

The Minister for Public Works should continue to pursue:

- apprenticeship programs on Palm Island (see also sections 5.2 and 5.3);
- construction timetabling on Palm Island which maximises the likelihood of securing contractors and local employment opportunities; and
- alternative residential building options.

**RECOMMENDATION 27 .....53**

The Minister for Public Works should examine ways in which construction costs on the Island might be reduced by using locally sourced materials and alternative freight arrangements.

**RECOMMENDATION 28 .....53**

The Palm Island Council should pursue with the Government Champions for Palm Island issues regarding the current Council chambers and offices once the land use plan is finalised.

**RECOMMENDATION 29 .....54**

The Minister for Aboriginal and Torres Strait Islander Policy should assist the trustees of the Bwgaman Aboriginal Land Trust to, as a matter of priority, develop an appropriate master plan to effectively utilise the land held by that trust at Aitkenvale, Townsville, in accordance with the purposes of the trust and in light of the need to fund, manage and maintain any improvements to the land.

**RECOMMENDATION 30 .....59**

The Minister for Education should examine:

- the effects on Palm Island of the changes to the Commonwealth’s Aboriginal Student Support and Parent Awareness Program and examine, in conjunction with the school community and appropriate federal counterparts (if necessary), ways in which these effects can be minimised;
- the reasons for, and effects of, Palm Island not qualifying for the Commonwealth’s Priority Country Area Program funding, in conjunction with the school community and the federal counterparts (if necessary), and take appropriate action;
- the adequacy of resources on Palm Island to cater for students with special needs or learning difficulties; and
- programs which could better facilitate students learning in standard Australian English but at the same time not at the expense of their Aboriginal English.

**RECOMMENDATION 31.....59**

The Committee does not support Years 11 and 12 being offered on Palm Island at this stage. However, the Minister for Education should:

- examine the nature and scope of schooling available to secondary students on the Island, particularly in light of the Government’s *Education and Training Reforms for the Future*; and
- assess the sufficiency of funding under the Federal Government’s Assistance for Isolated Children Scheme for young people from the Island to attend school on the mainland and make any necessary representations to federal counterparts and agencies.

**RECOMMENDATION 32.....59**

The Palm Island community, led by education providers on the Island, should examine locally-based solutions to address continuing problems of truancy by students. Advice and assistance should be sought of leaders in other Aboriginal and Torres Strait Islander communities which have considered the same problem.

The Minister for Education should put in place mechanisms to monitor school attendance rates and the impact of the community’s efforts to address this problem.

**RECOMMENDATION 33.....62**

The Minister for Education should:

- examine the arrangements for early childhood (pre-preparatory) education on Palm Island, scope for improvement and strategies for greater participation by children in such education;
- examine the adequacy of resources on Palm Island for the introduction of the preparatory year and the new schooling alternative for senior students from 2006;
- liaise with the Minister for Employment and Training in establishing a school-based apprenticeship scheme (including a school-based plumbing apprenticeship and other apprenticeships appropriate to the needs of the Island);
- examine on-going funding for the Work Out program, and possible expansion of this program into other vocational areas;
- liaise with the Minister for Employment and Training in examining the programs offered through the Bwgcolman Youth Education Centre, and in particular facilitate examination of the request for coxswain, welding and metal fabrication courses to be offered at the Centre; and
- implement mechanisms by which the educational outcomes of young people on Palm Island can be monitored to assist in developing a better framework for education and training on Palm Island and, in this regard, consider extending the *Bound for Success* strategy beyond Cape York and the Torres Strait to Palm Island.

**RECOMMENDATION 34.....62**

The Minister for Education and the Palm Island Council should:

- note that, without pre-empting consultation undertaken as part of the land use plan (see section 4.3), the Committee supports the concept of an ‘education precinct’ around the existing education facilities on Palm Island; and
- examine separating the Bwgcolman Youth Education Centre from the Bwgcolman Community School.

**RECOMMENDATION 35.....65**

The Minister for Employment and Training should:

- review and expedite the provision of traineeships on Palm Island (including examining opportunities for trainee positions to be available to residents through the government agencies servicing Palm Island);
- examine the possible expansion of the Remote Area Teacher Education Program (RATEP) to other vocational areas, such as nursing and child safety; and
- examine options for the provision of community education courses to the broader Palm Island community, possibly in conjunction with the Barrier Reef Institute of TAFE.

**RECOMMENDATION 36.....65**

The Council should liaise with the State Library of Queensland regarding establishing library services on Palm Island, including an Indigenous Knowledge Centre.

**RECOMMENDATION 37.....67**

The Minister for Employment and Training should:

- ensure that the current review by the Barrier Reef Institute of TAFE of its Palm Island campus (referred to in section 5.2.5) examines the adequacy of training courses provided on Palm Island, with a particular focus on: the employment opportunities that are available for residents on the Island and on the mainland; opportunities arising from economic development on the Island; and the sufficiency of the level of training that is available in terms of delivering meaningful employment outcomes for participants;
- facilitate an audit of the skills and qualifications held by residents on Palm Island;
- implement mechanisms by which the employment outcomes of people who undertake courses at the TAFE can be monitored to assist in developing a better framework for training at the TAFE; and
- examine opportunities for people on Palm Island to undertake apprenticeships, particularly in terms of current skills shortages and emerging needs for tradespeople through greater economic development on the Island.

**RECOMMENDATION 38.....69**

The Minister for Employment and Training should monitor the impact on the Palm Island community of proposed changes by the Commonwealth Department of Employment and Workplace Relations to the Community Development Employment Projects program.

**RECOMMENDATION 39.....70**

The Minister for Employment and Training should:

- monitor the findings and recommendations of the Federal Parliament’s Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry into Indigenous employment, for possible implementation in Queensland (and Palm Island in particular); and
- examine opportunities for Palm Island residents to participate in employment on the mainland through the concept of ‘orbiting’ (that is, people from Palm Island being employed in places where a demand for labour exists, but returning home for short visits so as to maintain their family and cultural connections).

**RECOMMENDATION 40.....70**

The Minister for Employment and Training should ensure that a careers expo is held on Palm Island each year.

**RECOMMENDATION 41.....72**

The Minister for State Development should continue to explore a range of economic development opportunities with the Palm Island community as part of a wider goal to develop a community-owned economic development plan. Development of this plan should entail consideration of:

- opportunities which are sustainable and likely to meet the environmental requirements of the Island;
- joint ventures with other entities (both public and private sector);
- enhancing existing projects;
- projects and industries of a range of sizes, particularly smaller scale and ‘cottage’ projects initially; and
- opportunities both on and off the Island.

**RECOMMENDATION 42.....74**

The Palm Island Council should establish a youth council and examine other avenues through which leadership can be encouraged in young people on Palm Island.

Opportunities and funding sources which the Council might explore in this regard include:

- relevant government departments and agencies, including the Departments of Local Government, Education, Communities and Emergency Services;
- neighbouring mainland local governments;
- the Local Government Association of Queensland;
- the Aboriginal Local Government Association of Queensland;
- the Queensland Police-Citizens Youth Welfare Association; and
- non-government organisations including the Australian Red Cross.

**RECOMMENDATION 43.....76**

As soon as the trustee lease for the Palm Island Community Youth Centre is granted, the Queensland Government should enter into a formal agreement providing for the management of the youth centre by the Queensland Police-Citizens Youth Welfare Association. This management agreement should be part of a management structure that also incorporates Council and community representation.

Negotiation of the management structure might be best conducted by an independent facilitator.

This process should also address arrangements for ongoing funding of the maintenance and management of the youth centre.

**RECOMMENDATION 44.....78**

The Minister for Communities, in conjunction with the Premier as Minister for Sport, should establish and support a Palm Island Sport and Recreation Association as the body responsible for coordinating the provision, funding and maintenance of sport and recreational activities on Palm Island. This body should be established through a consultative process involving representatives from the community, existing sporting groups, the Palm Island Community Youth Centre and the sport and recreation officers funded through the Coolgaree CDEP.

The Association should be responsible for:

- developing an appropriate range of activities for young people in light of the need to ensure:



- a balance in the activities offered for children and young people across all ages, particularly the 15 to 19 and 20 to 25 age groups;
  - a balance in the activities that appeal to males and females;
  - provision of evening social activities for young people; and
  - a balance in the variety of activities provided; that is, sporting and non-sporting (such as dancing, art, beading, and opportunities for leadership development through organisations such as the scouts/girl guides movement);
- coordinating the provision of sporting activities on and off Palm Island; and
  - managing the sporting infrastructure on Palm Island in conjunction with the Council.

Consideration should also be given to the two sport and recreation officers being funded directly through the Association.

**RECOMMENDATION 45.....80**

The Committee supports establishment of a community and cultural centre on Palm Island.

The Council should:

- pursue the concept of establishing such a centre, and the facilities and activities which might be conducted at the centre, with the community; and
- liaise with the Minister for the Arts and the Minister for Communities, as to progressing the concept.

The land use plan for Palm Island should identify an appropriate site for the centre.

**RECOMMENDATION 46.....80**

The Minister for Natural Resources and Mines should:

- through the Cultural Heritage Unit of the Department of Natural Resources and Mines, coordinate and facilitate the identification, preservation, protection and registration of significant and sacred sites and artefacts on Palm Island; and
- assess, in conjunction with the Minister for Environment and the Palm Island Council, the role and functions that a ranger/heritage officer on the Island could perform.

**RECOMMENDATION 47.....83**

In relation to concerns raised by the Council regarding the visual amenity and facilities at the airport, the Council should:

- seek assistance from the Government Champions in clarifying the Council’s responsibility in relation to the airport;
- address any concerns that fall within the bounds of the Council’s responsibility; and
- seek further assistance from the Government Champions in ensuring any remaining concerns are attended to by the appropriate entity.

**RECOMMENDATION 48.....83**

The Minister for Transport and Main Roads should:

- facilitate, as a matter of priority, completion of the infrastructure work relating to sea transport services (that is, dredging the channel, and upgrading the jetty and barge ramp);
- monitor the provision of sea services to Palm Island, including the assistance currently provided to the commercial operator of the passenger ferry service; and
- examine enhanced sea services for Palm Island.

Council and community input should be sought regarding infrastructure improvements.

**RECOMMENDATION 49.....84**

The operation of the Palm Island school and community bus should remain with the Queensland Police-Citizens Youth Welfare Association.

**RECOMMENDATION 50.....87**

The Minister for Health and the Palm Island Council should liaise to establish the reasons for dissatisfaction by the Council and the community with the existing health services on the Island.

**RECOMMENDATION 51.....87**

The Minister for Health should:

- examine scope for greater involvement of the Indigenous health workers in the provision of particular aspects of the health service on Palm Island, such as in the provision of dialysis;
- examine the possible implementation of the Ferret system on Palm Island; and
- liaise with the Minister for Education in expediting filling the school nurse position as a matter of urgency.

**RECOMMENDATION 52.....87**

In order for an assessment to be made of the occurrence and nature of suicide on Palm Island, and to ensure that appropriate services (both prevention and postvention) are provided on the Island, it is imperative that the Minister for Health, in conjunction with the Joyce Palmer Health Service and the Queensland Ambulance Service:

- conduct an audit to determine the extent and nature of attempted and completed suicides on Palm Island in the recent past;
- assess the adequacy of existing prevention and postvention services provided on the Island; and
- put in place mechanisms to track relevant data on an on-going basis.

**RECOMMENDATION 53.....88**

The Minister for Health and the Minister for Aboriginal and Torres Strait Islander Policy should assess the need and scope for cultural healing on the Island and ways in which those needs might be best addressed.

**RECOMMENDATION 54.....91**

The Minister for Police should examine:

- arrangements to enable the posting of police officers to Palm Island on a permanent basis as far as possible;
- the adequacy of cultural awareness training for police officers serving on Palm Island; and
- avenues for involvement by Aboriginal and Torres Strait Islander police officers on Palm Island.

**RECOMMENDATION 55.....92**

The Minister for Aboriginal and Torres Strait Islander Policy and the Minister for Police should, as a matter of urgency:

- collaborate with the Palm Island Indigenous Community/Police Consultative Group (ICPCG) to implement a diversion from custody option for Palm Island; and
- investigate with the community the establishment of a Murri watch program on Palm Island.

**RECOMMENDATION 56.....92**

The Minister for Police should:

- ensure that the membership of the Indigenous Community/Police Consultative Group (ICPCG) includes a representative of young people on Palm Island (possibly a member of the youth council which the Committee recommends in section 5.4); and
- examine the merits of introducing the Queensland Aboriginal and Torres Strait Islander Police (QATSIP) project on Palm Island.

**RECOMMENDATION 57.....92**

The Council should raise its concerns regarding the provision of legal services in the community with the Attorney-General and Minister for Justice.

**RECOMMENDATION 58.....93**

The Minister for State Development should continue to liaise with relevant parties (including the Council, the Palm Island Community Justice Group, the Palm Island community and relevant Government Departments) in relation to the proposed local security service for Palm Island.

**RECOMMENDATION 59.....96**

The Minister for Child Safety should, as a matter of urgency, examine foster care arrangements for the young people of Palm Island and identify scope to expand either the number of foster carers on the Island or appropriate alternative arrangements.

**RECOMMENDATION 60.....96**

The Minister for Communities, as a matter of urgency, should:

- facilitate the establishment of a ‘safe house’ for young people on Palm Island in conjunction with relevant federal counterparts;
- expedite the establishment of the Family Support Hub, ensuring that adequate support services are offered for parents and other family members; and
- liaise with the Joyce Palmer Health Service regarding the nature of, and need for, the positive parenting program developed by health workers at the Joyce Palmer Health Service.

**RECOMMENDATION 61.....100**

The Minister for Aboriginal and Torres Strait Islander Policy, in conjunction with the Palm Island Community Justice Group and community, should finalise an Alcohol Management Plan for Palm Island as a matter of urgent priority.

Consideration (including legal advice) should be given to extending the area in which the AMP operates offshore to Palm Island to assist in the enforcement of alcohol restrictions.

**RECOMMENDATION 62.....100**

The Minister for State Development should expedite the current feasibility study regarding a family-friendly social venue on the Island.

**RECOMMENDATION 63.....100**

The Ministers for Communities and Health, in conjunction with relevant federal counterparts, should:

- ensure a coordinated approach is taken to alcohol and drug support services on Palm Island including education, detoxification, rehabilitation and counselling; and
- in this regard, review the current provision of such services on the Island.

**RECOMMENDATION 64.....101**

The Minister for Industrial Relations should examine the adequacy of incentives offered to Government employees who work in isolated or remote parts of Queensland (such as Palm Island). The Minister should also consider the desirability of consistency in the incentives offered between employees of various Departments and agencies.

**RECOMMENDATION 65.....102**

The Queensland Government should report back to the Parliament 12 months after the tabling of this report regarding progress in implementing the Committee's recommendations.

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## **1. INTRODUCTION**

### **1.1 THE COMMITTEE**

On 19 April 2005, the Parliament appointed the Palm Island Select Committee ('the Committee') on the motion of the Premier and (then) Minister for Trade, the Hon Peter Beattie MP.

The Committee's terms of reference, as agreed to by the Parliament, required the Committee to examine a range of issues currently facing the Palm Island community. In particular, the terms of reference stated:

*Noting the unique social structure and recent history of Palm Island, the challenge of delivering appropriate services in remote communities and the concept of partnerships between governments and Indigenous communities, the Committee will investigate and report on in particular:*

- (a) *The effectiveness of local government arrangements and barriers to the provision of municipal services and propose options for improvement;*
- (b) *Legal measures to ensure infrastructure development can proceed particularly the stock of housing and government facilities and residential accommodation;*
- (c) *With a focus on youth, options to improve the coordination of government services specifically addressing skills development, sport, recreation and cultural needs.*

The Committee's membership, also established by the resolution, comprised members from various political parties represented in the Legislative Assembly together with an Independent Member.

### **1.2 PALM ISLAND**

A brief summary of Palm Island's geography, recent history and socio-economic data is highly relevant to many issues facing the Island today and the Committee's recommendations regarding those issues.<sup>1</sup>

Great Palm Island (commonly known as Palm Island) is the largest of the Palm Group of islands and is located within the Great Barrier Reef approximately 50 kilometres north-west of Townsville.

The Manbarra people are the traditional owners of the Palm Group of islands.

In 1912, 25 Aboriginal people were recorded as living on Palm Island. The Queensland Government gazetted Palm Island as an Aboriginal reserve in 1914 and the population of Palm Island subsequently expanded fairly rapidly. In 1918, Palm Island became the replacement site for the Hull River Aboriginal Reserve which was destroyed by a cyclone, and subsequent to that a process began whereby people were removed to the Island from other Aboriginal reserves. As a result, the Island became known as a penal settlement.

Government records indicate that almost 4,000 people were removed to Palm Island between 1918 and 1971. Further, it is estimated that, as a result of this process of removals, up to 57 different Aboriginal and Torres Strait Islander groups have been, and might still be, represented on the Island.

Thus, there are not only traditional owners of Palm Island but also 'historical people'.

In 1986, Palm Island became a Deed of Grant in Trust (DOGIT) community. Under this arrangement, land on the Island was granted to a community council to be administered by that council in trust for the benefit of the Aboriginal inhabitants.

The council on Palm Island was reconstituted as a shire council from 1 January 2005.

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<sup>1</sup> Much of the information in this section is drawn from a presentation given to the Committee by Ms Kathy Frankland, Manager, Communities and Personal Histories Branch, Department of Aboriginal and Torres Strait Islander Policy, Queensland Government (DATSIP).

The last Australian Bureau of Statistics (ABS) census of population and housing was conducted on Palm Island in June 2001.<sup>2</sup> This census recorded the following data.

- The population of Palm Island was 2,147 people, of which over 90% were of Aboriginal or Torres Strait Islander origin.
- Over half of this population was under 25 years of age, and the median age for Aboriginal or Torres Strait Islander respondents was 21.
- About 20% of Aboriginal or Torres Strait Islander respondents aged 15 years and over had completed Years 11 and 12.
- 72% of the Indigenous working age population of Palm Island were not in the labour force. However, those involved in Community Development Employment Projects (CDEP) were considered as being in the labour force.
- The median weekly individual income for Aboriginal or Torres Strait Islander respondents aged 15 years and over was \$170.
- There were 319 occupied private dwellings containing family or lone person households and 34% of these dwellings contained households with seven or more persons usually resident.

Anecdotally, some of this data is, at least now, inaccurate. For example, it is believed that the current population of Palm Island is more likely in the vicinity of 3,000-3,500 people, although the population is subject to fluctuations. Unemployment is also commonly cited as 90-95% of Aboriginal or Torres Strait Islander residents of workforce age.

The average life expectancy of an Aboriginal or Torres Strait Islander person on Palm Island is commonly cited as 50 years of age, although this cannot be verified by ABS data.

The next ABS census of the Island is due to take place in August 2006. Other planned activities to collect data regarding the Palm Island population and housing are discussed in section 4.8.1.

### **1.3 EVENTS PRECEDING THE COMMITTEE'S ESTABLISHMENT**

#### **1.3.1 November 2004 riot**

On 19 November 2004, Cameron (Mulrunji) Doomadgee died in police custody on Palm Island following his arrest for allegedly creating a public nuisance.

The Police Commissioner referred the death to the Crime and Misconduct Commission (CMC) for investigation. Further, the State Coroner ordered a post-mortem examination into the death of Mulrunji. The resulting report, which was released to Mulrunji's family, showed that Mulrunji had four broken ribs, a ruptured spleen and liver, and that the injuries were consistent with falling on steps. (A second post-mortem was subsequently conducted. However, the results of that examination have not been made public.)

A coronial inquest, now being conducted by the Deputy State Coroner, was initiated in February 2005 and remains on-going.

The results of the first post-mortem examination were released at a community meeting on Palm Island on 26 November 2004, provoking a number of residents to storm, and subsequently destroy, the police station, courthouse and police accommodation. A police car was also stolen and burnt.

Eighty police officers were immediately deployed to the Island to restore order.

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<sup>2</sup> Australian Bureau of Statistics (ABS), *2001 Census Community Profile Series, Palm Island (IARE 16010) Indigenous Profile*, ABS Catalogue Number 2002.0.



A number of people have been committed to stand trial in connection with the incident. One of the charged, Mr Lex Wotton, became a prominent spokesperson for the group.

The CMC also investigated complaints regarding the action of police officers deployed to the Island in response to the riot.

The Committee's jurisdiction does not include matters connected to the riot that are the subject of the coronial inquest, CMC investigations or criminal proceedings. However, the Committee acknowledges the impact that the events of November 2004 have had, and continue to have, on the Palm Island community.

### **1.3.2 Government action since November 2004**

On 28 November 2004, the Premier presented a Five Point Plan to the (now) Palm Island Aboriginal Shire Council ('the Council') as an immediate response to the riot. This plan focussed on: restoring law and order; re-establishing services; rebuilding infrastructure; finalising an Alcohol Management Plan; and establishing new governance arrangements within the community.

Concurrently, a Palm Island CEO Committee was established to oversee implementation of the plan and address other issues concerning the Island. The majority of Directors-General of State Government departments are represented on this committee.

A Government Coordination Centre was also established in Townsville to coordinate and assist government and non-government entities in the delivery of services to Palm Island, and facilitate their ordered interface with the Council and other organisations on the Island.

Law and order was restored and essential services re-established shortly after the riots. Other matters relating to coordinated service provision, infrastructure, alcohol management and governance have also been progressed. These issues are canvassed in the Committee's report.

### **1.4 THE COMMITTEE'S REVIEW PROCESS**

At its inaugural meeting on 21 April 2005, the Committee resolved that, as a matter of priority, it would travel to Palm Island and meet with Mayor Erykah Kyle and other members of the Palm Island Council.

At that same meeting, the Committee resolved to write to the leaders of the political parties represented in the Legislative Assembly and Independent Members of the Legislative Assembly inviting their submission on the Committee's terms of reference. The Committee subsequently invited written submissions from a range of other people and organisations.

Submissions were received from:

- the Queensland Government;<sup>3</sup>
- the Local Government Association of Queensland (LGAQ);<sup>4</sup>
- the Aboriginal Local Government Association of Queensland (ALGAQ);
- the Manbarra people (the traditional owners of Palm Island);<sup>5</sup> and
- the Palm Island Council.<sup>6</sup>

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<sup>3</sup> Queensland Government, *Submission to the Palm Island Select Committee*, June 2005.

<sup>4</sup> Local Government Association of Queensland (LGAQ), *Submission: Aboriginal and Torres Strait Islander Young People and Local Government*, 30 June 2005.

<sup>5</sup> P Krebs, Counsel for the Manbarra people, *Submission on behalf of the Manbarra people*, 30 June 2005.

<sup>6</sup> Palm Island Aboriginal Shire Council, *Submission to the Queensland Parliamentary Select Committee*, July 2005.

Shortly after its appointment, the Committee received briefings from the Government Champions<sup>7</sup> for Palm Island: Mr Mal Grierson, Director-General, Department of Public Works and Ms Linda Apelt, Director-General, Department of Communities. The Committee also received briefings on: key data regarding Palm Island including issues currently facing the community and community make-up; the historical administration of Aboriginal and Torres Strait Islander communities in Queensland generally and Palm Island specifically; land tenure in Aboriginal and Torres Strait Islander communities in Queensland; and cultural considerations.<sup>8</sup>

The Committee held its first meeting with the Council on Palm Island on 6 May 2005. At this meeting, the Council outlined its main issues of concern. The Council also organised an inspection of various facilities and services on the Island for the Committee.

At that meeting, the Committee made it clear to the Council that it would meet with any person or organisation on the Island that wished to meet with the Committee.

The Committee visited Palm Island on two subsequent occasions: 1 June 2005 and 29 June 2005. On these visits, the Committee held a series of meetings with organisations, community groups, service providers and community members focussed on issues such as housing, employment, law and order, health, alcohol management, and education.

Organisations, groups and service providers from Palm Island that were represented in these meetings included the:

- Coolgaree CDEP;
- Community Justice Group;
- Palm Island Community Youth Centre;
- Queensland Police Service;
- Kootana Women's Centre;
- Ferdy's Haven Rehabilitation;
- Joyce Palmer Health Service;
- Palm Island Community Mental Health Board;
- Bwngcolman Community School;
- St Michael's Catholic School;
- Barrier Reef Institute of TAFE; and
- Goodoo Aboriginal Corporation for Day Care.

As part of its 29 June 2005 visit, the Committee held a forum on Palm Island for young people aged 12 to 25. The committee also had a second meeting with the Council on this date.

The Committee conducted a range of other meetings in Brisbane and Townsville including meetings with:

- the traditional owners of Palm Island (most of whom are based in Townsville) and their counsel;
- members of the Central Queensland Land Council (CQLC);

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<sup>7</sup> Each Queensland Director-General is designated as a 'Government Champion' for a specific Aboriginal or Torres Strait Islander community. The role of a Government Champion is to develop effective working partnerships with community leaders and stakeholders to achieve greater community engagement, and enhance government service delivery.

<sup>8</sup> These briefings were received from a range of officers from DATSIP in Townsville.

- members of the Queensland Indigenous Working Group (QIWG);
- the local state Member of Parliament, the Hon Mike Reynolds MP, and the local federal Member of Parliament, Mr Peter Lindsay MP;
- the Mayors, Chief Executive Officers and other officers from the Townsville City Council and Thuringowa City Council;
- Mr Bill Buckby, the administrator appointed to Palm Island from October 2003 to March 2004;
- the Palm Island CEO Committee appointed shortly following the release of the Government's Five Point Plan in November 2004;<sup>9</sup>
- Mr Stephen Hartung, the financial controller appointed for 12 months to assist the Council following the 2004 local government elections;
- Mr Dano Myrteza, the Principal Management Consultant currently assisting the Council under the *Community Governance Improvement Strategy*;<sup>10</sup>
- Mr Warren Mundine to discuss current federal land tenure proposals regarding Aboriginal communities;
- Ms Fleur Kingham in her capacity as an independent facilitator engaged to resolve land tenure issues in the Hope Vale community;
- Red Cross Australia which runs a 'breakfast program' in the Bwgcolman Community School on Palm Island;
- Mr Colin Dillon APM, author of the report titled *Review of the Indigenous Communities of Doomadgee and Palm Island*;<sup>11</sup>
- Mr Lex Wotton individually and with a group of Palm Island residents in Townsville;
- Associate Professor Boni Robertson, Director, Gumurri Centre, Griffith University, and chair of the former Aboriginal and Torres Strait Islander Women's Task Force on Violence;<sup>12</sup>
- Mr Bertie Button (former Cherbourg Councillor and ATSIC regional council chair) and Mr Peter Haas; and
- Reverend Des Rumble (Hinchinbrook Community Justice Initiatives Program).

The Committee also met with Ministers, Directors-General and/or representatives from various government departments and agencies involved in service provision on Palm Island, namely, the:

- Department of Aboriginal and Torres Strait Islander Policy;
- Department of Local Government, Planning, Sport and Recreation;
- Department of Public Works;
- Department of Housing;
- Department of Natural Resources and Mines;
- Queensland Police Service;
- Department of Education and the Arts;
- Department of Justice and Attorney-General;

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<sup>9</sup> The Five Point Plan and the CEO Committee are discussed in section 1.3.2.

<sup>10</sup> This strategy is discussed further in section 3.1.1.

<sup>11</sup> Final report, April 2000. This review was undertaken in response to a request from the then Federal Minister for Aboriginal and Torres Strait Islander Affairs, the Hon Senator John Herron.

<sup>12</sup> B Roberston (Chair), Aboriginal and Torres Strait Islander Women's Task Force on Violence, Report, Brisbane, 1999.

- Department of State Development and Innovation;
- Queensland Transport;
- Queensland Health;
- Department of Child Safety;
- Department of Emergency Services;
- Department of Employment and Training;
- Department of Communities;
- Sport and Recreation Queensland; and
- Queensland Audit Office.

In some cases, the Committee held more than one meeting with representatives from the same department.

The Committee also visited the Yarrabah community (near Cairns) on the invitation of Mayor Vince Mundraby. Mayor Mundraby is also President of the ALGAQ.

Hansard transcribed nearly all meetings of the Committee with external persons and agencies to ensure that an accurate record of the proceedings was taken. However, to encourage full and frank discussions the Committee resolved that the transcripts of these meetings would not be published.

In total, the Committee held over 50 meetings with people either as representatives of organisations or in their individual capacity. The Committee held a number of additional meetings to deliberate on issues in private.

The four month time frame given to the Committee in which to conduct consultation, research and analyse issues and consider solutions, meant that there were limitations on the number of people and groups that the Committee could meet with and the level of detail to which it could pursue issues.

## **1.5 THIS REPORT**

Key issues arising from the Committee's consultation are canvassed in chapter two. Chapter two also sets out key principles which the Committee believes should underlie governments' future dealings with the Palm Island Council and community. Some aspects of these key principles also require commitment on behalf of the Palm Island Council and community.

Chapter three concerns governance issues on Palm Island.

Chapter four deals with issues relating to land, housing and infrastructure.

Chapter five examines a myriad of issues relating to young people on the Island, namely: education and training development; employment and economic development; leadership development; sport and recreational activities; community and cultural enhancement; transport; health; law and order; child safety; alcohol and drug use; and incentives for government employees.

In chapter six, the concluding chapter, the Committee recommends action to assist on-going monitoring of the Committee's recommendations.

## 2. KEY ISSUES ARISING FROM CONSULTATION

### 2.1 SPECIFIC ISSUES

Throughout the course of the Committee's consultation, a broad spectrum of issues facing the Palm Island community was brought to the Committee's attention. As the discussion below demonstrates, most of these issues are interrelated and cannot be dealt with in isolation.

In section 2.2 the Committee discusses some contributing factors to these issues and broad principles the Committee believes should underlie future action for their resolution.

The Committee's consultation highlighted a number of shortcomings in current governance arrangements on Palm Island. To a large extent these issues stem from the broad and extensive services expected to be provided by the Council to the community, and the need to further develop leadership and capacity in the Council.

Wide community support in the election of any Palm Island Council is difficult to achieve by the fact that the Island comprises so many different family groups. Strong loyalty in those groups combined with a large number of candidates means that Councillors are often elected with a relatively small percentage of the total vote. There is also a large turnover in Councillors and senior Council staff.

The fact that the Council has no rates base and the lack of economic development on the Island means that the Council is almost totally dependent on State and Federal Government funding to deliver services.

Housing, which is a Council responsibility, is a critical issue on the Island. The DOGIT nature of the Island means that all houses are owned by the Council and individual home ownership is not possible.

The Committee was informed of problems in all aspects of housing provision, namely, sufficiency, location, design, construction, maintenance and allocation. While there is a divergence of opinion regarding housing data, there is clearly a housing shortage on the Island. It is estimated that the waiting list for a house is ten years.

Overcrowding in housing has a flow-on effect in other areas such as the incidence of violence particularly against women and children, educational outcomes, and health.

Addressing the housing shortage on the Island requires, among other matters, resolution of a range of complex land-related issues including the lack of a land use plan to guide development, ensuring the on-going sustainability of the Island (which requires an assessment of the capacity of existing infrastructure relating to essential services such as water, sewerage and power, and population forecasts) and proper surveying.

Other land-related issues on the Island concern the native title rights of the traditional owners, the rights of the historical people removed to Palm Island, the different tenures in existence on the Island, and the current review of the *Aboriginal Land Act 1991* (Qld).

Construction of some essential government infrastructure on the Island has been delayed primarily due to the Council's inability, over an extended period of time (in some case many years), to resolve to grant leases.

The Island lacks an economic base, with a need for definite inclusive programs that will generate profit and quality of life through different business initiatives.

Employment opportunities on the Island are essentially limited to the Coolgaree CDEP (which employs between 250 and 300 people on the Island for two days per week), government agencies servicing the Island, the Council and a small number of businesses. Distance between the Island and the mainland and the cost of air travel means residents are unable to commute on a daily basis to the mainland for work. Restrictions in travelling between the Island and the mainland contribute significantly to a feeling of isolation in the community.

Potential economic development on the Island has yet to be well explored. Some development projects will require consideration of land issues (tenure, land use and native title) and/or considerations relating to the Great Barrier Reef Marine Park Authority and Environmental Protection Agency.

There is considerable disquiet in the community regarding government ownership of the retail store and private ownership by organisations from the mainland of other services provided to the community such as the air, ferry and barge services. This is seen to reduce employment opportunities, take profits which otherwise would be invested back into the community and, in the case of the retail store, unnecessarily increase the cost of living.

The resulting high unemployment on the Island is considered by many to be a significant contributor to behaviours such as alcohol and drug abuse on the Island.

In turn, these behaviours aggravate many of the adverse social factors caused by overcrowded housing. It also means that family income used for these purposes is not spent on essential items such as food, health, education and clothing.

Further, behaviours such as alcohol and drug abuse contributes to a range of health issues for residents both in the short and long term, and law and order issues in the enforcement of alcohol restrictions and the incidence of alcohol-related offences. There is a need to examine the approach taken to alcohol and drug support services on Palm Island, including education, detoxification, rehabilitation and counselling.

The Council has restricted the possession and consumption of alcohol on the Island to beer (of any strength). The only licensed premise on the Island is the canteen which is owned by the Council. 'Sly-grogging' (that is, bringing alcohol onto the Island and selling it illegally at highly exorbitant prices, particularly when the canteen is closed) is apparently widespread.

The combined effect of many of these issues is particularly felt by young people on the Island. The Committee was told that the Island has already lost a generation of its people and that this should not be allowed to occur again with the current youth of the Island. There is a strong belief that the future of Palm Island lies in its young people.

While offences against young people, including sexual assault, are evidently occurring on the Island, the incidence and exact nature of these crimes is difficult to quantify given the low reporting rates. The Committee was advised that neglect of young people is the most prevalent form of abuse and involves, for example, young people not being provided with basic clothing, food and nutrition, housing and medical attention.

At the same time, law and order is a problem with young people on Palm Island and the community experiences a significant degree of youth vandalism and crime.<sup>13</sup> Alcohol and drug use among young people is common.

The lack of employment and training opportunities, and the limited exposure to a range of positive role models and peer types on the Island, negatively impact on young people's personal aspirations. Issues with transport between Palm Island and the mainland either prevent, or make it difficult for, young people to: participate in sporting events with teams from the mainland; access services, socialise or participate in recreational or cultural events on the mainland; undertake school excursions; or commute to the mainland for training and work.

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<sup>13</sup> As at 31 May 2004, the number of children on youth justice orders on Palm Island was 11 times what would be expected for a like-sized community in Queensland: Handout provided by Government Champions for Palm Island to the Committee using data sourced from the Department of Communities.

Educational outcomes are reduced not only by the housing situation but also by a wide range of other factors including student absenteeism, learning difficulties (some of which are language-related), and motivation. The Committee was informed that a significant percentage of young people have little parental supervision or guidance and that many children wander the streets at night, some because it is safer than their home. These students are then too tired to learn and prefer to sleep in the safe school environment. Non-government organisations run programs to provide children with breakfast at the schools.

The recently constructed Palm Island Community Youth Centre (also known as ‘the PCYC’) has provided a significant outlet for young people on the Island. However, the need for other programs and outlets for young people regarding skills development, sport and recreational activities was made clear. Opportunities also exist to support and enhance community and cultural activities.

The issues identified above are canvassed in more detail in subsequent chapters of this report.

## 2.2 THE BROADER CONTEXT AND WAY FORWARD

While the Committee’s terms of reference do not include an investigation of the historical reasons behind many of the issues facing Palm Island today, it is important to acknowledge some of the factors that have impacted on the community and which continue to contribute to the significant social and other issues confronting the community. Relevant considerations in this regard include:

- the historical treatment of Aboriginal and Torres Strait Islander peoples;
- the recent history of Palm Island as a penal settlement and the bringing together of a large number of family groups displaced from their traditional lands;
- establishment as a DOGIT community with an expectation that the community council would be a major service provider, but with insufficient support, advice and assistance to build the leadership and capacity to enable this expectation to be fulfilled; and
- the nature and coordination of government service provision. Consistent themes in the Committee’s meetings on Palm Island were that while the community had been provided with many services, there was:
  - a lack of coordination in the delivery of these services;
  - a constant stream of government delegations visiting the Island;
  - a lack of continuity in the provision of services because of funding issues; and
  - a lack of consultation with the community in the provision of services.

The Committee was advised that there is a significant degree of frustration regarding the quality of life on Palm Island for reasons both within and external to the community.

Clearly, the events of November 2004 have also had a significant impact on the community. The sub-text to many of the Committee’s meetings was the death-in-custody, riot and police action in response to the riot.

The Committee believes that the following key principles, which underlie the Committee’s approach to this inquiry and the recommendations in this report, must also underlie governments’ future dealings with the Palm Island Council and the Palm Island community. Some aspects of these key principles also require commitment on behalf of the Palm Island Council and community.

**Cultural respect:** In consulting with Aboriginal and Torres Strait Islander peoples governments must understand, appreciate and respect cultural differences and, to the greatest extent possible, adopt processes that demonstrate this. An understanding of the cultural issues pertaining to a particular community is also important.

This requires cultural awareness training for government employees, particularly those who work with Aboriginal and Torres Strait Islander communities.

The Committee discusses the need for cultural awareness training for workers in the context of: education (section 5.2), health (section 5.8) and law and order (section 5.9).

Cultural respect and awareness is likely to be enhanced where service deliverers are trained and resident in a community, and have a personal interest in working in that community. The Committee discusses the need for accommodation for government employees on Palm Island in section 4.4.

**Recognising the impact of unresolved trauma:** The Committee was advised that there is suppressed, unresolved trauma among generations of residents which stems from the impact of past government policies and practices regarding the treatment of Aboriginal and Torres Strait Islander people.

In particular, the removal of people from their traditional lands to Palm Island would have meant that people lost contact not only with their land but also their kin, customs and traditions. Apart from being removed to a heavily regulated environment, groups with different languages, rituals and religions were also placed together.

The use of alcohol to cope with trauma, and trauma manifesting itself in violence, was stressed to the Committee.

The Committee discusses the need for a cultural healing service in section 5.8.3 and issues relating to alcohol and drug use in section 5.11.

**Community engagement:** Members of a community must be a genuine part of developing solutions to problems faced by that community if the solutions are to be accepted and 'owned' by the community.

There are a number of ways through which the Queensland Government engages with Aboriginal and Torres Strait Islander communities including negotiation tables, Government Champions, DATSIP regional offices and regional advisory bodies.

Negotiation tables bring together community residents, agencies and representatives from the local, state and federal governments at a meeting to set priorities for a community.

A negotiation table is planned for Palm Island in September 2005. A number of meetings and forums have been held in the community in the lead up to this to assist in developing an agenda. Participants will include the Government Champions (representing the Queensland Government), the Indigenous Coordination Centre (representing the Commonwealth Government), the Palm Island Council and community members.

The need for community engagement is discussed in most sections of the Committee's report.

**Building community capacity:** A commitment to capacity building is critical if the Palm Island community is to have sustainable governance and development.

Capacity building should not only seek to improve the community's administration, managerial and leadership structures and skills, but also aim to empower the community to develop its own policies, skills and governance structures to take effective responsibility and control over its issues and future.

Sections of the Committee's report which discuss capacity building include:

- leadership and governance capacity (section 3.2);
- service delivery (section 3.3); and
- leadership development for young people (section 5.4).



**Shared responsibility and partnerships:** Shared commitment by all levels of government including the Palm Island Council, non-government agencies and the private sector is required to address issues on Palm Island. Governments alone cannot address all issues in communities. Individuals and communities must also be actively involved in planning and building their own futures and finding their own solutions.

The Committee's review occurs in the context of a new approach by the Queensland Government to improving the status of Aboriginal and Torres Strait Islander people through notions of shared responsibility, and partnerships between Aboriginal and Torres Strait Islander people and communities, their elected representatives, all levels of government and the private sector.

This is reflected in *Partnerships Queensland* which was endorsed by the Government on 1 November 2004. The vision of *Partnerships Queensland* is that Aboriginal and Torres Strait Islander Queenslanders have their cultures affirmed, heritage sustained and the same prospects for health, prosperity and quality of life as all Queenslanders.

This vision is to be achieved by providing an overarching framework which consolidates and integrates current Aboriginal and Torres Strait Islander policies to guide current and future initiatives.

*Partnerships Queensland* also implements the *National Framework of Principles for Government Service Delivery to Indigenous Australians* agreed to by the Council of Australian Governments. These principles are: sharing responsibility; streamlining service delivery and aligning it with mainstream structures; establishing transparency and accountability; developing a learning framework; and focusing on priority areas, such as those identified in the Productivity Commission's *Overcoming Indigenous Disadvantage: Key Indicators 2003 Report*.

*Partnerships Queensland* is to be officially launched in the near future following development of a detailed performance framework and whole-of-government implementation plan. Full implementation is not expected to occur until mid to late 2006 following the development of whole-of-government response plans which will guide and direct current and future initiatives for Aboriginal and Torres Strait Islander Queenslanders. A performance framework in conjunction with these response plans will form the basis of a reporting regime including reports to Cabinet every six months.

Shared responsibility is also a key concept underlying the Commonwealth Government's arrangements in Aboriginal and Torres Strait Islander affairs. Shared Responsibility Arrangements (SRAs) are agreements that define what all partners (communities, governments and others) will contribute to bring about long-term changes to achieve better outcomes for Aboriginal and Torres Strait Islander communities. SRAs concern only discretionary funding that governments provide through special Indigenous programs and cover a range of services and facilities to communities such as community stores, sports equipment, business ventures and programs to improve school attendance and education outcomes.

Indigenous Coordination Centres around Australia are responsible for negotiating SRAs with communities.

The Committee received a detailed briefing regarding the proposed SRA for Yarrabah from the Mayor of that community.

Underlying many of the recommendations in this report is the concept of shared responsibility. Some of the Committee's recommendations are directed at Government because Government is the appropriate entity to take relevant action. Other recommendations place the responsibility for action on the Council either solely or in conjunction with another agency.

**An integrated and coordinated approach to service delivery:** As *Partnerships Queensland* acknowledges, the notion of shared responsibility and partnerships requires a coordinated approach by parties, including by and at the various levels of government. Coordination is also required at the service delivery level.

As noted in section 1.3.2, a Palm Island CEO Committee was established to oversee implementation of the Government's Five Point Plan and address other issues concerning the Island.

A Government Coordination Centre has also been established in Townsville to coordinate and assist government and non-government entities in the delivery of services to Palm Island and facilitate their ordered interface with the Council and other organisations on the Island. The Council now has set deputation days.

In addition, in February 2005 the Premier supported the Council's request to fund a suitably qualified resource officer for a limited period to advise the Council on matters that would enhance its capacity to effectively engage and negotiate with Government. Negotiations are currently being conducted in relation to filling this position.

The need for coordination is particularly discussed in the context of government infrastructure in section 4.4.

#### **RECOMMENDATION 1**

The following key principles should underlie governments' future dealings with the Palm Island Council and community:

- cultural respect;
- recognising the impact of unresolved trauma;
- community engagement;
- building community capacity;
- shared responsibility and partnerships; and
- an integrated and coordinated approach to service delivery.

These principles underlie the Committee's approach to its inquiry and the recommendations in this report.

Some aspects of these key principles also require commitment on behalf of the Palm Island Council and community.

### **2.3 WIDER APPLICATION OF THE COMMITTEE'S RECOMMENDATIONS**

It was widely commented throughout the course of the Committee's consultation that the Committee's recommendations might be applied to other Aboriginal and Torres Strait Islander communities.

Implementation of the Committee's recommendations is a matter for Government. The Committee recognises that many of the issues faced by the Palm Island Council and community are common to other Aboriginal and Torres Strait Islander Councils and communities. Some of the Committee's recommendations might be applicable to other communities either because of the specific circumstances of another community or because consistency in approach across communities is considered desirable.

However, the Committee stresses that its terms of reference were solely related to the Palm Island community and, accordingly, all consultation conducted by the Committee was directed to that particular community. Further, the impact of Palm Island's unique history needs to be taken into consideration in applying the recommendations in this report to other communities.

### 3. GOVERNANCE

#### 3.1 BACKGROUND

Term of reference one requires the Committee to: (a) consider the effectiveness of local government arrangements; (b) investigate barriers to the provision of municipal services; and (c) propose options for improvement.

##### 3.1.1 Relevant legislation

The Palm Island Council was first established as an elected council in 1984 under the *Community Services (Aborigines) Act 1984* (Qld). In 1986, the Council was granted trusteeship of the former Aboriginal reserve of Palm Island in the form of a Deed of Grant in Trust (DOGIT). The transition period from Government administration to the Council took a number of years and was completed in the early 1990s.

The Cape York Justice Study<sup>14</sup> observed that Aboriginal Councils established under the *Community Services (Aborigines) Act* suffered from a lack of capacity, poor governance practices and an apparent inability to provide improvements in the quality of life for Aboriginal communities. Concerns regarding the appropriateness of the model of governance established under this legislation had also been queried by a number of other entities.<sup>15</sup>

The Government's response to the Cape York Justice Study was the *Meeting Challenges, Making Choices* strategy. This strategy sets out a number of priority actions regarding addressing alcohol abuse and violence, supporting Community Justice Groups and building partnerships between Government and communities. The Government also stated that it would review governance in Aboriginal communities. A review process in this regard was conducted in 2003 and led to the enactment in October 2004 of the *Local Government (Community Government Areas) Act 2004* (Qld).<sup>16</sup> Pursuant to this legislation, Aboriginal Councils were reconstituted as shire councils (also known as 'community governments') from 1 January 2005.

Largely, these new community governments are subject to the *Local Government Act 1993* (Qld). However, many of the requirements under this Act will be phased in over a four year period. In addition, the *Local Government (Community Government Areas) Act* varies some requirements to better meet the needs of Aboriginal communities. Such variations include less onerous accounting standards, additional flexibility in the electoral model and special provisions for Aboriginal local governments to cope with their wider range of service responsibilities through delegating particular community government powers to local service committees.<sup>17</sup>

Local service committees, which are established under a local law, can comprise persons who are not Councillors of the community government.<sup>18</sup> Using the local service committee model avoids establishing an incorporated community body and attending to associated administration. However, because the committees exercise Council powers, the Act places members under the same duties as Councillors.

To date, no community government has established a local service committee.

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<sup>14</sup> Justice T Fitzgerald QC (Chair), *Cape York Justice Study* (CYJS), November 2001.

<sup>15</sup> Queensland Government (DATSIP), *Making Choices About Community Governance*, Green Paper, Review of Indigenous Community Governance, March 2003 at 10-15. See also Dillon report, n 11 at 13.

<sup>16</sup> Some laws regarding justice and land matters were retained but the name of the *Community Services (Aborigines) Act* was changed to the *Aboriginal Communities (Justice and Land Matters) Act 1984* (Qld). As part of these reforms, on 1 July 2004 responsibility for legislation governing the establishment and operation of Aboriginal and Torres Strait Islander Councils was transferred from DATSIP to the Department of Local Government, Planning, Sport and Recreation (DLGPSR).

<sup>17</sup> *Local Government (Community Government Areas) Act 2004* (Qld), ss 41 and 43.

<sup>18</sup> *Local Government (Community Government Areas) Act 2004* (Qld), s 41(4).

The *Community Governance Improvement Strategy* (CGIS), which is delivered by the Department of Local Government, Planning, Sport and Recreation (DLGPSR), has been put in place to assist Aboriginal Councils improve governance, accountability and transparency over the four year transition period to full local government status. The way in which this is achieved is reflected in the five broad objectives of the CGIS:

- enhancing community and Councillors' understanding of good governance, sustaining a professional workforce to deliver good governance, and capacity building for Councillors and employees (through skills development for Councillors, staff and community members);
- improving Councils' business systems and procedures to support good governance (through business systems improvement);
- improving Councils' financial and administrative performance (through better management of resources and performance assessment mechanisms);
- implementing alternative service delivery models (through examining other models for non-core Council functions); and
- increasing engagement with communities, industry peak bodies and other Councils (through community education and awareness programs).<sup>19</sup>

As part of the CGIS, each Council is required to develop a Performance Development Plan (PDP). This plan binds part of the funding each Council receives from the Government to expected outcomes from implementing the CGIS, and is intended to ensure ownership of change by the Councils.<sup>20</sup>

Management consultants appointed under the CGIS assist Councils in improving their governance. The primary role of these consultants is to work with chief executive officers of councils to ensure the necessary skills, systems and procedures are in place to support the PDP.<sup>21</sup>

### **3.1.2 Governance issues**

Like most community governments, the Palm Island Council provides an extensive range of services in the community.

The number of services expected to be provided by the Council (and community governments generally) far exceeds that provided by other local governments.

It has been estimated that Aboriginal Community Councils have up to 59 functional responsibilities compared with 34 functional responsibilities for other local governments.<sup>22</sup> Many of these additional responsibilities relate to social welfare-type matters such as housing, employment and the provision of human services. For example, the Palm Island Council administers a community housing program and an aged care hostel. It also operates a canteen, motel and service station, and leases shops.

The reason that Aboriginal Councils undertake a wider range of functions than other local governments is because of a lack of other willing or capable providers in the community and, in many cases, the service is required by the community. It has also been recognised that Councils have been delegated management of government programs without adequate provision for associated administration.<sup>23</sup>

There is no rates base on Palm Island and hence the Council's main source of funding for its service provision is grants from the State and Federal Governments.<sup>24</sup> The Council's budget varies from year to year

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<sup>19</sup> Queensland Government (DLGPSR), *Community Governance Improvement Strategy*, December 2004.

<sup>20</sup> Note 19 at 15.

<sup>21</sup> Note 19 at 16-17.

<sup>22</sup> Cape York Justice Study, n 14, volume 2 at 248-249.

<sup>23</sup> *Community Governance Improvement Strategy*, n 19 at 13.

<sup>24</sup> The Council also has some revenue sources. These are discussed further in section 3.4.

depending on funding receipts. For example, in 2003-04, the State Government provided \$5.41 million in grants primarily through the State Government Financial Aid (SGFA) program and community housing program. In the same year, the Commonwealth Government provided \$1.06 million in grants relating to aged care and other community development and municipal services.<sup>25</sup>

Successive Councils on the Island have had difficulties with governance and financial management issues.

As a Queensland public sector entity, the Council is required to be audited by the Queensland Auditor-General.<sup>26</sup> In the past five years the Council has received three qualified audits. The Palm Island Council received qualified audits for the financial years ending 30 June 2004, 30 June 2003 and 30 June 2000. It received unqualified audits for the 2000-01 and 2001-02 financial years.<sup>27</sup>

On 16 October 2003, the Parliament ratified the dissolution of the then Palm Island Council. An administrator was immediately appointed to assume the jurisdiction, powers and duties of the Council until the appointment of a new Council at the local government elections held in March 2004. A Townsville-based insolvency practitioner was appointed as administrator.

The dissolution of the Council was brought about by a range of governance and financial management issues including:

- evidence that the Council was insolvent;
- serious mismanagement of essential services, community services and business operations by the Council;
- instability in the membership of the Council since the March 2000 elections;
- on-going conflict among elected Councillors;
- high turnover in the position of Council Clerk (CEO);
- inability of the Council to make decisions and resolve matters promptly, and poor recording of decisions that had been made;
- a lack of process in staff appointments;
- significant overstaffing of Council's operations leading to unsustainable expenditure;
- significant losses by Council enterprises;
- failure to deliver major infrastructure projects and hence a backlog of critical infrastructure work; and
- public unrest within the community resulting from the poor or non-existent service delivery in many of the Council's community and municipal functions.<sup>28</sup>

At the conclusion of his term, the administrator presented the incoming Council with a handover report outlining a wide range of issues that required attention.<sup>29</sup> Recommendations relating to governance in this report included:

- allocation of specific portfolios for Councillors to ensure that issues are dealt with in an effective and timely manner;

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<sup>25</sup> Palm Island Aboriginal Council Certified Financial Statements for the year ended 30 June 2004.

<sup>26</sup> Audits have in the past been contracted out by the Queensland Audit Office (QAO). However, QAO has conducted the audit for the 2003-04 financial year and will conduct the audit for the 2004-05 financial year.

<sup>27</sup> Auditor-General of Queensland: *Report No 2 2002-03; Report No 7 2003-04; and Report No 2. for 2005*, Queensland Audit Office, Brisbane.

<sup>28</sup> Queensland Legislative Assembly, *Parliamentary Debates* (Hansard), 16 October 2003 at 4271.

<sup>29</sup> B Buckby, *Palm Island Aboriginal Council: Administrator's Handover Report*, (the 'administrator's report'), Ernst & Young, 6 April 2004.

- establishment of committees for each of the portfolios to provide a forum where issues can be discussed and investigated prior to reporting through to Council for consideration (in this regard the administrator suggested that the committees be chaired by the relevant Councillor assigned to that portfolio and include senior management staff and interested community members);
- attention to various procedural and financial matters;
- appointment of a financial controller for 12 months; and
- engagement of a Human Resource Management (HRM) consultant to deal with a range of HRM issues.<sup>30</sup>

Underpinning governance issues on Palm Island is an historic instability in Councils and the perceived legitimacy of the Council as a representative body. Only a few of the large number of family groups on the Island can be represented on the Council at any one time.

Results from the 1997, 2001 and 2004 elections for the Palm Island Council show:

- a lack of continuity in Councillors from one election to another;
- Councillors who are elected by relatively small numbers;
- a large number of candidates who stand for election; and
- a trend in some families for a number of relatives to stand for election.

By way of example, in the 2004 elections<sup>31</sup> there were eight candidates for the position of Mayor. 734 votes were received<sup>32</sup> with the successful candidate receiving 164 votes. Further, there were 22 candidates for six Councillor positions. 4,404 votes were received<sup>33</sup> with the successful candidates receiving the following number of votes: 220, 220, 225, 232, 238 and 275.

There is no mechanism to ensure representation of the traditional owners on the Council. The traditional owners submitted that they would like to have a reserved permanent position on the Council.<sup>34</sup>

### 3.1.3 The current Council

The current Palm Island Council was elected at the March 2004 local government elections and consists of seven Councillors (including the Mayor).

The Council employs approximately 40 full-time staff and approximately 50 casual staff.

At the request of the administrator, a financial controller was appointed to assist the Council for 12 months from March 2004. On the advice of the financial controller, the Council restructured its workforce. This resulted in 34 redundancies and realised annual savings over \$800,000.

DLGPSR provided the Council with a \$1.72 million advance on SGFA funding during the 2003-04 financial year to cover the following:

- Council creditors - \$600,000;
- employee redundancies - \$350,000; and
- administrator's fees - \$770,000.

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<sup>30</sup> Administrator's report, n 29 at 5, 27 and 29.

<sup>31</sup> This election was conducted under the *Community Services (Aborigines) Act 1984* (Qld) and the *Community Services (Aborigines) Regulation 1998* (Qld). There were 1,090 voters on the roll. Electors were entitled to one vote for the Mayor. Other Councillors were elected by voters marking their ballot paper from one to six in accordance with the candidates they wished to vote for. The first-past-the-post voting system applied to the election of Councillors.

<sup>32</sup> Of which four were informal and one was missing.

<sup>33</sup> Of which 438 were informal.

<sup>34</sup> Submission on behalf of the Manbarra people, n 5 at 3.

This advance was initially to be repaid by the Council to DLGPSR through a reduction in future annual SGFA grants over six years. That repayment period has recently been extended to ten years (meaning a reduction in SGFA payments by \$172,000 per annum for the next 10 years).

Deductions from the Council's SGFA funding commenced in July 2005. As SGFA payments are made on a monthly basis, each month an amount of \$14,333 is being deducted. The net payment (after deduction of the repayment) to the Council per month is now \$178,651.

The Council has sought the Government's waiver of repayment of the administrator's fee. Alternatively, the Council has stated that if it is not possible to remove the repayment schedule over the next ten years, some compromise might be reached where the Government '*gives jobs or wages or services instead of the money just being taken away*'.<sup>35</sup>

The Committee makes a recommendation concerning repayment of the \$770,000 administrator's fee in section 4.4.

The 2003-04 audit of the Council's financial statements (the last full audit conducted) resulted in the Auditor-General issuing a qualified opinion on the statements. Some of the problems underlying the appointment of the administrator remained a concern. High risk areas the Auditor-General considered required attention include:

- poor recording of Council minutes;
- non-compliance with prescribed requirements including a lack of stocktakes, an absence of certain formal registers, and the write-off of some cash losses which were not approved by Council;
- inadequate systems of internal control;
- inadequate human resource policy, processes and procedures including deficiencies in information recorded on employees' personnel files, and a lack of controls over documentation to support the accuracy of leave provisions;
- inability to locate documentation relating to grants and inadequate accounting for grants;
- no stocktake of non-current assets;
- control weakness at the Commonwealth Bank agency;
- a lack of controls over enterprise cash, floats, inventory and takings and EFT payments; and
- debt management including significant outstanding Councillor debt.<sup>36</sup> (Outstanding debt is addressed further in section 3.4.

### **3.2 LEADERSHIP AND GOVERNANCE CAPACITY**

The Committee's consultation has revealed that a major barrier to the provision of municipal services by the Palm Island Council is underdeveloped leadership and governance capacity. On-going problems with corporate governance and financial accountability are reflected by the recent audit reports of the Auditor-General, the appointment of the administrator in October 2003 and the consequent administrator's handover report.

While there may be a number of historical and other reasons for these problems, there is clearly a need for the Council to be better supported so as to enhance governance.

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<sup>35</sup> Palm Island Council submission, n 6 at part 10.0.

<sup>36</sup> Final referral letter to the Council from the Auditor-General dated 30 November 2004 regarding the Council's final audit for 2003-04.

Improved governance is critical to improving the future of the Palm Island community. As the recent report *Overcoming Indigenous Disadvantage: Key Indicators 2005* stated:

*Governance has been closely linked with economic development and disadvantage, because it is a key determinant of the ability of Indigenous organisations and communities to make and implement decisions that achieve outcomes in a sustainable way.*<sup>37</sup>

It has also been recognised that there is a strong relationship between building community capacity and good governance and leadership.<sup>38</sup>

### 3.2.1 Support and assistance

The Committee believes that substantial support and assistance is required for the Council to improve its governance capability both in the short and long term.

Underpinning many of the issues raised in the Council's submission to the Committee is the need for information, advice and assistance.

The Palm Island Council has been provided with funding through the CGIS to improve its corporate governance. Further, as required by the CGIS, the Council has agreed to a Performance Development Plan. The PDP, signed by the Council on 23 March 2005, identifies specific improvement projects in the short, medium and long term to address key areas of skills development, staff attraction and retention, business systems, resource management, service delivery models and stakeholder engagement. In particular, the PDP focuses on:

- improving processes, practices and systems;
- updating skills of staff and Councillors;
- increasing the productivity of existing staff;
- containing costs within existing budgets; and
- improving the efficiency and effectiveness of service delivery.

Management consultants have been appointed under the CGIS to work with the Council. These consultants, who are based in Cairns, have been advising and assisting the Council since late 2004 to address a range of corporate governance and audit issues. A senior management consultant visits the Council every fortnight for periods ranging from one to four days.

In particular, the management consultants are assisting the Council implement its PDP and require regular reports on funded projects which form part of the PDP. The consultants also receive a financial report from the Council every quarter and have assisted the Council complete its 2004-05 annual financial statements and develop an audit action plan as required by the Auditor-General.

Other recent activities which have been undertaken to assist the Council include:

- a workshop on roles and responsibilities of Councillors held from 9-10 February 2005 in Townsville;
- a grant of \$40,000 to engage a HRM consultant to advise and assist the Council with HRM issues regarding the redundancies process; and
- a grant of \$65,000 to engage a consultant to address high-risk issues identified by the 2003-04 audit, including developing a human resources procedures manual, an employees' code of conduct and position descriptions, and updating employee files.

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<sup>37</sup> Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2005*, Productivity Commission, Canberra, 2005 at L.

<sup>38</sup> R Taylor, Indigenous community capacity building and the relationship to sound governance and leadership, paper presented at the National Native Title Conference, June 2003.



Further, in order to build the capacity of Councillors to better perform their role, the DLGPSR, via the Councillor Training Program, has delivered various training modules to the Council including modules regarding financial management, policy development, meeting procedures, strategic planning and budget management.

Some training for Councillors has occurred in Townsville. However, there has been a reticence by the Mayor to leave the Island to attend this training. To ensure the attendance of all Councillors (including the Mayor), future training for the Council will be conducted on the Island.

It is imperative that the DLGPSR and the management consultants assigned to the Palm Island Council under the CGIS work with the Council to improve knowledge and practice of corporate governance and financial accountability.

There is also a need to focus on specific assistance for the CEO and other senior administrative staff at the Council. There has been a considerable turnover in the position of CEO in the last five years. The most recent CEO, who was appointed by the administrator, resigned on 25 July 2005. Applications for the position closed on 19 August 2005.

In addition, in February 2005 the Premier supported the Council's request to fund a suitably qualified resource officer for a limited term to advise the Council on matters that would enhance its capacity to effectively engage and negotiate with Government. Negotiations are currently underway in relation to filling this position.

This officer should, at the completion of his/her term, prepare a handover report for the Council. This report should canvass: issues identified by the officer; strategies recommended to address those issues; implementation of those strategies by the Council (and any outcomes); and other observations and recommendations for improved engagement and negotiation between the Council and Government.

A copy of this report should also be provided to the Premier for tabling in the Legislative Assembly.

Apart from assistance through the Queensland Government, the Committee recognises the value of assistance and information sharing between experienced representatives and officers from other community governments. The management consultants should work with the Council to pursue these opportunities.

For example, substantial links exist between the Palm Island Council and Yarrabah Shire Council. Support might also exist through the ALGAQ.

The Cape York Institute for Policy and Leadership offers a leadership program which aims to ensure that current and potential Indigenous leaders have the skills they need to serve their communities. The program is in its early stages and the focus of its delivery is Cape York. In time, however, the Institute envisages that it will welcome participants from other areas and target communities outside Cape York.

Many of the strategies noted above relate to the current Council and its senior administrative staff. However, programs need to be in place to assist prospective councillors understand the roles and responsibilities of councillors. Appropriate induction sessions for new councillors are also important.

Further, to ensure effective governance in the long term, strategies also need to focus on building capacity in others in the community to enable them to become competent future leaders and Councillors.

The need to encourage leadership in the young people of Palm Island is discussed in section 5.4.

**RECOMMENDATION 2**

The Palm Island Council and its senior administrative staff continue to require advice and assistance to strengthen leadership and governance capacity.

In this regard, the Committee endorses:

- the assistance being provided under the *Community Governance Improvement Strategy* through which the Council is required to develop and implement a Performance Development Plan and the specific improvement projects it details for the short, medium and long term; and
- other initiatives which build leadership and governance capacity in the community.

In turn, a commitment from the Council to undertake the training and other opportunities made available is required.

The Minister for Local Government should monitor the progress made by the Council through these various strategies and provide any further appropriate support that is required.

**RECOMMENDATION 3**

The resource officer to be appointed by the Queensland Government to assist the Palm Island Council enhance its capacity to effectively engage and negotiate with Government should, at the completion of his/her term, prepare a handover report for the Council. This report should canvass: issues identified by the officer; strategies recommended to address those issues; implementation of those strategies by the Council (and any outcomes); and other observations and recommendations for improved engagement and negotiation between the Council and Government.

A copy of this report should also be provided to the Premier for tabling in the Legislative Assembly.

**RECOMMENDATION 4**

The management consultants assigned to the Palm Island Council under the *Community Governance Improvement Strategy* should assist the Council identify and pursue opportunities for assistance and information sharing between experienced representatives and officers from other community governments and appropriate Aboriginal and Torres Strait Islander organisations.

**RECOMMENDATION 5**

The Minister for Local Government should ensure that programs are in place on Palm Island to:

- assist prospective Councillors understand the roles and responsibilities of Councillors; and
- provide new Councillors with an appropriate induction package.

**3.2.2 Financial accountability and reporting**

As the discussion in section 3.1 demonstrates, there have been significant issues relating to the financial accountability of successive Palm Island Councils.

The administrator recommended the appointment of a financial controller to:

- ensure that improvements would continue to be made in the area of financial accountability;
- assist the Council in fulfilling its obligations concerning management of financial operations;
- work with the Council to sustain good financial management of Council operations; and
- deliver training and development opportunities.<sup>39</sup>

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<sup>39</sup> Note 29 at 27.

A financial controller is appointed under the *Local Government (Community Government Areas) Act* and is responsible for ensuring that a community government adheres to its budget. A financial controller may also give advice about financial management and undertake other administrative duties.<sup>40</sup> In certain circumstances relating to financial management, a financial controller can revoke or suspend the operation of a resolution or order of a community government.<sup>41</sup>

A financial controller is appointed by the Governor in Council on the recommendation of the Minister where the Minister is satisfied on reasonable grounds as to one or more of certain circumstances provided for in the Act regarding deficiencies in financial management.<sup>42</sup> Financial controllers have been appointed at the request of other community governments.<sup>43</sup>

The financial controller to the Palm Island Council was appointed in March 2004 and was directly employed by DATSIP for a 12-month period. Thus, the financial controller's term ended prior to the finalisation of accounts for the 2004-05 financial year.

The Auditor-General advised the Committee that the interim audit report on the Palm Island Council for 2004-05 indicates that no significant new issues have emerged. The Auditor-General also advised that, while there has been some improvement in several areas of concern identified by the 2003-04 audit, a number of important issues remain of concern.<sup>44</sup>

The Committee queries whether the financial controller's 12-month term was insufficient to address all the improvements that the administrator envisaged needed to be achieved.

Further, the Committee is concerned about the potential disruption caused by the recent resignation of the CEO. It is critical that an appropriately qualified person is appointed to this position following an independent, merits-based selection process which avoids conflicts of interest.

There is a distinction between the roles of the management consultants assigned to the Council under the CGIS and a financial controller. A financial controller has a statutory basis with statutory powers of revocation and suspension, works with the Council on a full-time basis, and plays a significant role in approving expenditure and assisting the Council with its strategic financial direction.

The management consultants are appointed as part of the CGIS to perform an advice and assistance function.

The Committee believes that the Minister for Local Government, in consultation with the Minister for Aboriginal and Torres Strait Islander Policy, should examine whether a financial controller should again be appointed for Palm Island once the Auditor-General's audit of the Council's 2004-05 financial statements is complete. Apart from issues raised in that audit report, other factors the Minister should take into account in making this assessment are:

- the views of the Council and senior administrative staff;
- the role that the financial controller would perform vis a vis the management consultants;
- stability in the CEO position;
- any relevant observations made by the resource officer in that officer's handover report (see section 3.2.1); and
- any recommendations resulting from the review recommended below.

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<sup>40</sup> *Local Government (Community Government Areas) Act 1984* (Qld), s 23.

<sup>41</sup> *Local Government (Community Government Areas) Act 1984* (Qld), s 24.

<sup>42</sup> *Local Government (Community Government Areas) Act 1984* (Qld), s 22.

<sup>43</sup> Queensland Government response to report no 67 of the Public Accounts Committee of the Queensland Legislative Assembly.

<sup>44</sup> Meeting with the Auditor-General, 12 July 2005.

*Need for review*

There is apparently some scope to review aspects of the financial reporting and procedures required of community governments. Addressing these issues might assist all community governments in their financial performance without compromising accountability.

Comments by the former and current Auditor-General in this regard have related to the following three areas.

- **Level of detailed reporting:** The Auditor-General has noted that the legislative requirements relating to the financial reporting of Aboriginal and Torres Strait Island councils are highly demanding and that compliance with these requirements is further complicated by the remote location of the communities and the difficulties experienced in recruiting qualified staff.<sup>45</sup> Most community governments choose to use a modified cash basis reporting system, although they will be required to convert to an accrual basis at the end of the transition period.
- **A bureau service provider model:** The former Auditor-General advocated a model under which a service provider could perform the following functions for a number of Councils: process all accounting transactions and maintain the general ledger and other subsidiary records; provide monthly financial reports for presentation at Council meetings; report long outstanding debts for follow up; and prepare the annual financial statements.

Such an approach was considered to have advantages including: increased capacity for Councillors to direct their efforts to governance and community issues; generation of efficiencies through economies of scale and a reduction in costs; increased levels of awareness of current prescribed requirements and therefore compliance with applicable legislation and policies; more regular, reliable and consistent financial reporting; enhanced capacity for financial management problems to be promptly identified and addressed; and assistance with the difficulties associated with attraction and retention of suitably qualified staff by the Councils.<sup>46</sup>

The current Auditor-General advocates the introduction of a service provider model which could have a number of alternative variations, including mentoring by other local governments. The Auditor-General has written to the Directors-General of the DLGPSR and DATSIP advocating for the introduction of a service provider model. Both departments are supportive of the initiatives outlined by the Auditor-General.<sup>47</sup>

- **Grant acquittals:** Communities receive numerous grants and each of these grants has its own requirements, resulting in a complex system of grant acquittals. The Auditor-General believes that there is scope for accountability to be adequately maintained without each grant having to be accounted for separately. The Auditor-General considers that there may be an opportunity to reconsider the current funding arrangements for Councils to minimise the number of individual grants and thereby alleviate the onerous grant reporting requirements.<sup>48</sup>

The Committee believes that these matters should be examined as a matter of priority.

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<sup>45</sup> Auditor-General of Queensland, *Report No 2. for 2005*, n 27 at 33.

<sup>46</sup> Auditor-General of Queensland, *Report No 7 2003-04*, n 27 at 68.

<sup>47</sup> Auditor-General of Queensland, *Report No 2. for 2005*, n 27 at 38-39.

<sup>48</sup> Meeting with the Auditor-General of Queensland on 12 July 2005.

**RECOMMENDATION 6**

The Minister for Local Government, in consultation with the Minister for Aboriginal and Torres Strait Islander Policy, should examine the need to appoint a financial controller for the Palm Island Council under the *Local Government (Community Government Areas) Act 1984* (Qld) once the Auditor-General's audit of the Palm Island Council's 2004-05 financial statements is complete. Apart from issues raised in that audit report, other factors the Minister should take into account in making this assessment are:

- the views of the Council and senior administrative staff;
- the role that the financial controller would perform vis a vis the management consultants assigned to the Palm Island Council under the *Community Governance Improvement Strategy*;
- stability in the Council's Chief Executive Officer position;
- any observations made by the resource officer to be appointed by the Queensland Government in that officer's handover report (see section 3.2.1); and
- any recommendations resulting from the review proposed in recommendation 7.

**RECOMMENDATION 7**

The Minister for Local Government should undertake, as a matter of priority and in conjunction with other relevant agencies, a review of the following matters in relation to community governments:

- the level of detailed reporting required and whether this can be minimised without compromising accountability;
- the desirability of introducing a 'service provider' model; and
- the current system of grant acquittals and whether this can be rationalised to reduce complexity without compromising accountability.

**3.3 SERVICE DELIVERY**

As the discussion in section 3.1.2 reveals, the Palm Island Council is not only a landholder in its capacity as trustee of the DOGIT land but also the major service provider on the Island.

The result is an onerous workload for Councillors and Council staff, and a dilution in focus on core Council business. Further, there is a concentration of power and resources in the Council, which is responsible for making decisions regarding almost every aspect of community life.

These factors combine to represent a significant barrier to the provision of municipal services on the Island. Rationalisation of the services provided by the Council would not only alleviate these issues but also further align the Palm Island Council with other local governments.

One of the objectives of the CGIS is to assist Councils investigate alternative models of service delivery for non-core functions, such as State and Commonwealth funded community and social development programs.

The Palm Island Council has divested itself of some services often provided by Aboriginal Councils. For example, the Community Development Employment Projects (CDEP) is administered by the Coolgaree CDEP (a registered Aboriginal Corporation). However, the presence of some Councillors on the board raises potential conflict of interest issues.

The Council has also divested control of the post office agency<sup>49</sup> and has sought to relinquish control of the Commonwealth Bank agency.<sup>50</sup>

<sup>49</sup> The Council raised issues regarding service delivery in the post office in its submission, n 6 at part 7.0.

<sup>50</sup> The Council raised the option of a community bank in its submission, n 6 at part 22.0. This is discussed further in section 5.3.6.

There has also been discussion regarding the Council divesting its two enterprises, the canteen and petrol station. This is discussed further in section 3.4.

The most significant non-municipal function undertaken by the Palm Island Council is the provision and management of community housing. The Committee makes specific recommendations in this regard in section 4.8.

In its submission, the Council acknowledges that there are significant problems with a number of core municipal services such as:

- water supply (including excessive water consumption, storage capacity, water treatment and pressure);
- sewerage (including problems with the treatment plant, overflow and blockages);
- roads (including maintenance and upgrade); and
- waste management (including waste collection, capacity and siting of tips, the need for recycling and the cost of waste removal).<sup>51</sup>

The Committee believes that, in order to assist the Council manage its workload and concentrate on improving its corporate governance and delivery of core municipal services, the management consultants assigned to the Council under the CGIS should assist the Council to further examine:

- alternative service delivery models, particularly in relation to non-core municipal services; and
- shared provision arrangements with other entities which might enhance the Council's delivery of core municipal services.

Below the Committee canvasses various alternative service delivery models relevant to such a consideration. However, it is important that the Council devolve service provision to entities which have the capacity to deliver the relevant service and appropriate governance and financial accountability capacity.

Further, key issues which need to be addressed in negotiating and documenting service provision arrangements include: the scope, terms and conditions of the arrangements; decision-making responsibilities, processes and timeframes; and payment of costs and fees. SGFA funding should be directly earmarked for, and provided to, relevant entities under such arrangements.

**Other local and community governments:** The Committee believes that there is substantial opportunity for the Council to explore service provision arrangements with other local and community governments.

Areas in which shared service provision arrangements should be explored are core services such as water supply, sewerage and road maintenance. In addition to the Council's comments noted above, the administrator noted concerns regarding the sufficiency of water levels and the Council's capacity to attend to on-going maintenance of the water treatment plant and infrastructure and compliance with the *Water Act 2000* (Qld).<sup>52</sup> Similarly, the administrator noted a range of issues regarding the sewage treatment plant and the maintenance of Council plant and equipment.<sup>53</sup>

Townsville City Council and Thuringowa City Council have had some form of service provision arrangement with the Palm Island Council in the past and the Mayors of both these councils indicated willingness to work with the Palm Island Council in the future.

In its submission, the Council recognised the possibility of drawing on the expertise of other bodies such as the Environmental Protection Agency and the Townsville City Council.<sup>54</sup>

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<sup>51</sup> Note 6 at parts 1.0 and 17.0.

<sup>52</sup> Note 29 at 36-37.

<sup>53</sup> Note 29 at 38-39 and 62-63 respectively.

<sup>54</sup> Note 6 at part 1.2.

Neighbouring local governments have substantial experience and expertise in providing core municipal services and economies of scale might be realised through the Palm Island Council hiring rather than owning major equipment such as road maintenance equipment. For example, the Committee was informed that much of the major equipment owned by the Council was not well utilised or maintained and often required repair which necessitated costly transport to the mainland.<sup>55</sup>

Mainland local governments also stand to benefit through exposing their employees to different technology and conditions, particularly given the smaller scale service provision on Palm Island and the unique factors posed by the Island's geography and environmental considerations.

Other less tangible advantages of such arrangements include enhancing cooperation and relationships between the mainland communities and Palm Island.

Mentoring and training opportunities between Councils also exist.

A North Queensland Regional Organisation of Councils was recently formed comprising the following six mainland Councils: Townsville; Thuringowa; Burdekin; Charters Towers; Dalrymple; and Hinchinbrook. A CEO group for the organisation was also formed. The Palm Island Council CEO has been invited to join this group. This might be the appropriate entity through which shared service provision negotiations take place as each Council will offer different expertise and understanding of issues.

Shared service provision arrangements should also be explored with other community governments such as the Yarrabah Shire Council. Substantial links already exist between the Yarrabah and Palm Island Councils.

The ALGAQ might also be able to provide some assistance.

**Local service committees:** Possibilities exist for the Palm Island Council to use local service committees (see section 3.1.1) as a mechanism to engage people with particular expertise. For example, a suitably experienced officer from the Townsville or Thuringowa City Councils could be a member of a works Committee.

Such committees would not only provide an opportunity for Councillors to enhance their expertise but might also act as a transition stage for the Council to divest itself of specific functions.

**Community organisations:** A further source of alternative service providers on Palm Island is community organisations. However, issues as to capacity and governance of such entities need to be addressed to ensure appropriate service provision.

In this regard, the Government's submission to the Committee stated:

*At Palm Island, for example, approximately 15 Palm Island non-government organisations are incorporated, 13 under the national Aboriginal Councils and Associations Act 1976 and two under the Queensland Associations Incorporation Act 1981. Very few of these organisations are compliant with the basic requirements for annual reporting and the Office of the Registrar of Indigenous Corporations is in the process of deregistering some organisations either because they are inactive or being liquidated. Since 1999, ten organisations have been deregistered while no new organisations have been registered since 2001.<sup>56</sup>*

The Department of Communities, in conjunction with DATSIP, is currently examining alternative service delivery models through the *Palm Island Partnerships* (PIP) strategy which is currently under development. This strategy is designed to:

- address critical deficiencies in the capacity of the non-government sector on Palm Island to deliver services normally funded through that sector;

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<sup>55</sup> See also comments made by the administrator in this regard: n 29 at 62.

<sup>56</sup> Note 3 at 19.

- establish structures that enable government agencies to engage in a coordinated way with the broader Palm Island community in policy and service delivery planning;
- build leadership and civic capacity within the Palm Island community; and
- reduce waste and improve the impact of government investment in the community by aligning and integrating the planning and delivery of services across the three tiers of government.<sup>57</sup>

As part of PIP, the Government has endorsed, in-principle, development of a new legal entity capable of:

- enhancing non-government organisations' service delivery;
- undertaking non-core local government functions currently performed by the Council; and
- managing economic and social enterprises.

While the exact legal structure of this entity is still to be decided, potentially all three levels of government (Federal, State and the Council) will have shareholding interests in this entity, as will community members.

The development of a new legal entity on Palm Island is consistent with objectives of the Queensland Government's *Strengthening Non-Government Organisations* and *Strengthening Indigenous Non-Government Organisations* projects. These projects are designed to support non-government organisations in their service delivery.

To date, discussion with the Palm Island Council and community about PIP has been informal. The first formal discussion of this strategy with the Council and community will occur at the negotiation table proposed for September 2005.

The Committee supports the objectives behind PIP. However, it is imperative that:

- the development of any such strategy (including the entity under the strategy) occurs in consultation with the Palm Island Council and community;
- any entity formed as part of the strategy include community representation; and
- a genuine attempt to build capacity in the community through activities such as transferring skills, mentoring and training underpins the strategy.

The Office of the Registrar of Aboriginal Corporations is also assisting incorporated community organisations on Palm Island in areas such as governance, compliance and development of appropriate constitutions.<sup>58</sup>

**Private enterprises and individuals:** Private enterprises and individuals might also have the capacity to provide some of the services currently performed by the Palm Island Council. In this regard the Queensland Government submission stated:

*There is strong evidence from Indigenous communities in the United States that enterprises are more successful where they are managed by a body at arms-length from an elected Council. This does not preclude the organisation being Council-owned or operated in partnership with the Council and other bodies, but requires that it be free from political interference and able to operate on a commercial footing.*<sup>59</sup>

Again, devolution to any local enterprise or individual will only be successful if that entity has appropriate capacity including governance and financial accountability capacity.

The Council must also be willing to encourage, facilitate and support private enterprise as appropriate.

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<sup>57</sup> Queensland Government submission, n 3 at 19-20.

<sup>58</sup> Queensland Government submission, n 3 at 17.

<sup>59</sup> Queensland Government submission, n 3 at 21.



**RECOMMENDATION 8**

The management consultants assigned to the Palm Island Council under the *Community Governance Improvement Strategy* should assist the Palm Island Council examine:

- ways by which the Council can rationalise the services it provides so as to enable the Council to concentrate on the provision of core municipal services;
- appropriate alternative service delivery vehicles, particularly for the provision of non-core municipal services; and
- shared service provision arrangements with other local and community governments which might, in particular, enhance the Council’s provision of core municipal services.

However, it is important that the Council devolve service provision to entities which have the capacity to deliver the relevant service and appropriate governance and financial accountability capacity.

Further, key issues which need to be addressed in negotiating and documenting any service provision arrangements include: the scope, terms and conditions of the arrangements; decision-making responsibilities, processes and timeframes; and payment of costs and fees. State Government Financial Assistance funding should be directly earmarked for, and provided to, relevant entities under such arrangements.

**RECOMMENDATION 9**

In order for the Palm Island Council to be able to devolve non-core municipal functions to other entities within the Palm Island community, the Queensland Government needs to ensure that appropriate assistance and support is provided to the community to enhance non-government organisations’ service delivery capability.

The Committee acknowledges that the *Palm Island Partnerships* strategy is designed to address the critical deficiencies in the capacity of the non-government sector on Palm Island and to deliver services normally funded through that sector. The Committee supports the objectives behind this strategy. However, it is imperative that:

- the development of any such strategy (including the entity under the strategy) occurs in consultation with the Palm Island Council and community;
- any entity formed as part of the strategy includes community representation; and
- a genuine attempt to build capacity in the community through activities such as transferring skills, mentoring and training underpins the strategy.

**3.4 REVENUE SOURCES**

The Council’s lack of a rates base means that a further barrier to the Council’s service delivery is its almost entire dependence on government funding.

Most of the Council’s operational funding is via SGFA grants. In 2003-04, the Palm Island Council received \$3.43m in SGFA funding.<sup>60</sup> The level of funding provided to Councils is based on expenditure needed for core services.

Apart from grant funding, the main source of revenue for the Palm Island Council is rent on community-owned housing. Rent is also charged for various commercial tenancies.

Opportunities to rationalise costs and enhance source revenue (without expanding service delivery functions for the reasons discussed in section 3.3) should be pursued by the Council. In this regard, it may be possible

<sup>60</sup> In 2002-03, the Council received \$2.01m: Palm Island Aboriginal Council Certified Financial Statements for the year ended 30 June 2004.

for the Council under its Performance Development Plan to negotiate a financial incentive for increasing own source revenue.<sup>61</sup>

**Costs savings:** Cost savings might result from the Council divesting non-core functions, and from reviewing existing contracts for service provision.

The management consultants assigned to the Council under the CGIS should provide advice and assistance to the Council regarding the desirability of reviewing existing service provision contracts and methods in order to achieve cost efficiencies. For example, considerable Council expenditure relates to the removal of waste from the Island by barge to the mainland. However, the Committee understands that freight is also shipped to the Island by barge but these barges are not backfilled.

**Debtors' management:** Revenue from source areas could be enhanced through better management of debtors.

Table 1 details receivables as at 30 June 2004.

*Table 1: Receivables as at 30 June 2004<sup>62</sup>*

		\$'000's
Grants due but not received		\$109
Sundry debtors		\$293
Landing fees		\$13
Service delivery charges		\$39
House rentals:		
Ex-tenants	\$542	
House rentals	\$797	
Shop rent	\$69	\$1,408
		\$1,862
Less provision for doubtful debts		\$1,242
<b>Total receivables</b>		<b>\$620</b>

(Additional data regarding rent charged and collection rates is included in section 4.8.3 in the context of housing management.)

The outstanding rent is significant particularly given that the total Council income from housing rentals for the 2003-04 financial year was only \$770,000.<sup>63</sup>

The Auditor-General noted in the audit findings advised to the Council in November 2004 that 88% of these debts had been outstanding for greater than 150 days, and that a large proportion of these debts were in excess of 90 days.<sup>64</sup>

The Auditor-General also noted that the Council does not have a formal policy in relation to writing-off debts but that there is an unofficial policy not to ever write-off debts.<sup>65</sup>

<sup>61</sup> Queensland Government submission, n 3 at 22.

<sup>62</sup> Palm Island Aboriginal Council Certified Financial Statements for the year ended 30 June 2004 at 19.

<sup>63</sup> Palm Island Aboriginal Council Certified Financial Statements for the year ended 30 June 2004 at 1.

<sup>64</sup> Final referral letter to the Council from the Auditor-General dated 30 November 2004 regarding the Council's final audit for 2003-04 at appendix A-8 and A-9.

<sup>65</sup> Note 64 at appendix A-9.

The administrator recommended that the Council take steps to negotiate debt resolution agreements with tenants and community residents which might involve writing off a portion of 'ex-tenant' debt and entering into a repayment arrangement for the balance. 'Debt resolution agreements', the administrator noted, '*have the potential to significantly increase the cash flow of the Council, and will establish formal arrangements moving forward to improve rent collections*'.<sup>66</sup>

In relation to housing rental debtors, the Auditor-General recommended that Council '*review and update their rental revenue, accounts receivable and housing management systems and policies to identify instances where there are no formal agreements in place or non-compliance with the repayment agreements, and take appropriate action to improve Council's revenue collection and cash flow management practices*'. The Council responded to this recommendation by stating that it intended to implement new strategies to improve rental debt collection through an active program involving Councillors meeting with community residents.<sup>67</sup>

Councillors' debt is a specific area of concern. As at 30 June 2004, the Palm Island Council had a total of \$55,895 owed by current Councillors. Two Councillors owed in excess of \$7,000.<sup>68</sup> The amount owed by Palm Island Councillors is considerably greater than in any other Aboriginal community. These outstanding amounts relate primarily to outstanding rent as the Council has a current policy that there are no community loans or advances with the exception of funeral and medical expenses.<sup>69</sup>

The considerable Councillor debt does not set a good example for the community and raises conflict of interest issues. The Committee understands that, in the case of one Councillor, some of this debt may relate to disputed lease arrangements. Whatever the reason, there is a need to address councillors' debts as a matter of priority.

**Business enterprises:** The Council should be assisted in improving the efficiency of its business enterprises with the aim of divestment.

The two enterprises administered by the Council—the canteen and service station—showed an overall net profit in the Statement of Receipts and Payments for Council General Funds for the nine months ending 31 March 2005.<sup>70</sup> These figures represent an improvement on the figures for 2003-04. The profit for this nine month period was \$75,459 (\$69,990 for the 12 months to 30 June 2004) for the canteen and \$26,041 (a loss of \$1,631 for the 12 months to 30 June 2004) for the service station.<sup>71</sup>

For the reasons discussed in section 3.3, opportunities for the Council to divest itself of these enterprises to other entities or people should be explored. If structured appropriately, divestment of these enterprises would not only enable the Council to better focus on the delivery of core services but would also allow the Council to recoup a lease payment without the significant risks and hidden costs attached to the operation of a business enterprise.

The administrator recommended that the Council consider granting a lease of the canteen to a commercial operator noting that the divestment of the commercial enterprise would allow the Council to focus on the provision of core municipal services to the community and would remove any potential drain on cash resources to which an unprofitable canteen operation may contribute.<sup>72</sup> In section 5.11, the Committee discusses additional reasons for the Council divesting itself of the canteen.

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<sup>66</sup> Note 29 at 60.

<sup>67</sup> Note 64 at Appendix A-9.

<sup>68</sup> Auditor-General of Queensland, *Report No 2 for 2005*, n 27 at 36.

<sup>69</sup> Final referral letter to the Council from the Auditor-General dated 30 November 2004 regarding the Council's final audit for 2003-04 at appendix A-8 and A-9.

<sup>70</sup> Palm Island Aboriginal Council Certified Financial Statements for the year ended 30 June 2004.

<sup>71</sup> Note 70.

<sup>72</sup> Note 29 at 49.

The administrator made a similar recommendation based on the same reasoning regarding the service station.<sup>73</sup> The Committee was advised that there have, at times, been insufficient supplies of fuel on Palm Island. Diesel, for example, has sometimes been unavailable for up to four days.

Provision of mechanical and maintenance services through the service station would also be beneficial.

The Committee understands that the Council has recently called for tenders for the service station.

The Council also operates a motel, although this is not separately accounted for as an enterprise. Accounts relating to the motel should be amended to enable a more ready assessment of the motel's profitability and to facilitate devolution of its management should that opportunity arise.

It is important that any tender process relating to the divestment of business enterprises is conducted in a fair and open manner, and that the Council use its best endeavours to assist any entity taking over a particular service.

#### **RECOMMENDATION 10**

The management consultants assigned to the Palm Island Council under the *Community Governance Improvement Strategy* should work with the Palm Island Council to, as matter of priority:

- rationalise costs relating to its service provision;
- address its significant debtors problem, especially Councillors' debt;
- separately account for the motel as an enterprise; and
- divest the Council of enterprises.

Any tender processes relating to the divestment of enterprises must be conducted in a fair and open manner, and the Council should use its best endeavours to encourage, facilitate and support any enterprises taking over a particular service.

### **3.5 OTHER RELEVANT ISSUES**

#### **3.5.1 Amalgamation with other local governments**

During the course of consultation, it was suggested to the Committee that one possible approach to governance issues on Palm Island was to amalgamate the Council with a neighbouring local government, most probably Townsville City Council.

Abolishing a local government area and merging it with another local government area is a 'reviewable local government matter' under the *Local Government Act 1993* (Qld). The Minister may refer such matters to a Local Government Electoral and Boundaries Review Commission for examination and determination.<sup>74</sup>

In conducting a review, the Commission must have regard to certain issues and the process may involve various forms of consultation.<sup>75</sup>

If, after considering submissions, the Commission proposes to make a final determination that the abolition and merger of local government areas be implemented, a referendum must be held in the affected area. The area constituting the affected area is prescribed by regulation. The Commission must then make a final determination and prepare a report for the Minister as soon as practicable after the final results of the referendum are notified. The Commission's determination must accord with the results of the referendum.<sup>76</sup>

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<sup>73</sup> Note 29 at 51.

<sup>74</sup> *Local Government Act 1993* (Qld), ss 64(1)(f), 77(1) and 81.

<sup>75</sup> *Local Government Act 1993* (Qld), chapter 3, part 1, division 4.

<sup>76</sup> *Local Government Act 1993* (Qld), ss 92, 93 and schedule.

Where the Commission determines that an amalgamation or abolition not be implemented because it was not approved by a compulsory referendum, the Legislative Assembly may nevertheless resolve that the Governor in Council be asked to make a regulation implementing the matter.<sup>77</sup>

Under the *Local Government (Community Government Areas) Act 2004*, external boundary changes and amalgamations involving community government areas are reviewable local government matters under the *Local Government Act*.<sup>78</sup>

While the Committee supports the Palm Island Council examining alternative service delivery arrangements with other local governments as canvassed above, the Committee does not support the Palm Island Council being amalgamated with another local government. Practically, the Committee believes it would be extremely difficult to meet the legislative requirements outlined above. Moreover, the option is contrary to principles of self-determination and the notion of building capacity in the community.

If, at some later stage, it is considered that some form of amalgamation is necessary or desirable, then the relevant Minister should review the applicable legislation regarding the requirements for an amalgamation, taking into account the practical difficulties that might be encountered in meeting current legislative requirements and considering principles of self-determination.

#### **RECOMMENDATION 11**

The Committee does not support the Palm Island Council being amalgamated with another local government. Practically, the Committee believes it would be extremely difficult to meet the legislative requirements for this to occur. Moreover, the option is contrary to principles of self-determination and the notion of building capacity in the community.

If, at some later stage, it is considered that some form of amalgamation is necessary or desirable then the relevant Minister should review the applicable legislation regarding the requirements for an amalgamation, taking into account the practical difficulties that might be encountered in meeting current legislative requirements and considering principles of self-determination.

### **3.5.2 The retail store**

While not a barrier to the provision of municipal services, a number of members of the community raised with the Committee concerns regarding the retail store on the Island. Given this is a significant service on the Island and raises issues relating to community capacity, the Committee considers that the issue warrants consideration in the context of the some of the discussion in this chapter.

The Palm Island retail store operates as a small supermarket and is the main shop on the Island. It is managed by a local manager who has delegated responsibility relating to staffing the store, and pricing and purchasing within certain guidelines and financial delegations. In addition to the manager there are 11 full-time equivalent staff.

The store is one of six stores currently administered by DATSIP in Aboriginal communities in Queensland.

Council and community concerns raised with the Committee about the store related to:

- (over)pricing;
- freshness and quality of the food (which may be partly attributed to a lack of coordination in supplying the shop);
- the limited range of goods on offer, for example, there are no hardware goods sold on the Island;

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<sup>77</sup> *Local Government Act 1993* (Qld), s 96.

<sup>78</sup> *Local Government (Community Government Areas) Act 2004* (Qld), s11.

- the availability of some items; and
- the physical building.<sup>79</sup>

As a result of these issues, many residents apparently go to the mainland to shop which involves transport and accommodation costs.

There is a strong feeling in the community that the profits made by the retail store are not being returned to the Palm Island community and that the store is being used to financially support the other community stores.

This, in turn, is said to contribute to a high cost of living on the Island.

For these reasons, many to whom the Committee spoke would prefer the shop to be community owned and managed so that profits are retained in the community and the community has more control over aspects of the store's management. There was also some support for the store to be operated by, or in partnership with, a retail chain. The Council supports investigation of both options as well as opportunities for a mainland based business to shop for people on the Island and internet shopping.<sup>80</sup>

DATSIP provided the Committee with a range of information concerning the retail store. This information included advice that:

- the Palm Island store has been the most profitable store in the group over the past three years;<sup>81</sup>
- there is a much lower mark-up on healthy food lines which is offset by high mark-ups on unhealthy lines, and a recent report shows that the store is well below average pricing for healthy lines in the category of 'remote';<sup>82</sup>
- milk and bread are set at regional price levels; and
- the pricing of the retail store is considered standard and not unreasonable in a retail environment especially given transportation costs.

The Queensland Government has a desire to divest ownership of the six retail stores but is also conscious of the need to ensure customers in these remote communities are not disadvantaged. A decision on the divestment process for the retail stores operation is expected by late 2005.<sup>83</sup>

The Committee believes that there is scope to examine transferring ownership of the store from the Government. To ensure that the concerns raised above are addressed, any new entity would need to demonstrate that it:

- has the capacity to manage the store;
- will set prices at a level which ensures on-going viability of the store but without profiteering in a captive market;
- will consider nutritional factors in selecting lines and setting prices;
- will employ local people as far as possible; and
- will invest some profits back into the community.

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<sup>79</sup> The Council's concerns are outlined in its submission, n 6 at part 13.0.

<sup>80</sup> Palm Island Council submission, n 6 at part 13.0.

<sup>81</sup> Meeting with DATSIP representatives, 26 May 2005.

<sup>82</sup> The nutritional pricing policy follows the Healthy Food Access Basket (HFAB) guidelines. A report is prepared every few years by Queensland Health on a HFAB survey.

<sup>83</sup> Letter from the Hon John Mickel MP, Minister for Energy and Minister for Aboriginal and Torres Strait Islander Policy, to the Committee dated 2 August 2005.

Full private ownership may not necessarily achieve these outcomes.

Further, given the Committee's comments in section 3.3 concerning the need for the Council to divest itself of non-core municipal functions, the Committee does not advocate that the Council assume ownership and/or management of the store.

Ownership and management of the Palm Island store might occur under a similar structure to that in the Yarrabah community.

The Yarrabah CDEP Community Store Limited is a company limited by guarantee. The company's constitution requires, in addition to the election of six directors at a general meeting, the appointment of two directors by the Yarrabah Council and the election of two directors by CDEP participants.

The market garden operated by the Coolgaree CDEP on Palm Island and which sells some produce through the retail store is also relevant to issues raised in this section and is further discussed in section 5.3.6.

#### **RECOMMENDATION 12**

The Minister for Aboriginal and Torres Strait Islander Policy should pursue transferring ownership and management of the Palm Island retail store from Government to an entity capable of demonstrating appropriate capacity, pricing policies, product selection, local employment policies and profit investment.

In this regard, the Minister should examine the structure under which the Yarrabah retail store is owned and managed.

#### **3.5.3 Issues raised by the Council**

In its submission, the Council raised issues relating to animal control (including the need to revitalise a previous animal control program) and power.<sup>84</sup>

In terms of animal control, the Council advised the Committee of significant problems with:

- the number of domestic animals and wild animals (particularly horses) on the Island;
- feral animals, including feral pigs;
- uncontrolled breeding of animals;
- unrestrained and roaming animals (both domestic and wild);
- the mistreatment of some animals;
- the inappropriate keeping of some animals, such as goats and poultry;
- unregistered animals; and
- inadequacies with the Council's by-laws regarding animal control.<sup>85</sup>

Problems with animal control of the nature outlined above have the potential to impact on the health and safety of the community, particularly young people. The Council does not have a pound or similar facility for housing sick, dangerous or wandering animals. There is also no veterinary surgery on the Island, and only limited veterinary services are provided to the Island.<sup>86</sup>

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<sup>84</sup> Palm Island Council submission, n 6 at parts 1.2 and 25.0, and parts 5.0 and 15.0 respectively.

<sup>85</sup> Palm Island Council submission, n 6 at part 25.0.

<sup>86</sup> Palm Island Council submission, n 6 at part 25.0.

The Committee believes that the Council should seek the assistance of the other local governments in exploring options to address animal control problems.

In its submission, the Council also raises issues concerning three-phase power connection to its workshop and the prospects of examining alternative power sources.<sup>87</sup> The Government Champions for Palm Island have been examining the three-phase power connection. The Council should also seek advice from the Government Champions regarding the prospects of alternative power sources.

**RECOMMENDATION 13**

The Council should seek the advice and assistance of:

- other local governments in exploring options to address animal control problems; and
- the Government Champions for Palm Island in resolving the difficulties with the three-phase power connection to the Council workshop and the prospects of alternative power sources.

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<sup>87</sup> Palm Island Council submission, n 6 at parts 5.0 and 15.0.



## 4. LAND, HOUSING AND INFRASTRUCTURE

### 4.1 BACKGROUND

Term of reference two requires the Committee to consider legal measures to ensure infrastructure development can proceed, particularly the stock of housing, government facilities and residential accommodation.

There is a significant housing shortage on Palm Island both for residents and government employees working on the Island. There have also been substantial delays in securing leases for sites for essential government infrastructure.

Relevant to these issues is the nature of the land tenure on the Island, and the absence of any land use plan to guide sustainable development. Further, much of the Island has not been surveyed.

It is highly desirable that land tenure and planning, housing and infrastructure issues be addressed as a matter of priority.

#### 4.1.1 Current tenure arrangements

Palm Island is a Deed of Grant in Trust (DOGIT) community. This means that the Council holds the fee simple in trust for the benefit of the community. There are three main township areas on the Island and most buildings in these township areas are on DOGIT land. (While there are nine registered trustee leases, there are a number of other leases for which there is a lack of documentation.<sup>88</sup>)

However, not all land on the Island is covered by the DOGIT. Excluded from the DOGIT is:

- certain Government reserves within the DOGIT;
- the public road network; and
- land held under a tenure issued by the Governor in Council (special leases).

Complex legislative provisions and considerations govern land tenure administration (including leasing) in DOGIT communities.

DOGITs are administered under the *Land Act 1994* (Qld). Among other matters, the *Land Act* governs how a trustee Council in a DOGIT community can enter into a trustee lease agreement. Essentially, once a Council has resolved to grant a lease, in-principle approval of the Minister (being the Minister for Natural Resources and Mines) must be obtained.<sup>89</sup> Before giving such approval, the Minister must be satisfied as to a number of matters including that the lease is consistent with, and will facilitate or enhance, the grant's purpose,<sup>90</sup> and is not inconsistent with the *Native Title Act 1993* (Cth) and the *Native Title (Queensland) Act 1993*. In certain circumstances, the Minister can approve a trustee lease for a purpose which is inconsistent with the grant's purpose.<sup>91</sup>

In addition, before the lease is entered into, the Minister must provide consent under s 131(1)(b) of the *Aboriginal Land Act 1991* (Qld). This consent is conditional on the Minister being satisfied that the creation of the interest is for the benefit of Aboriginal people particularly concerned with the land.<sup>92</sup>

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<sup>88</sup> Administrator's report, n 29 at 66-82.

<sup>89</sup> *Land Act 1994* (Qld), s 57(1).

<sup>90</sup> *Land Act 1994* (Qld), s 59(1).

<sup>91</sup> *Land Act 1994* (Qld), s 59(2).

<sup>92</sup> *Aboriginal Land Act 1991* (Qld), s 131(2).

The term of a trustee lease cannot extend beyond 30 years and must not contain a covenant, agreement or condition to renew the lease, to convert to another form of tenure (including freehold) or to buy the land.<sup>93</sup>

Under the *Aboriginal Land Act*, a scheme exists allowing Aboriginal people to obtain secure title to certain categories of land including DOGIT land. The title is 'Aboriginal freehold' and it is held by a land trust for the benefit of Aboriginal people.

Unlike other freehold, Aboriginal freehold cannot be sold or mortgaged (that is, it is 'inalienable'). The concept behind inalienability of Aboriginal freehold is to prevent Aboriginal people being dispossessed of their lands.<sup>94</sup>

There are also restrictions on leasing Aboriginal freehold. For example, a lease to an Aboriginal person who is particularly concerned with the land may be issued and there is no requirement for ministerial consent prior to granting the lease. However, ministerial consent must be obtained before an Aboriginal lessee creates an interest (for example, a transfer, mortgage or sub-lease) for ten years or more in favour of a person who is not an Aboriginal person particularly concerned with the land. To date, very few leases have been granted over Aboriginal freehold.<sup>95</sup>

Until 1991, a lease could also be issued in perpetuity to an Indigenous resident over part of a DOGIT (up to a maximum area of one hectare) under the *Aborigines and Torres Strait Islanders (Land Holding) Act 1985* (Qld) ('the *Land Holding Act*'). In such cases, the land is no longer part of the DOGIT and further dealings with the leased land must comply with the *Land Holding Act*. While applications for such leases were made in relation to Palm Island, no leases were ever granted.

#### **4.1.2 Native title considerations**

The Manbarra people are the traditional owners of Palm Island.

The interests of the Manbarra people are represented through the Central Queensland Land Council which, in turn, is a member of the Queensland Indigenous Working Group (QIWG). QIWG is an unincorporated association of representative Aboriginal and Torres Strait Islander organisations in Queensland. QIWG and the Queensland Government have a consultation protocol on major policy and legislative issues which affect Aboriginal and Torres Strait Islander peoples. Relevant issues include native title, cultural heritage and land, and natural resource development and management.

To date, no native title claim has been made over Palm Island. However, in instances where native title has not been extinguished, negotiation with the traditional owners of Palm Island regarding land issues is required.

The *Native Title Act 1993* (Cth) provides that Indigenous Land Use Agreements (ILUAs) may be made between native title holders or claimants and other interested parties about how land can be used in the future. Once an ILUA is negotiated and signed, it is registered with the National Native Title Tribunal (a process which takes about six months).

An ILUA is a contract and, once registered, is binding on all persons who hold native title in the area covered by the ILUA even if they are not a party to the agreement.

An ILUA is a practical way to resolve native title issues and enables parties to make agreements regarding land without the need to go through formal native title processes. Matters which may be governed in an

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<sup>93</sup> *Land Act 1994* (Qld), s 61.

<sup>94</sup> Queensland Government (Department of Natural Resources and Mines), *Review of the Aboriginal Land Act 1991* (Qld), Discussion Paper, March 2005 at 24.

<sup>95</sup> Note 94 at 25.

ILUA include: recognition of native title rights and how they will be exercised; the nature of the development to take place and how it will occur; and any compensation payable to a native title group.

The Committee makes further comments regarding ILUAs in section 4.5.

#### **4.1.3 Land tenure reform at the Federal level**

Since late 2004 there has been considerable debate as to how the nation's substantial Indigenous land base could be better utilised to enable people in Indigenous communities to enjoy the benefits of individual land ownership to enable home ownership and economic development.

The Federal Government has indicated its support for land tenure reform in the context of the Northern Territory<sup>96</sup> (over which it has legislative power) and amending legislation is expected in late 2005. It is anticipated that this reform will be modelled on the 99-year lease system of land tenure in the Australian Capital Territory. Such a system would provide long-term leasehold interests in land to individuals but ensure that, ultimately, the land remains in communal ownership.

Many of the issues behind calls for reform at the Federal level apply to Indigenous communities in Queensland, including Palm Island.

A consistent approach to Indigenous land tenure throughout Australia is desirable.

#### **4.1.4 Current review of the *Aboriginal Land Act 1991***

In April 2005, the Queensland Government released a discussion paper on the review of the *Aboriginal Land Act 1991*. There has been significant community consultation as part of the review process. Submissions on the discussion paper closed in May 2005.

Part of the review considers options to improve land tenure in Aboriginal shire communities. Many of the issues driving the discussions at the Federal level are reflected in the discussion paper.

(Then) Minister for Natural Resources and Mines, Hon Stephen Robertson MP, said that:

*One area to be examined is ways to address the lack of certainty of title faced by many Aboriginal shire Councils and residents of [DOGIT] communities.*

*These uncertainties have the potential to hinder economic development and home ownership aspirations within Indigenous communities.*

*The discussion paper examines a number of options to facilitate 'tenure rationalisation' within Aboriginal shires and maximise the potential for individual land ownership through leasing in Aboriginal shire townships.*

*It also proposes the development of defined town areas where future development can occur.*<sup>97</sup>

The discussion paper makes the following points:

- the current requirements for ministerial consent and approval for the grant of leases in DOGIT townships could be simplified;
- the *Aboriginal Land Act* should continue to provide for the granting of inalienable freehold;
- the possibility is raised for 50-year renewable leases to be available, without ministerial consent, in relation to both Aboriginal freehold and DOGIT land;

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<sup>96</sup> *Aboriginal Land Rights Act (Northern Territory) 1976* (Cth).

<sup>97</sup> Hon S Robertson MP, (then) Minister for Natural Resources and Mines, 'Aboriginal Land Act under review', *Ministerial Media Statement*, 15 March 2005.

- from a tenure point of view, the favoured option to facilitate home ownership in Aboriginal communities is a 50-year renewable lease; and
- discrete blocks within a defined township area may be made available as normal freehold and zoned for commercial enterprise as an encouragement to businesses to set up in townships.<sup>98</sup>

One option canvassed in the discussion paper, to address some of the issues raised, is the rationalisation of the various forms of tenure in DOGIT communities; that is, a reduction in the number of interests in land and better integration of remaining interests so there is more certainty and less complexity. The paper states: *'From a land tenure point of view, a holistic approach needs to be taken in respect of Aboriginal shire community areas if a community is to achieve its aspirations for economic development and home ownership. Those aspirations need to be built upon certainty of title...'*<sup>99</sup>

It is envisaged that amending legislation, giving effect to the outcomes of the review process, will be introduced in the first half of next year.

#### **4.2 TENURE RATIONALISATION**

The Council submitted that it and the community are not satisfied with the current DOGIT land tenure and that there is a desire in the community for home and land ownership.<sup>100</sup> (The economic aspects relating to home ownership are addressed in section 4.9.)

The Committee supports tenure rationalisation in DOGIT communities as has been mooted by the current review of the *Aboriginal Land Act*. The outcome of this rationalisation process should be a form of 'Aboriginal freehold' tenure in the township areas which:

- enables the Council to grant longer leases, say to a maximum of 50 years, but ensures that, ultimately, communal ownership of the land is maintained;
- enables a lessee to build improvements on the leased land;
- enables a lessee to use their long-term lease for security purposes which, in turn, may facilitate home ownership and economic development; and
- provides a more streamlined process for approving leases.

Land tenure arrangements outside the townships areas would be a matter for negotiation with the traditional owners and any other relevant parties.

Substantial legislative amendment would be required to achieve this rationalisation. In addition, the following steps would need to take place:

- joint agreement with the traditional owners, historical people and Council to undertake a tenure rationalisation process;
- identification of existing land interests including reserves, dedicated roads, trustee leases, easements, and unregistered equitable leases;
- identification of land uses including anomalies with existing land interests utilising surveying on the ground and aerial photography;
- land use planning to assist in determining the long-term boundaries for the township areas and the orderly layout of the town including provision for necessary infrastructure and future growth (see section 4.3);

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<sup>98</sup> Discussion paper, n 94 at 24, 26, and 32 respectively.

<sup>99</sup> Discussion paper, n 94 at 31.

<sup>100</sup> Palm Island Council submission, n 6 at part 24.0.

- negotiation of an ILUA with the traditional owners for the township areas;
- resolution of land use and land interest anomalies by negotiation with the relevant parties using the land use plan as a basis for demonstrating the need for reconfiguration of certain lots;
- a survey of agreed interests; and
- creation of new interests in accordance with relevant amended legislation.<sup>101</sup>

Thus, the ultimate outcome of such a process should be that the Council is able to grant leases of its Aboriginal freehold to residents, the Government and other parties for longer terms and via a more streamlined process.

The Committee recognises that considerable negotiation and consultation will be required to work through these steps and that this will take time. In particular, joint agreement between the traditional owners, historical people and the Council will require a substantial amount of negotiation. The CQLC might undertake this role or, alternatively, appoint an independent facilitator.

One option to possibly reduce this timeframe is to enable development to proceed once an ILUA has been signed but before registration. This possibility warrants further consideration.

Issues will also arise regarding the granting of leases once the tenure rationalisation has occurred. A transparent and formal policy will need to be put in place which sets out a fair and independent process to govern decisions relating to the granting of leases. Factors which might impact on the allocation of leases could include current occupation, historical attachment, and traditional recognition of a particular area.

A further consideration in this regard would be whether the Council should continue to deal directly with lessees, or whether a lease ('head lease') should be granted by the Council to another entity that would be responsible for granting the individual leases ('sub-leases'). In accordance with the Committee's discussion in section 3.3, the second option would be preferable so as not to add to services expected to be performed by the Council.

Until such time as this tenure rationalisation occurs, leases for essential government infrastructure should be pursued as a matter of priority (see section 4.4).

**RECOMMENDATION 14**

The Minister for Natural Resources and Mines should pursue, in consultation with relevant communities, a rationalisation of land tenure in DOGIT communities resulting in a form of 'Aboriginal freehold' tenure in township areas. This form of tenure should enable councils to grant long-term leases, say to a maximum of 50 years, via less complex approval processes than currently exist for trustee leases. The granting of longer term leases may, in turn, facilitate home ownership and economic development.

To expedite this process of tenure rationalisation, the Minister for Natural Resources and Mines should investigate the possibility of enabling development to proceed once an ILUA has been signed but before registration.

Any such tenure rationalisation will need to be accompanied by structures and transparent and formal policies which ensure a fair and independent process to govern decisions for the granting of leases.

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<sup>101</sup> This is based on the Discussion Paper, n 94 at 31 and related discussions with representatives from the Department of Natural Resources and Mines.

### 4.3 LAND USE PLANNING

Land use planning is essential to guide sustainable development on Palm Island in an orderly manner and considering infrastructure needs and future growth.

To date, decisions regarding land use on Palm Island have been made in the absence of any master planning document. To assist the Council make decisions regarding residential, government and commercial projects, the Government Champions for Palm Island initiated development of a land use plan by the Department of Public Works (DPW) for the Palm Group of islands. Development of this plan is fully funded by the State Government.

The DPW subsequently engaged a consultant to assist in developing a land use plan which will:

- provide a framework to support the Council's decision-making processes and allow the Council to respond to land use demands within an agreed plan;
- assist in identifying areas of land suitable for development including housing;
- ensure present and proposed land use initiatives are aligned with existing and future infrastructure networks;
- protect the area's cultural and environmental qualities;
- control the pace and location of development on the islands; and
- guide agencies seeking to establish infrastructure on Palm Island.<sup>102</sup>

The land use plan is being developed in consultation with the Palm Island community (through community consultation liaison officers), the traditional owners of Palm Island, the Council and State Government agencies. Wide consultation with the Palm Island community is critical to the community having ownership of the land use plan.

The Council is supporting development of the land use plan and community consultation is currently taking place. A final draft land use plan is expected to be provided to the Council in September 2005.

A land use plan will enable a proper survey of the Island to be undertaken and form the foundation for more detailed town planning.

The process to develop a land use plan will also provide critical information regarding the population which can be supported on the Island. The traditional owners submitted that there should be some form of population cap on the Island.<sup>103</sup>

#### **RECOMMENDATION 15**

The Minister for Public Works should ensure that the current process to develop a land use plan for Palm Island, in consultation with the Palm Island Council and community, is progressed as efficiently and expeditiously as possible.

### 4.4 LEASES FOR GOVERNMENT INFRASTRUCTURE AND ACCOMMODATION

#### 4.4.1 Current situation

There have been difficulties in securing leases for critical Government infrastructure on Palm Island.

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<sup>102</sup> Queensland Government submission, n 3 at 27.

<sup>103</sup> Note 5.

Government infrastructure can be built on DOGIT land in two ways:

- on a Government reserve within the DOGIT (for example, the current Government offices and current police station and proposed site for new Government offices are on Government reserve land on Palm Island); and
- through a trustee lease agreement (which, unlike the Government reserve situation, requires a resolution of the Council, ministerial consent and an ILUA).

Critical infrastructure required on the Island includes the following.

- A new police station, including watch house. In March 2000, negotiations commenced between the QPS and the Council to secure a site on which a new police facility could be constructed. Funds have been allocated for this facility for a number of years. The Committee understands that the Council recently resolved to grant a trustee lease of the QPS's preferred site for the new police station.
- An emergency services facility. The Department of Emergency Services has been in discussion with the Council over the past two years regarding a suitable site for a new emergency services facility for the Island (to accommodate ambulance, fire and SES services). The Committee understands that the Council recently resolved to grant a trustee lease of land adjacent to the school for this purpose. However, the lease has been placed on hold pending the outcome of the land use plan.
- A new government office building and court house. The Committee understands that the government office building will accommodate services provided by the Department of Child Safety, the Department of Communities, the Department of Justice and Attorney-General, the Department of Corrective Services, the Department of Housing, DATSIP, Australia Post, Centrelink and a Job Find office.

Funds have been available for a number of years to enable the construction of a new Government office building however there has been no agreement as to a site on which this building can be constructed. Recently, that funding has had to be increased to allow for escalating construction costs. The Government's preferred site is on an existing reserve adjacent to the current police station. The DPW is currently negotiating with the QPS for the current police station site (also part of the reserve) to ensure sufficient room for the offices and a court house.

Other critical Government infrastructure is also planned in the short term. In section 5.10, the Committee discusses plans to build a safe house for children on the Island.

There have also been substantial difficulties with the lease for the Palm Island Community Youth Centre. While Government negotiations with the Council as to leasing and management arrangements were progressing in the initial stages of the project, on 16 February 2005 Council resolved to only offer a six month consent for Government use of the centre and advised that it did not authorise the Queensland Police-Citizens Youth Welfare Association (QPCYWA) or the QPS using or taking possession of the centre. (The centre was officially opened on 17 February 2005.)

To date, no leasing or management arrangements regarding the youth centre have been finalised.

Any government infrastructure built on non-reserve land in a DOGIT community without a lease is not within the Government's control. Rather, the Council has control of the building as trustee of the land. This is the current situation in relation to the Community Youth Centre.

Accommodation for government employees who provide services on the Island is also critical. A number of government agencies informed the Committee that their service provision on Palm Island is hampered by the fact that there is very limited accommodation for staff on the Island. The administrator also noted that: *'To ensure ongoing and improved provision of government services on the Island, Council must recognise the need for suitable long term accommodation for government workers and work with the Department to support establishment of suitable residences'*.<sup>104</sup>

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<sup>104</sup> Note 29 at 80.

Following negotiations with the Council, new Government employee accommodation is currently being constructed on Palm Island. This accommodation has been allocated to the Department of Child Safety, the Department of Aboriginal and Torres Strait Islander Policy and two new Alcohol, Tobacco and Other Drugs Service workers. Additional employee accommodation on Palm Island is also required for the QPS (given increased staffing numbers to enable the police station to operate on a 24-hour basis), Queensland Health and the Department of Communities.<sup>105</sup>

The predecessor legislation to the *Land Act 1994* enabled government to appropriate land for public purposes by way of a ‘floating reservation’. Thus, the Palm Island DOGIT was granted subject to a floating reservation. Under the *Land Act 1962*, the State could resume all or part of a floating reservation in a DOGIT community when the land was needed for a public purpose (such as health, education and police facilities). However, it is understood that no resumptions occurred under these provisions.

The *Land Act 1994* repealed the *Land Act 1962* and provides that only a special Act of Parliament may remove land from or cancel land in an existing DOGIT community. As a result, land reserved for a public purpose in, and land needed for a public purpose from, a DOGIT community may no longer be resumed under the *Land Act* or the *Acquisition of Land Act 1967*.

In order to compulsorily acquire land for critical infrastructure purposes, legislation would be required. This could be achieved through: amending the *Land Act 1994* to reinstate the floating reservation power; amending the *Acquisition of Land Act* to enable DOGIT land to be resumed; or through specific legislation.

The Government can compulsorily acquire land subject to native title for public purposes in some circumstances.

#### **4.4.2 Committee conclusion**

A number of factors have contributed to delays in securing leases for critical government infrastructure on Palm Island. The primary reason has been delays in successive Councils passing resolutions regarding the granting of leases. The reasons for Council delay in agreeing to leases for government infrastructure and accommodation are unclear. However, anecdotally, Councils have felt that the priority is housing for the community rather than addressing government needs.

It should also be acknowledged that the events of November 2004 placed many events, activities and services the Island ‘on hold’ for a period of time. The lack of a land use plan to guide development is also relevant.

Priority issues in the community such as law and order and child safety can only be effectively addressed if the Government has the capacity to fully implement its service provision. The need to avoid ‘fly in, fly out’ arrangements and instead have people live in, and be part of, the community was stressed to the Committee throughout its consultation. This cannot occur unless there is appropriate accommodation for a range of service providers and, in some cases, their families.

The tenure rationalisation proposed in section 4.2, if implemented, should enable a more streamlined process for approving leases and more flexibility in length of lease that can be offered.

Pending that tenure rationalisation, the lease regarding the Palm Island Community Youth Centre site should be resolved. The Government Champions for Palm Island should undertake this task.

Negotiations between the Council and Government for trustee leases required for critical government infrastructure should also be pursued immediately following the finalisation of the land use plan. In section 4.6 the Committee discusses the need for a co-ordinated approach in this regard.

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<sup>105</sup> Queensland Government submission, n 3 at 29.



Further, ILUAs required for critical government infrastructure need to be negotiated (see section 4.5).

Once the Council and Government have negotiated lease arrangements, the lease boundaries will need to be surveyed and the Minister's approval gained.

The Committee does not support legislative change to enable the Government to use compulsory acquisition of land powers for government infrastructure purposes at this stage. However, the committee believes that that proportion of reductions in the monthly SGFA payments to the Council relating to the administrator's fees (see section 3.1.3) should cease immediately upon the Council doing all things necessary (including passing relevant resolutions and executing relevant documentation) to:

- secure a lease to the Queensland Government for the Palm Island Community Youth Centre site; and
- enable critical government infrastructure to proceed.

To facilitate this, the Government Champions should document with the Council:

- the leases required immediately for critical government infrastructure; and
- the steps required of the Council to enable critical government infrastructure to proceed.

#### **RECOMMENDATION 16**

The Government Champions for Palm Island, on behalf of the Queensland Government, and the Palm Island Council should immediately negotiate a lease agreement for the Palm Island Community Youth Centre site.

#### **RECOMMENDATION 17**

Immediately following the release of the final draft land use plan in September 2005, the Queensland Government should negotiate with the Council the granting of leases for critical government infrastructure on Palm Island. (See also section 4.6 in this regard.)

#### **RECOMMENDATION 18**

That proportion of reductions in the monthly State Government Financial Aid payments to the Council relating to the administrator's fees (see section 3.1.3) should cease immediately upon the Council doing all things necessary (including passing relevant resolutions and executing relevant documentation) to:

- secure a lease to the Queensland Government for the Palm Island Community Youth Centre site; and
- enable critical government infrastructure to proceed.

To facilitate this, the Government Champions should document with the Council:

- the leases required immediately for critical government infrastructure; and
- the steps required of the Council to enable critical government infrastructure to proceed.

## **4.5 THE NEED FOR ILUAS**

In its submission, the Council raised a number of issues regarding negotiation with the traditional owners of Palm Island and the requirements for ILUAs.<sup>106</sup>

The need for an ILUA with traditional owners regarding leases for government infrastructure will depend on whether the tenure and past use of the land has extinguished native title. However, in general an ILUA will be required for a trustee lease where native title has not been extinguished.

ILUAs will also be required as a result of developing the land use plan.

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<sup>106</sup> Palm Island Council submission, n 6 at part 27.0.

The QIWG, in conjunction with the ALGAQ, is developing a template ILUA to assist in resolving native title issues in DOGIT communities. The aim of this process is to assist native title claim groups and DOGIT Councils complete native title related agreements in a way which minimises duplication of effort, time and expense.<sup>107</sup>

QIWG recognises this template ILUA will take some time to implement and that in the meantime there are a number of government infrastructure projects unable to proceed in DOGIT areas due to native title issues. Therefore, QIWG proposes to facilitate the development of specific 'infrastructure' ILUAs with the Queensland Government, community governments and native title holders.

The Committee supports processes to establish templates and other mechanisms to facilitate the negotiation of ILUAs and notes that they should address some of the issues in this regard raised by the Council in its submission.

In the meantime, and as a first step to negotiating ILUAs required as a result of the land use plan, once the land use plan is finalised, priority must be given to negotiating ILUAs regarding:

- critical government infrastructure; and
- identified housing sites given the critical nature of housing on the Island.

#### **RECOMMENDATION 19**

The Committee supports the current work by the Queensland Indigenous Working Group to develop a template Indigenous Land Use Agreement to assist in resolving native title issues in DOGIT communities and, pending that, specific 'infrastructure' ILUAs with appropriate parties.

In the meantime, once the land use plan for Palm Island is finalised, priority must be given to negotiating ILUAs regarding:

- critical government infrastructure; and
- identified housing sites given the critical nature of housing on the Island.

#### **4.6 GOVERNMENT LEASING ARRANGEMENTS GENERALLY**

Government leasing arrangements on Palm Island need to be conducted in a streamlined and coordinated manner.

Negotiations regarding leases for government infrastructure potentially involve the Council, the relevant Government agency and traditional owners and/or their representatives. Currently, it seems that agencies seek to individually negotiate leases with the Council.

To ensure that the negotiation of leases for government infrastructure is coordinated, there should be a central point through which all negotiation occurs. This would assist Government coordinate its service provision on the Island, streamline Government negotiation with the Council, and identify at the outset whether native title concerns need to be addressed so that there can be concurrent negotiations for an ILUA.

Any proposals for government infrastructure should involve the DPW given that the department coordinates the capital works and maintenance of assets programs on the Island.

Negotiation of leases should be assisted by standard lease terms and conditions, and a consistent policy regarding rent charged to the State.

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<sup>107</sup> Draft revised protocol between QIWG and the Queensland Government.

Rent payable under leases of DOGIT land to Government in order for Government to provide a service and construct buildings is sometimes at a peppercorn rent.<sup>108</sup> However, the Council has recently advised the Department of Emergency Services that rental for the proposed site for its new emergency services facility will be \$1,000 per month.

The *Land Act 1994* provides that rent for a trustee lease ‘*must be the highest rent that can be reasonably obtained, having regard to the use, and the community benefit and purpose of the trustee lease...*’.<sup>109</sup> This provision might require amendment. Alternatively, Councils might require non-statutory guidance regarding appropriate rent levels where government infrastructure is providing a critical service to the community.

#### **RECOMMENDATION 20**

To assist in the more coordinated and efficient negotiation of leases for government infrastructure on Palm Island, the Queensland Government should:

- identify a central point through which all negotiations for government infrastructure leases on Palm Island occur; and
- formulate, in conjunction with the Council, standard lease terms and conditions for leases relating to government infrastructure and a consistent policy regarding rental under such leases.

#### **RECOMMENDATION 21**

The Minister for Natural Resources and Mines should review provisions of the *Land Act 1994* regarding rent to be charged under trustee leases to establish whether statutory amendment or some form of non-statutory guidance is required regarding appropriate rent levels to be charged by councils where government infrastructure is providing a critical service to the community.

### **4.7 FORMALISATION AND REGISTRATION OF LEASES**

The administrator identified that a number of tenancies on the Island are not the subject of a formal agreement. This particularly relates to the shop, commercial and community service tenancies on the Island.<sup>110</sup>

The Council should seek to formalise all tenancies as soon as possible. All lease agreements should be based on standard terms and conditions, and rent calculation basis. Apart from other matters, formalisation of these tenancies will reduce the possibility of dispute regarding lease terms and conditions.

The Council should also keep a register of all leases granted and attend to any registration requirements as soon as practicable.

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<sup>108</sup> Queensland Government submission, n 3 at 26.

<sup>109</sup> *Land Act 1994* (Qld), s 63(2).

<sup>110</sup> A number of outstanding lease arrangements are noted in the administrator’s report, n 29 at 66-82.

**RECOMMENDATION 22**

The management consultants assigned to the Palm Island Council under the *Community Governance Improvement Strategy* should assist the Palm Island Council to:

- formalise the various tenancies on the Island which are currently not subject to formal agreement;
- develop policies to ensure that non-government tenancies are based on standard terms and conditions, and rent calculation basis; and
- establish and maintain a register of all leases granted and attend to any registration requirements as soon as practicable.

**4.8 HOUSING**

**4.8.1 Current situation**

Housing is a critical issue on Palm Island. The Committee was informed of problems in the two key areas of housing delivery, namely: (a) capital funding delivery (housing construction and upgrades); and (b) housing management delivery (tenancy management, maintenance and housing allocation).

The Council is currently responsible for all aspects of housing on the Island and, due to the DOGIT nature of the community, all land and the housing on it is owned by the Council as trustee. Housing is a major industry and employer on the Island.

The Council stressed to the Committee that the housing shortage on the Island needs to be addressed. The Council also emphasised to the Committee its responsibility for housing and compared this to other local governments which are not responsible 'for such an additional burden'.<sup>111</sup>

While there is no doubt that there is housing shortage on the Island, the exact housing situation in terms of the number of residents per household is currently unclear. A census has not been conducted on Palm Island since 2001, and results of the August 2006 census will not be available until approximately 18 months after that date.

The Department of Housing did not commence collecting demographic information until 2003. Prior to this, demographic information was provided to the Department by the Queensland Aboriginal Coordinating Council. In 2000, this entity stated that 1,658 people were occupying 298 properties. In 2003-04, the Department inspected 292 houses on Palm Island indicating some 1,600 residents were residing in them. The 2003-04 figures mean an average of just over five people per house, albeit there were only one or two people living in some houses and excessive numbers in others.

Obtaining accurate demographic data is made difficult by a number of factors including family members being away from the Island when visits are made.

To gain a clearer understanding of the housing situation on Palm Island, the Department of Housing has recently gained the Council's approval to collect data on the current housing stock and condition, and demographic data specifically relating to housing. This will commence in August 2005.

The Department of Communities also proposes to undertake a project, in conjunction with other agencies, to more accurately determine the population of the Palm Island community so as to better understand the need for services on Palm Island.

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<sup>111</sup> Palm Island Council submission, n 6 at part 2.1.

#### 4.8.2 Capital funding delivery

Funding for housing delivery in DOGIT communities is currently provided at two levels. The Commonwealth Government provides funding for housing in Indigenous communities through the *National Aboriginal Health Strategy* (NAHS). The Australian Army has built some housing on Palm Island under this strategy. Until recently, funding under the strategy was provided via ATSIC. However, with the demise of ATSIC, there is an opportunity to rationalise funding sources so that the Commonwealth program is also delivered by the states.

Rationalising funding sources would ensure a more coordinated and efficient approach to housing delivery on the Island.

Housing funding is also provided through the Commonwealth-State Housing Agreement (a bilateral agreement) to which the Queensland Government contributes significantly more than required by the Commonwealth. This funds the DOGIT Communities Program which is delivered by the Queensland Department of Housing.<sup>112</sup> Allocation of that funding to particular communities is based on a needs assessment by that Department.

The Palm Island Council is funded by the Department of Housing through grants to build an agreed number of houses and complete a number of upgrades on houses. The Council makes decisions as to sites on which housing is to be located and appoints a project manager from either within the community or externally who is responsible for housing design, specifications, standards, and required certification checks. The manager also sources a building contractor. Where possible, the local Council works crew is given preference to carry out building works.

The Council is responsible for developing an annual works program which is approved by the Department.

Under the Five Year Capital Grants Program which ended in 2003-04, Palm Island received \$24,123,112 to fund construction of 53 new dwellings and nine major upgrades. This funding was made on a needs assessment by the Department which resulted in the Department funding 100% of the identified need assessed in the Palm Island community. Of this, the Council expended \$20.99 million.<sup>113</sup>

Under the 2004-09 Five Year Capital Grants Program, Palm Island was allocated \$1,207,462 in 2004-05 for housing. When combined with carry over from previous years funding allocations, Palm Island has \$4,717,771 to address its housing need. This funding will enable the Council to complete its 2003-04 capital works program and commence the 2004-05 program. It should provide for 20 new constructions and four major upgrades.<sup>114</sup>

As at 30 April 2005, the Council had \$4.7 million available for its capital works program (including carry overs from previous years). Forty-eight per cent (\$2.3 million) of this funding was uncommitted and was in part attributable to delays by the Council in making decisions about the capital works program.<sup>115</sup>

The Council and the Department of Housing have recently negotiated a verbal agreement that Project Services and QBuild will deliver the capital works program. The Committee has been advised that closer scrutiny of the 2004-05 housing projections for the Island will result in the Department of Public Works being able to deliver houses at an approximate cost of \$300,000 which is significantly less than the current average cost of construction per house.

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<sup>112</sup> The DLGPSR also delivers infrastructure related to housing (water, sewerage etc) with this funding.

<sup>113</sup> Government submission, n 3 at 28.

<sup>114</sup> Government submission, n 3 at 28.

<sup>115</sup> Government submission, n 3 at 28.

Works in accordance with this arrangement are expected to commence shortly, with an estimated completion date of December 2005. This program will deliver 11 projects relating to replacement housing, new construction and upgrades to existing dwellings.

However, even once these funds are spent, the housing shortage on the Island will not be fully addressed.

### 4.8.3 Housing management delivery

Housing management delivery relates to rent assessment and collection, housing repairs and maintenance, and housing allocation.

**Rent assessment and collection:** To effectively deliver housing, there needs to be appropriate rents set, high levels of rent collection, and effective and comprehensive maintenance schedules.

Table 2 shows average rent charged per dwelling on the Island and rent collection rates since 1998-99.

Table 2: Average rent and rent collections rates<sup>116</sup>

KEY PERFORMANCE MEASURES	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04
Average weekly rent charged per dwelling	\$32	\$40	\$42	\$42	\$45	\$51
Rent collection rate	45%	60%	103%	100%	97%	95%

As Table 2 shows, the Council's collection of rent has improved markedly over the last six years. The Department of Housing has, over this period, assisted the Council in developing and implementing appropriate and effective tenancy and property management policies and procedures. However, there are significant backlogs of outstanding rent and the average outstanding arrears per house are about \$2,000.

The Auditor-General's audit for 2003-04 noted that the level of 'housing rental debtors' totalled \$1,338,753 and recommended that Council 'review and update their rental revenue, accounts receivable and housing management systems and policies to identify instances where there are no formal agreements in place or non-compliance with the repayment agreements, and take appropriate action to improve Council's revenue collection and cash flow management practices'. The Council responded to that recommendation by stating that it intended to implement new strategies to improve rental debt collection through an active program involving Councillors meeting with community residents.<sup>117</sup>

**Repairs and maintenance:** Repairs and maintenance of housing is entirely a Council responsibility. The Committee was informed by a number of community members of maintenance problems not being addressed over extended periods of time and despite repeated requests of the Council. The administrator also reported that repairs and maintenance of housing assets is an issue of major concern to the community.<sup>118</sup>

The Committee understands that repairs and maintenance are essentially funded out of rental proceeds collected by the Council but it is Council policy that repairs and maintenance (other than urgent safety issues) are not undertaken if any rental is outstanding in respect of a property. Conversely, tenants often withhold rent until requests for repairs and maintenance are met.<sup>119</sup> This has a significant impact on debt levels (see section 3.4 in this regard).

<sup>116</sup> Letter from the Hon Robert Swarten MP, Minister for Public Works, Housing and Racing, to the committee dated 30 June 2005.

<sup>117</sup> Note 64 at Appendix A-9.

<sup>118</sup> Note 29 at 60.

<sup>119</sup> Note 29 at 60.

**Allocation of housing:** The Committee's consultation revealed that the allocation of housing by the Council is of major concern to the community. These concerns are heightened by the housing shortage on the Island and a housing waiting list of approximately ten years.

Anecdotally, a significant amount of Council time is spent on making housing allocation decisions.

At the time of the administrator's appointment, housing officers had a policy drafted by the Aboriginal Coordinating Council as a basis for prioritising applications and making recommendations to Council regarding allocations.

Although the current Council undertook to provide the Committee with a copy of its housing allocation policy, this was not forthcoming.

The administrator recommended that, to establish independence regarding allocations and remove any perceived bias, decisions regarding allocation of housing be removed from Council control. As an alternative model, the administrator recommended that consideration be given to the establishment of a separate community board (on which Council could be represented) which is solely responsible for the allocation of housing. This, the administrator reasoned, 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.<sup>120</sup>

The administrator also recommended that Council give serious consideration to developing a fair and transparent appeal mechanism regarding housing allocations.<sup>121</sup>

#### **4.8.4 Committee conclusion**

Immediate steps need to be taken to improve the housing situation on Palm Island. In turn, this will lead to improved outcomes in a range of important areas such as health, the functioning of families and education of young people.

For the reasons outlined in section 3.3, the Committee advocates an alternative service delivery model to the Council for all aspects of housing management in Palm Island. As acknowledged by the Council in its submission, housing is not a service provided by local governments (as opposed to community governments) and is a significant, additional burden for the Palm Island Council.<sup>122</sup> The Council also submitted that '*alternatives or methods of improvement need to be investigated in relation to management and administration of housing, maintenance/damage and rent collection for community housing*'.<sup>123</sup>

Divestment of responsibility for housing accords with the transition from community government to local government status and will enable the Council to better concentrate on its provision of core municipal services.

In addition, the Committee has serious reservations about the capacity of the Council to effectively deliver all aspects of housing in the community.

In relation to capital delivery, the Committee is concerned that value for money is not being achieved and that construction and upgrade outcomes are not being realised in a timely way. This is reflected in the average construction cost per house, construction delays, and the Council's failure to expend all capital funding on a recurring basis.

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<sup>120</sup> Note 29 at 59.

<sup>121</sup> Note 29 at 59.

<sup>122</sup> Note 6 at part 2.1.

<sup>123</sup> Note 6 at part 2.1.

The Committee acknowledges that construction of housing is hampered, to some extent, by land planning issues. There are limitations on the opportunities to build on the Island due to the nature of the terrain. Supporting infrastructure such as water and sewerage is also needed to potential housing sites. The development of a land use plan for the Island (discussed in section 4.3) will be critical in determining where future housing should be located. Further, as discussed in section 4.5, an ILUA for identified housing sites should be negotiated as a matter of priority.

There are also significant issues with housing management in relation to rent assessment and collection, housing maintenance, and housing allocation.

As discussed in section 3.4, excessive levels of outstanding rental debt need to be addressed.

The delays in attending to repairs and maintenance and the cause of those delays also need to be addressed.

In addition, housing allocation decisions need to be removed from the Council so that they are, and are seen to be, transparent, made in the absence of conflicts of interest and based on a fair process (with criteria relating to needs and priorities, and in conjunction with an established waiting list) which is subject to independent scrutiny.

In light of the critical nature of housing and its impact on other social factors, the Committee believes that an alternative housing delivery models needs to be identified and implemented as a matter of priority.

In the Committee's view, the model to be implemented should:

- address both aspects of housing delivery, that is, capital delivery and housing management;
- be independent from the Council;
- incorporate mechanisms for Council and community consultation regarding factors such as housing location (as per the land use plan), design and planning;
- ensure proper planning so that housing being constructed matches the demographics of the Island (for example, suitable housing for older people, young single men, single mothers, and couples without children) and examine other ways to address the housing shortage (for example, extending the number of bedrooms, bathrooms, toilets and living areas in existing housing to cater for extended families who wish to live together);
- deliver transparent decision-making regarding housing allocation which is based on a fair process (with criteria relating to needs and priorities, and in conjunction with an established waiting list) and which is subject to independent scrutiny; and
- aim to maximise community employment in housing construction, upgrades and maintenance (for example, through the CDEP), and build the capacity of the community by providing associated training and skills development. In this regard, the *Indigenous Employment Policy for Queensland Government Building and Construction Contracts* requires contractors to government or grant recipients of funding for building and civil construction projects to allocate a minimum of 20% of the deemed on-site labour hours to employ local Indigenous people. Of the 20%, a minimum of 50% of the labour hours must be provided for accredited training such as formal apprenticeship or traineeship or other appropriate building and civil construction training. (This policy is also discussed in section 5.3.5.)

The Committee notes that the Department of Housing is currently examining alternative housing delivery models for Queensland's 34 discrete Aboriginal and Torres Strait Islander communities and that the Minister has recently written to the relevant community governments seeking their input on the issue.

If the Council is not willing to transfer housing service delivery to another entity, then the Department of Housing should set stringent standards for housing funding based on compliance with the *Housing Act 2003* (Qld) and associated regulations. (The Council is a registered housing provider under this legislation.) These conditions should include the implementation of a range of departmentally approved policies concerning housing allocation, rent assessment and collection, and asset management.



The committee acknowledges that a likely consequence of constructing more houses on Palm Island is that Palm Island residents living off the Island will return with the consequence that the housing shortage will not be addressed. This highlights the importance of a properly managed housing allocation waiting list.

The land use plan should identify the population which the Island can support.

**RECOMMENDATION 23**

The Minister for Housing should negotiate with appropriate federal counterparts the delivery of Commonwealth funding for Aboriginal and Torres Strait Islander housing by the State.

**RECOMMENDATION 24**

The Palm Island Council should not be responsible for housing (both capital delivery and housing management) on Palm Island.

The Minister for Housing should pursue with the Council an alternative housing delivery model as a matter of priority. This model should:

- address both aspects of housing delivery, that is, capital delivery and housing management;
- be independent from the Council;
- incorporate mechanisms for Council and community consultation regarding factors such as housing location, design and planning;
- ensure proper planning so that housing being constructed matches the demographics of the Island and examine other ways to address the housing shortage;
- deliver transparent decision-making regarding housing allocation which is based on a fair process and which is subject to independent scrutiny; and
- aim to maximise community employment in housing construction, upgrades and maintenance, and build the capacity of the community by providing associated training and skills development.

#### **4.9 HOME OWNERSHIP**

Many Palm Island residents the Committee spoke to expressed a strong desire that they would like the opportunity to own their house. As one resident commented, despite working for most of his adult life he had no house to pass on to his children. The desire for home ownership in the community was reiterated by the Council.<sup>124</sup>

Generally, home ownership enables people to build economic security and wealth for their families. Home ownership would potentially have a number of other benefits such as individual self-esteem and pride which, in turn, may result in better maintained homes.

Tenure rationalisation as proposed by the Committee in section 4.2 would enable home ownership from a land tenure perspective. However, there are other practical barriers to home ownership in Aboriginal and Torres Strait Islander communities generally which also apply to Palm Island. These relate to the lack of security in houses on the Island from a financier's perspective,<sup>125</sup> and the residents' ability to service debt.

In November 2004, Cabinet endorsed that the Department of Housing undertake economic modelling to examine home ownership possibilities in Aboriginal and Torres Strait Islander communities. An interdepartmental Committee subsequently investigated a vendor finance model for home ownership in Aboriginal and Torres Strait Islander communities which may enable DOGIT Councils to finance home ownership. This model incorporated an assessment of affordability and residents' financial positions.

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<sup>124</sup> Palm Island Council submission, n 6 at parts 2.1, 22.0 and 24.0.

<sup>125</sup> Factors relevant to attracting investment in Palm Island are addressed in section 5.3.6.

The feasibility of the home ownership model is soon to be tested in a small number of communities as part of the consultation stage of the project. Palm Island has not been selected to be included in this trial.

**RECOMMENDATION 25**

The Minister for Housing should continue to pursue economic models through which home ownership in Aboriginal and Torres Strait Islander communities can be achieved. This modelling should be undertaken in close consultation with those communities and in light of relevant land tenure reform.

**4.10 OTHER RELEVANT ISSUES**

**4.10.1 Qualified tradespeople**

A major issue affecting the progress and cost of construction on Palm Island is engaging qualified tradespeople. This is due to a number of reasons including the lack of qualified local people, the logistics and costs of getting to the Island, the ready availability of work on the mainland, and conditions for contractors on the Island. The problem has been particularly significant since the riots.

Clearly, it is desirable for local people to be employed on capital works wherever possible. Not only does this provide a source of employment on the Island, but also engenders individual and community pride and ownership in the finished product. In turn, this may assist in reducing vandalism of property.

QBuild has had two successful apprenticeship programs on the Island. In the initial program there were ten apprentices employed through the Coolgaree CDEP. Five of those apprentices are now tradesmen. The second program started in January 2004 and involved ten apprentices mainly to work on construction of the Palm Island Community Youth Centre.

The DPW advised the committee that, in fulfilling its capital works program for the Island, it will sequence construction so that contractors will move from one project to the next (which is both more attractive for contractors and more cost effective), and local employment opportunities will be maximised.

Training courses through the Island's TAFE should link in with trades needed on the Island (see sections 5.2 and 5.3).

The Department of Public Works (through Project Services) is also investigating alternative or complimentary residential building options utilising modular or panellised building systems. The concept is that these systems would be more suited to the cultural and environmental requirements of the Island, promote more effective long-term engagement of skilled and semi-skilled Island based trade labour for present and future capital works programs, and provide economies of scale. The aim is to expend at least 20% of a project value on the employment of local Indigenous labour.

Expressions of interest were recently sought from suitably qualified or experienced organisations to participate in a program of works involving these building systems.

**RECOMMENDATION 26**

The Minister for Public Works should continue to pursue:

- apprenticeship programs on Palm Island (see also sections 5.2 and 5.3);
- construction timetabling on Palm Island which maximises the likelihood of securing contractors and local employment opportunities; and
- alternative residential building options.

#### 4.10.2 Construction costs

The cost of materials required for construction is higher on Palm Island than on the mainland because of freight costs and other issues.

However, there is apparently scope to reduce these costs. For example, quarry material is imported from the mainland at \$135 per cubic metre. The consultant undertaking the land use plan is examining whether a quarry can be established on the Island.

The cost of concrete is currently \$425 per cubic metre from the Council batching plant as opposed to \$120 per cubic metre in Townsville. (The administrator raised a number of issues regarding the operation of the concrete batching plant which might contribute to these costs.<sup>126</sup>)

There is also a substantial timber plantation on the Island, although the Committee heard varying reports regarding the usability of the timber.

Opportunities to source or produce construction materials on the Island should be pursued bearing in mind native title, cultural heritage and environmental issues.

#### **RECOMMENDATION 27**

The Minister for Public Works should examine ways in which construction costs on the Island might be reduced by using locally sourced materials and alternative freight arrangements.

#### 4.10.3 New Council chambers and offices

In its submission, the Council outlines a number of issues with the current Council chambers and offices and advocates that they be removed and replaced with a new building designed to cater for the Council's future needs.<sup>127</sup>

This matter should be pursued with the Government Champions for Palm Island once the land use plan is finalised.

#### **RECOMMENDATION 28**

The Palm Island Council should pursue with the Government Champions for Palm Island issues regarding the current Council chambers and offices once the land use plan is finalised.

#### 4.10.4 Aboriginal freehold at Aitkenvale

In 1949 an area of approximately 23.3 hectares situated at Aitkenvale in Townsville was officially gazetted an Aboriginal Reserve. In 1995, the land was transferred from the Queensland Government to the Bwgaman Aboriginal Land Trust (comprising of 31 trustees predominantly from Palm Island) which is incorporated under the *Aboriginal Land Act*.

The land (Aboriginal freehold) is held in trust 'for the benefit of Aboriginal people and their ancestors and descendants, and under the *Aboriginal Land Act*'. Currently, the only development on the land is a hostel which is managed by DATSIP on behalf of the trustees.

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<sup>126</sup> Administrator's report, n 29 at 53.

<sup>127</sup> Palm Island Council submission, n 6 at part 4.0.

Approximately three hectares was excised from the reserve in the 1980s by Queensland Health for use as a public hospital. However, a hospital was not built on the land and proceeds from the eventual sale of this land were not returned to the trust.

The value of this land and its potential was raised with the Committee in a number of meetings. The Committee was also informed that there are difficulties in bringing the trustees together to make decisions regarding use of the land.

The Council submitted that this land could be used to build accommodation for sporting groups.<sup>128</sup>

Decisions as to future use of the land are a matter for the trustees. However, relevant to these decisions is how any development or utilisation can be funded and managed. The trust receives no financial or on-going support (other than through DATSIP in the running of the hostel) and has no income stream.

It is highly desirable that the potential use of the land be fully explored by the trustees. This requires the trustees to mandate that detailed business planning involving external parties occur.

Representatives from DATSIP's regional office have been working with the trustees to examine the future of the hostel and explore options for the remainder of the site. Options include a mix of community infrastructure (for example, a community hall, aged care, sporting facilities, accommodation for people from Palm Island when in Townsville) and commercial infrastructure, the rental from which might fund the construction, management and maintenance of the community infrastructure.

Restrictions as a result of land tenure also need to be considered. Aboriginal freehold cannot be sold and the ability to lease the land is limited in certain ways. To ensure that all options regarding potential use of the land are canvassed, legal advice should be sought as to all possible uses for the land including whether legislative amendment would enable all or part of the property to be disposed of. The trustees could consider using any proceeds from the use of the land to fund projects on Palm Island or for the benefit of the wider Aboriginal and Torres Strait Islander community.

The Committee discusses possible use of this land in section 5.5 (regarding accommodation for sporting groups visiting from Palm Island).

**RECOMMENDATION 29**

The Minister for Aboriginal and Torres Strait Islander Policy should assist the trustees of the Bwgaman Aboriginal Land Trust to, as a matter of priority, develop an appropriate master plan to effectively utilise the land held by that trust at Aitkenvale, Townsville, in accordance with the purposes of the trust and in light of the need to fund, manage and maintain any improvements to the land.

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<sup>128</sup> Palm Island Council submission, n 6 at part 23.2.

## **5. ISSUES RELATING TO YOUNG PEOPLE**

### **5.1 BACKGROUND**

Term of reference three requires the Committee to examine a range of issues concerning the young people of Palm Island and recommend options to improve the coordination of government services specifically addressing skills development, sport, recreation and cultural needs.

A strong message to the Committee throughout its consultation (which included a youth forum and meetings involving other young people on Palm Island) was that the Island has already lost a generation of its people and that this should not be allowed to occur again with the current youth of the Island.

There is a strong belief that the future of Palm Island lies in its young people. The Committee shares this sentiment.

As summarised in section 2.1, a wide range of issues (either in isolation or combination) impact on young people on Palm Island and need to be addressed. Some of these issues—such as housing and government infrastructure for the provision of critical government services—have been addressed in previous chapters. This chapter canvasses the impact of the following issues on the young people of Palm Island:

- education and training development (section 5.2);
- employment and economic development (section 5.3);
- leadership development (section 5.4);
- sport and recreational activities (section 5.5);
- community and cultural enhancement (section 5.6);
- transport (section 5.7);
- health (section 5.8);
- law and order (section 5.9);
- child safety (section 5.10);
- alcohol and drug use (section 5.11); and
- incentives for government employees (section 5.12).

### **5.2 EDUCATION AND TRAINING DEVELOPMENT**

The education and training of young people on Palm Island is crucial.

Palm Island, like many other Aboriginal and Torres Strait Islander communities, has poor educational attainment and lower literacy and numeracy levels compared to the general population. Low literacy and numeracy levels, and significantly lower levels of post-school qualifications, combine to contribute to extremely high rates of unemployment for Aboriginal and Torres Strait Islander people.

The Committee was advised, however, that employment rates for Aboriginal and Torres Strait Islander people with post-school qualifications are significantly improved and approach the rates for the general population.

The 2001 ABS census shows that the highest level of schooling completed by Aboriginal and Torres Strait Islander people on Palm Island aged 15 and over was:

- Year 8 or below - 23%;
- Year 9 - 21%;
- Year 10 - 31%; and
- Years 11 or 12 - 20%.<sup>129</sup>

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<sup>129</sup> Note 2.

The Palm Island community lacks a representation of Aboriginal and Torres Strait Islander people with tertiary qualifications. The Committee was informed that less than 4% of the Aboriginal and Torres Strait Islander residents have post-school qualifications.

### **5.2.1 Overview of education and training providers**

Education and training providers on Palm Island include:

- Bwgcolman Community School (P-10), which has about 420 students;
- St Michael's Catholic School (P-7), which has about 145 students;
- Bwgcolman Youth Education Centre (15 to 19 years of age), which is located at the Bwgcolman Community School;
- Tropical North Institute of TAFE – Remote Area Teacher Education Program (RATEP);
- Barrier Reef Institute of TAFE Palm Island campus (15 years of age and over); and
- Coolgaree Community Development and Employment Projects (CDEP) (15 years of age and over).

A day care facility is operated by the Goodoo Aboriginal Corporation for Day Care. The centre receives funding from the Commonwealth government and is licensed by the Department of Communities. There have been some recent issues regarding the viability of the management Committee and the licensing of the centre.

Children may also attend kindergarten and preschool on Palm Island.

There are no Year 11 and 12 facilities on Palm Island. Young people wishing to complete their senior studies must enrol on the mainland or in distance education. A number of young people (currently more than 30) attend boarding schools, mainly in and around Townsville. Because Bwgcolman Community School is considered a 'by-pass' school under the Federal Government's Assistance for Isolated Children Scheme, children from Year 8 onwards are eligible for assistance to board on the mainland. Under the scheme, a basic boarding allowance (\$6,000 per annum, which is payable to all students) and an additional boarding allowance (\$1,069 per annum, which is subject to a parental income test and boarding costs), are available.<sup>130</sup>

### **5.2.2 Challenges in education and training**

A number of local people (predominantly teacher aides) are involved in the provision of education on Palm Island. In addition, teachers from the mainland are employed on the Island.

Education Queensland conducts an induction program for teachers commencing on the Island and a remote area incentive scheme (discussed in section 5.12) is available to those teachers. Despite this, the Committee was advised that many teachers employed on the Island are relatively young and inexperienced and typically remain for up to three years.

Palm Island faces the same challenges faced by many other Aboriginal and Torres Strait Islander communities in the education and training of its young people. The following particular concerns relating to Palm Island were emphasised to the Committee during its consultation:

- the great impact that the social problems on the Island have on educational outcomes and school resources;

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<sup>130</sup> Australian Government (Department of Education, Science and Training), *Assistance for Isolated Children Scheme*, 2005 Policy Manual, at sections 5.2 and 5.6.

- absenteeism, which is chronic amongst a proportion of students. The schools spend time and resources in getting students to school and keeping them there. There is also a lack of concern by some parents, and the community in general, about truancy;
- the significant gap that remains in the performance of students on the Island in comparison with the general population;
- the challenges the schools face in ensuring students are skilled not only in their own environment but also in the wider community;
- the impact that transport services between the Island and the mainland have on sporting activities and school excursions (also see section 5.7);
- the wide range of learning difficulties among the student body, some of which are related to foetal alcohol syndrome. A special needs class exists at Bwgcorman Community School, however there is no specially trained teacher in that area;
- the difficulties students experience with learning in standard Australian English as most children speak 'Palm Island English';
- the drug and alcohol problems affecting some students (see section 5.11);
- a lack of completion and transition in the middle years from Year 5 onwards;
- the numbers of young people missing out completely in terms of education and training (they either complete school on the Island and do not go onto further education, or they drop out from education on the mainland and do not engage in further education and training on their return to the Island);
- the difficulties encountered by young people who continue their education on the mainland (educationally, financially and socially); and
- the high rates of unemployment and community stigma young people encounter upon their return to the Island after completing their education on the mainland.

Many of these concerns are also acknowledged by the Council.<sup>131</sup>

Education and training providers are concerned about recent changes in the Commonwealth's Aboriginal Student Support and Parent Awareness (ASSPA) Program, which was said to be a major source of school funding for resource enhancement, cultural awareness programs and student travel. Funding was previously provided as a grant on a per capita basis direct to a community committee. By request, schools could raise issues of need and the local community could make funding decisions based on its priorities. The scheme has recently been replaced with a submission based parent/schools partnership initiative.

Palm Island also fails to qualify for the Commonwealth's Priority Country Area Program (PCAP) funding. The four PCAP areas in Queensland (central, northern, north-west and south-west) cover approximately 95% of Queensland and are based on local government shire boundaries. Funds available under PCAP aim to improve educational, social, and cultural opportunities which may otherwise be difficult for geographically isolated students to access. PCAP funds may be applied to: projects which support curriculum enhancement (such as excursions, attendance at sporting events, and activities which support students in making the transition to further education, training or work); information and communication technology; professional development needs of teachers; and the purchase of tangible items such as computers, musical instruments, tools and library books.<sup>132</sup>

A number of people with whom the Committee met, including the Council,<sup>133</sup> raised for consideration the possibility of senior schooling (Years 11 and 12) being offered on Palm Island. The Bwgcorman Community

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<sup>131</sup> Palm Island Council submission, n 6 at part 9.0.

<sup>132</sup> Information obtained from the Queensland PCAP website, <http://www.pcap.org.au/>.

<sup>133</sup> Palm Island Council submission, n 6 at part 9.0.

School's status as a 'by-pass' school, and the fact that a reasonable number of students complete their secondary education on the mainland, may contribute to concerns expressed to the Committee regarding the adequacy of schooling for secondary students offered on Palm Island.

However, the Committee believes that the value of offering senior schooling on the Island needs to be considered in light of the benefits of students studying Years 11 and 12 on the mainland and thus having the opportunity to be exposed to life outside Palm Island.

In terms of concerns regarding the rates of truancy by students on Palm Island, the Queensland Government submitted that Education Queensland's *Partners for Success* strategy has improved attendance at the Bwgcolman Community School over the past 18 months. This strategy aims to develop closer partnerships between parents, Aboriginal and Torres Strait Islander communities and other agencies to increase school attendance rates, improve literacy and numeracy, and enhance leadership and employment opportunities for Indigenous students. The Government also submitted that improved school attendance on Palm Island has been achieved through greater adult support in the classrooms and the employment of Indigenous education workers who work alongside teachers to ensure that the curriculum is implemented consistently and in a culturally appropriate manner.<sup>134</sup>

In addressing continuing problems with truancy, reference should also be made to solutions that other Aboriginal and Torres Strait Islander communities have developed to the same challenge. For example, the Cherbourg community has implemented strategies to address concerns with truancy amongst its students.

The Committee endorses the new school and community bus (see section 5.7.2) and acknowledges the benefits it may deliver in terms of improved school attendance rates.

### **5.2.3 Interrelationship between social problems and educational outcomes**

The educational outcomes of young people on Palm Island are likely to improve when the social problems on the Island are addressed. Currently, for example:

- overcrowding in housing restricts a young person's ability to have a suitable study environment;
- poor health and nutrition affects a student's concentration;
- the inability to cope with life's pressures in some families flows into behavioural and other problems in the school environment. Some students are violent towards other students, withdraw, are so tired that they fall asleep during lessons, or are unable to attend school on a particular day because they lack appropriate clothing;
- the lack of meaningful employment on the Island is a significant disincentive to aspirations for further education (young people speak about education being a 'false promise' and teachers talk about the 'tragedy' of young people on the Island having low employment prospects);
- parents, who themselves have generally only obtained limited education, often do not have the ability to assist and direct the education of their children; and
- there is limited awareness of, and value attached to, education by the community (suggestions raised with the Committee to promote the value of education in the community are discussed in section 5.2.6). The lack of connection between education and employment experienced by generations of residents may explain this situation.

In its submission, the Council made similar connections between the social problems on the Island and the educational outcomes for young people.<sup>135</sup>

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<sup>134</sup> Queensland Government submission, n 3 at 32.

<sup>135</sup> Note 6 at part 9.0.



The Australian Red Cross and St Vincent de Paul have, for some time, conducted a free breakfast program in both schools. While there are obvious benefits to students in terms of reduced truancy, better concentration and improved behaviour, the Committee is concerned about the broader effects of some parents not taking responsibility for the nutrition of their children. The Bwgcolman Community School is examining ways in which parents can contribute to the cost of their children participating in the breakfast program. The Committee endorses this concept as a means of enhancing parental responsibility.

**RECOMMENDATION 30**

The Minister for Education should examine:

- the effects on Palm Island of the changes to the Commonwealth's Aboriginal Student Support and Parent Awareness Program and examine, in conjunction with the school community and appropriate federal counterparts (if necessary), ways in which these effects can be minimised;
- the reasons for, and effects of, Palm Island not qualifying for the Commonwealth's Priority Country Area Program funding, in conjunction with the school community and the federal counterparts (if necessary), and take appropriate action;
- the adequacy of resources on Palm Island to cater for students with special needs or learning difficulties; and
- programs which could better facilitate students learning in standard Australian English but at the same time not at the expense of their Aboriginal English.

**RECOMMENDATION 31**

The Committee does not support Years 11 and 12 being offered on Palm Island at this stage. However, the Minister for Education should:

- examine the nature and scope of schooling available to secondary students on the Island, particularly in light of the Government's *Education and Training Reforms for the Future*; and
- assess the sufficiency of funding under the Federal Government's Assistance for Isolated Children Scheme for young people from the Island to attend school on the mainland and make any necessary representations to federal counterparts and agencies.

**RECOMMENDATION 32**

The Palm Island community, led by education providers on the Island, should examine locally-based solutions to address continuing problems of truancy by students. Advice and assistance should be sought of leaders in other Aboriginal and Torres Strait Islander communities which have considered the same problem.

The Minister for Education should put in place mechanisms to monitor school attendance rates and the impact of the community's efforts to address this problem.

## **5.2.4 Schooling**

### ***Initiatives***

Representatives from the schools on Palm Island with whom the Committee met believe there has been a significant improvement in the educational services provided on the Island in the last three years. This has been achieved, in part, by recognising the need for students to be provided with a curriculum and teaching and learning approaches appropriate to their way of learning. The curriculum has been developed by Indigenous and non-Indigenous staff members and by elders, and is constantly reviewed. The Committee endorses these initiatives, and encourages the continued input of the community in the development of a curriculum which is culturally appropriate to the students.

Students in the compulsory years of schooling at the Bwngcolman Community School are also provided with a range of alternative programs including: basic motor vehicle servicing and maintenance; fabrics; media studies; cooking; seafood industry; furnishing; and horticulture.<sup>136</sup>

Early childhood education, for all children, is vitally important. Accordingly, the Committee endorses the Queensland Government's announcement that a preparatory class will commence at both schools on Palm Island in 2006, prior to its state-wide introduction in 2007.<sup>137</sup> It is important that the schools are adequately funded and equipped to offer preparatory classes. Appropriate arrangements should also be in place for pre-preparatory years.

The Bwngcolman Community School has been identified as one of 13 P-10 schools participating in a new schooling alternative which, from 2006, will help remote students undertake senior in their own home town. Students will complete their senior certificate through a school of distance education but with extra support from their local school (a study room, equipment such as a computer and the internet, access to the library and other services, as well as a staff member to help them with their studies). Each student will also be entitled to receive funding under the Commonwealth's Assistance for Isolated Children Scheme, which is currently \$3,000 per annum.<sup>138</sup>

### ***Post-compulsory students***

As part of the Queensland Government's *Education and Training Reforms for the Future*, regions develop District Youth Achievement Plans (DYAPs) to support the senior phase of learning. A DYAP is a local plan of action (that is, a strategic planning document) which:

- focuses on young people and is the key mechanism by which local areas plan, develop, coordinate and implement reforms for 15 to 17 year olds;
- seeks to coordinate programs and services at the local level, across State and non-State schools, vocational education and training providers and other services;
- aims to reduce duplication, use resources more efficiently and close the gaps in service; and
- outlines the goals and key priorities for young people in the local area and provides a summary of the key strategies and actions the local area will take to improve the learning and employment opportunities for young people.<sup>139</sup>

Due to the unique circumstances of Palm Island, a Palm Island DYAP was developed as an annexure to the broader Townsville District DYAP, and was developed through a management committee consisting of local leaders from the schools, Coolgaree CDEP, TAFE and the QPS.<sup>140</sup> Palm Island DYAP stakeholders are working together to develop strategies to address the needs of:

- young people aged between 15 and 17 who have returned from boarding school and are disengaged from formal education or training;
- students enrolled in Year 10 at the Bwngcolman Community School and those in post-compulsory schooling;
- teenage parents who have disengaged from learning;
- young people who have never attended school;

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<sup>136</sup> Queensland Government submission, n 3 at 44.

<sup>137</sup> Hon P Beattie MP, Premier and Minister for Trade, 'More schools in Smart State set to offer prep from 2006', *Queensland Ministerial Media Statements*, 21 March 2005.

<sup>138</sup> Hon A Bligh MP, Minister for Education and the Arts, 'New schooling alternative to help remote students complete senior', *Queensland Ministerial Media Statements*, 7 July 2005.

<sup>139</sup> Queensland Government submission, n 3 at 32-33.

<sup>140</sup> Queensland Government submission, n 3 at 33.

- young people who have completed Year 10 but did not undertake further education or training; and
- the parents of young people.<sup>141</sup>

Post-compulsory school age students may undertake various certificate courses at the Bwgcolman Youth Education Centre (including seafood processing, furnishings, child care, horticulture, Aboriginal and Torres Strait Islander art, and rural studies) or participate in skill share programs (hairdressing and personal care, construction, and building maintenance).<sup>142</sup>

The appropriateness of locating the Youth Education Centre, which caters for 15 to 19 year olds, within the Bwgcolman Community School, was raised with the Committee. Not only are young adults interacting in the same environment as very young children, there is a lack of transition for the young people in seeing their further education as something distinct to the school.

A ‘Work Out’ program has also been conducted with success with students from Palm Island. Young people aged 15 to 19 have, for example, completed a certificate in rural production and worked on a station on the mainland. Education providers on the Island see scope for this framework to be extended to other areas such as the seafood industry and child care.<sup>143</sup> However, funding for the program will apparently finish in October 2005. The Council submitted that the program should be made permanent.<sup>144</sup>

The Bwgcolman Community School has requested coxswain, welding and metal fabrication as courses for their post-Year 10 students and the Barrier Reef Institute of TAFE is negotiating teacher resources. The need for school-based apprenticeships was also raised with the Committee.

### ***Tracking of students***

It is difficult to ascertain with any certainty the educational outcomes of young people on Palm Island. Information is currently not collated on the progression of students after they complete school on the Island. Accordingly, the Committee could only be advised anecdotally of the numbers of young people studying at boarding schools on the mainland, and of those who go on to further education or training after completing Year 10. The Committee believes that a system of collating such information, and tracking the progress of students, will assist in developing a better framework for education and training on the Island.

Palm Island is not captured by the *Bound for Success* strategy that the Queensland Government recently announced for Cape York and the Torres Strait. This strategy will:

- encourage the early engagement of Aboriginal and Torres Strait Islander children in education;
- integrate curriculum, teaching, assessment and reporting;
- prepare and support students for transition to the middle and senior phases of their education;
- develop pathways for students beyond Year 12;
- improve educational structures, leadership and accountability;
- provide professional development and support for teachers; and
- inform and engage families and local communities.<sup>145</sup>

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<sup>141</sup> Queensland Government submission, n 3 at 33.

<sup>142</sup> Queensland Government submission, n 3 at 44-45.

<sup>143</sup> There are some parallels between a program of this nature and the concept of employment through ‘orbiting’ which is discussed in section 5.3.5.

<sup>144</sup> Note 6 at part 9.0.

<sup>145</sup> Queensland Government (Department of Education and the Arts), *Bound for Success: Cape York and Torres Strait Education*, Discussion Paper.

The merits of such a program being implemented on Palm Island were emphasised to the Committee. Such a system would deliver a better overall understanding of the challenges for education and training providers on the Island, and of the needs and progress of individual students. Under the *Bound for Success* strategy, for example:

- a new diagnostic tool will be introduced to assess the learning needs of every student entering school;
- all students completing prep and/or starting Year 1 will be provided with an individual learning plan, which will be revised each year;
- a 'progress map' will measure, describe and monitor individual and group progress in literacy and numeracy over time; and
- Education Queensland will develop and implement a comprehensive student tracking system for all students across the P-12 years of schooling and beyond.<sup>146</sup>

### **RECOMMENDATION 33**

The Minister for Education should:

- examine the arrangements for early childhood (pre-preparatory) education on Palm Island, scope for improvement and strategies for greater participation by children in such education;
- examine the adequacy of resources on Palm Island for the introduction of the preparatory year and the new schooling alternative for senior students from 2006;
- liaise with the Minister for Employment and Training in establishing a school-based apprenticeship scheme (including a school-based plumbing apprenticeship and other apprenticeships appropriate to the needs of the Island);
- examine on-going funding for the Work Out program, and possible expansion of this program into other vocational areas;
- liaise with the Minister for Employment and Training in examining the programs offered through the Bwgcolman Youth Education Centre, and in particular facilitate examination of the request for coxswain, welding and metal fabrication courses to be offered at the Centre; and
- implement mechanisms by which the educational outcomes of young people on Palm Island can be monitored to assist in developing a better framework for education and training on Palm Island and, in this regard, consider extending the *Bound for Success* strategy beyond Cape York and the Torres Strait to Palm Island.

### **RECOMMENDATION 34**

The Minister for Education and the Palm Island Council should:

- note that, without pre-empting consultation undertaken as part of the land use plan (see section 4.3), the Committee supports the concept of an 'education precinct' around the existing education facilities on Palm Island; and
- examine separating the Bwgcolman Youth Education Centre from the Bwgcolman Community School.

## **5.2.5 Post-school training**

It is important that the training courses offered on Palm Island are connected with tangible employment outcomes, particularly in areas where the Palm Island community has a need for services.<sup>147</sup> (Employment is discussed in section 5.3.)

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<sup>146</sup> Note 145.

<sup>147</sup> This is endorsed by the Palm Island Council in its submission, n 6 at part 9.0.

The Department of Employment and Training:

- employs an Indigenous employment training support officer to provide culturally appropriate mentoring and support services to apprentices, trainees and vocational education and training students to enhance completion rates;
- provides a training consultant who visits Palm Island to resolve issues associated with the employment of apprentices and trainees;
- is developing a school-based plumbing apprenticeship scheme;
- is exploring traineeships including with the Palm Island Community Youth Centre and the proposed sponge farm (discussed in section 5.3.6); and
- funds a community training partnerships project through the Coolgaree CDEP to train young people in workplace health and safety, business management and recognition of prior learning (RPL) in the areas of construction, business administration, education support and dental assisting. Gap training for participants who have undertaken RPL but who require some training to complete a qualification is currently being negotiated.<sup>148</sup>

QBuild provides supervision to ten apprentices (see also section 4.10.1).<sup>149</sup>

In relation to opportunities for traineeships, the Council raised the possibility of service providers and government agencies working on Palm Island having trainee positions for residents.<sup>150</sup> The Committee discusses mentoring and training opportunities with neighbouring local governments in sections 3.3 and 5.3.

### ***Barrier Reef Institute of TAFE***

The Committee was provided with details of the courses offered by the Barrier Reef Institute of TAFE campus on Palm Island in 2003-04 and 2004-05, and the number of students enrolled in each of the courses.<sup>151</sup> From this information, the Committee notes the following:

- 413 students were enrolled in courses offered at the TAFE in 2004-05, and 373 in 2003-04; and
- the range of certificate courses offered over this time included: Aboriginal and Torres Strait Islander visual arts; hospitality (kitchen operations); vocational access; learning pathways for Australian Aboriginal and Torres Strait Islander peoples; general and off-site construction and services (pre-vocational); education support; automotive (mechanical-vehicle servicing); outdoor power equipment (services); general construction; general construction (painting and decorating); general construction (carpentry-framework/formwork/finishing); business; business administration; business (frontline management); assessment and workplace training; Aboriginal and Torres Strait Islander educational and vocational access; arts; information technology; furniture making (cabinet making); engineering; horticulture; horticulture (landscape); and transport and distribution (marine engine driving).

The TAFE is also providing drivers' licence training, and is involved in delivering literacy support/training for residents to obtain their drivers' learner permit. Other certificate courses that are offered relate to community recreation and preparations for the aquaculture sponge farm.<sup>152</sup>

The Barrier Reef Institute of TAFE is currently reviewing the functions, structure and operation of its campus on Palm Island, particularly in terms of the needs of residents, and is considering: opening hours and the timing of classes; support structures; literacy and numeracy; course delivery models; learning via

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<sup>148</sup> Queensland Government submission, n 3 at 43.

<sup>149</sup> Queensland Government submission, n 3 at 43.

<sup>150</sup> Palm Island Council submission, n 6 at part 9.0.

<sup>151</sup> Letter from Minister for Employment, Training and Industrial Relations to the Committee, dated 9 August 2005.

<sup>152</sup> Queensland Government submission, n 3 at 43.

information technology (flexible delivery); cost of training/financial support; and transport, staffing, building suitability and infrastructure requirements.<sup>153</sup>

The TAFE is discussed in further detail in section 5.3.3 in the context of the high rate of unemployment on the Island.

### ***Remote Area Teacher Education Program***

The Remote Area Teacher Education Program (RATEP) involves adult students completing certificates in Aboriginal education, followed by a diploma in Aboriginal education through Cairns TAFE and a three-year Bachelor of Education externally from James Cook University, upon which they can register as teachers. The program has produced four teachers, and the Committee was advised of scope for its expansion to other areas such as nursing and child safety.

The Council supported extending the program to nursing in its submission to the Committee.<sup>154</sup> The Committee believes that the potential for such expansion should be investigated as a means of addressing, in part, the community's desire for residents to be more involved in the delivery of health services on the Island (see section 5.8).

## **5.2.6 Community education**

### ***Community education courses***

As part of promoting the benefits of education and training to the wider Palm Island community, the Committee notes the Council's submission that a range of short courses targeted at the broader community may encourage residents to embrace learning in a more positive manner.<sup>155</sup> Courses of this nature are offered in many communities throughout Queensland, sometimes through existing educational providers such as schools or TAFEs, on diverse topics such as those raised by the Council (computing, yoga, arts and craft, personal development and dance).<sup>156</sup>

In a similar respect, the Committee also notes the Council's submission that other opportunities for the training of residents, such as in justice studies, community policing, eco-tourism and natural resource management, exist.<sup>157</sup>

### ***Town library***

The Palm Island community does not have a town library. The Committee believes that the value of education and literacy could be further promoted in the community by the provision of library services for residents.

The Council should liaise with the State Library of Queensland in relation to providing library services and establishing an Indigenous Knowledge Centre (IKC) for residents.

The State Library has assisted a number of Aboriginal and Torres Strait Islander communities in Queensland establish IKCs. The information provided through an IKC is determined by each community and residents may access the resources of a traditional library as well as materials that support oral and visual traditions.

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<sup>153</sup> Letter from Minister for Employment, Training and Industrial Relations, n 151.

<sup>154</sup> Note 6 at 20.0.

<sup>155</sup> Note 6 at part 9.0.

<sup>156</sup> Palm Island Council submission, n 6 at part 9.0.

<sup>157</sup> Palm Island Council submission, n 6 at part 20.0

IKCs can also provide training programs, access to information about employment and training, and access to on-line learning. For example, the IKC established in the Wujal Wujal community has provided residents with a literacy and numeracy program. The Mabuiag IKC ran an internet banking and training program.

The library service and IKC for Palm Island could ultimately be located in the community and cultural centre which the Committee recommends the Council examine establishing in section 5.6.1. However, in the interim, these services could be provided through the Palm Island Community Youth Centre.

#### **RECOMMENDATION 35**

The Minister for Employment and Training should:

- review and expedite the provision of traineeships on Palm Island (including examining opportunities for trainee positions to be available to residents through the government agencies servicing Palm Island);
- examine the possible expansion of the Remote Area Teacher Education Program (RATEP) to other vocational areas, such as nursing and child safety; and
- examine options for the provision of community education courses to the broader Palm Island community, possibly in conjunction with the Barrier Reef Institute of TAFE.

#### **RECOMMENDATION 36**

The Council should liaise with the State Library of Queensland regarding establishing library services on Palm Island, including an Indigenous Knowledge Centre.

### **5.3 EMPLOYMENT AND ECONOMIC DEVELOPMENT**

#### **5.3.1 High rate of unemployment**

Although the 2001 ABS census showed an unemployment rate of about 18% for the Aboriginal and Torres Strait Islander population of Palm Island aged 15 and over, residents participating in CDEP were not considered to be unemployed. CDEP participants on Palm Island represented 106 of the 333 Aboriginal and Torres Strait Islander residents said to be 'in the labour force' on the Island. The census also showed that a significant proportion (about 72%) of the Aboriginal and Torres Strait Islander working age population of the Island was not in the labour force (including people who were retired, on pensions, performing household duties and not registered for work).<sup>158</sup>

The current unemployment rate for Palm Island that was frequently cited to the Committee was 90-95%. This rate is extremely high in comparison to the general population, and is significantly higher than the rate in some other Aboriginal and Torres Strait Islander communities. Young people on the Island experience the highest rate of unemployment.

#### **5.3.2 Causes and effects of high unemployment**

The high rate of unemployment on Palm Island results largely from:

- low levels of educational attainment and training;
- limited employment opportunities on the Island;
- the practical restrictions on residents commuting to the mainland for work; and
- the lack of economic development on the Island.

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<sup>158</sup> Note 2.

The Committee was also informed that there is a lack of commitment by some individuals to training opportunities on and off the Island.

High unemployment, coupled with the low income of Aboriginal and Torres Strait Islander residents (see section 1.2), contribute to many of the social problems in the Palm Island community, particularly: law and order; health; the aspirations of young people for education and training; and the aspirations of families for their futures.

Young people are also exposed to the effects of numerous family members, across various generations, having been unemployed.

Currently, employment on Palm Island is largely limited to the Council, the government agencies that service the Island and the few small businesses operating on the Island. Many residents participate in CDEP.

The significance of creating one or two jobs in the community was emphasised to the Committee. The need for economic development on the Island is discussed in further detail below (see section 5.3.6).

### **5.3.3 Connection between unemployment and training opportunities**

Despite the high level of unemployment on Palm Island, the community is experiencing skills shortages in particular areas, such as in various trades. This is exacerbated in some occupations where residents, who have gained many years of practical experience in a particular area, lack the formal qualifications necessary to fill certain positions.

Although a number of training opportunities are available to the community (see section 5.2.5), it was apparent to the Committee that there is a lack of overall connection and coordination in:

- the training that is offered; and
- employment opportunities for residents, both on Palm Island and on the mainland.

For example, more than half of the students (51%) at the Barrier Reef Institute of TAFE campus on Palm Island in 2004-05 were enrolled in lower level courses that are either pre-vocational or preparatory to further training, and which are not specific to a particular vocational area. This was an increase on the proportion of students enrolled in similar courses in the previous year (about 35%).<sup>159</sup>

Further, despite the Committee being advised of a need for workers in certain occupations such as plumbing, mechanics, metal and electrical trades, hairdressing, natural resource management and animal control,<sup>160</sup> the training offered by the TAFE does not appear to address these needs. There are either:

- no courses on offer which would allow residents to undertake training needed to address shortages on the Island; or
- where courses are offered, most are lower level certificate courses that limit a person's ability to progress in a particular field of employment. For example, in 2004-05, about 60% of the students at the TAFE were enrolled in certificate I courses, 27% were enrolled in certificate II courses, 9% were enrolled in certificate III courses, and a very small number (five) were enrolled in a diploma course.<sup>161</sup>

Similarly, training opportunities on the Island must take account of the need for economic development on the Island, and emerging industries.

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<sup>159</sup> Letter from Minister for Employment, Training and Industrial Relations, n 151.

<sup>160</sup> Palm Island Council submission, n 6 at parts 1.0, 9.0, 16.0 and 25.0.

<sup>161</sup> Letter from Minister for Employment, Training and Industrial Relations, n 151.



Despite the training that has been provided to Palm Island residents over a number of years, and the continuing high rates of unemployment, the Committee was advised that it is difficult to determine the skills and qualifications that are held by the residents of Palm Island to assess whether some of the shortages could be addressed from within the community. The Committee was also informed that the employment outcomes of students who complete training at the TAFE are not monitored to assess the success of that training or the possible need for further or supplementary training to allow those students to gain meaningful employment in their area of study.

Some of the opportunities that exist on the Island, and that may arise through enhanced economic development on the Island, require trade qualifications. Apart from the apprenticeship program that is supervised by QBuild (see section 4.10.1), and the plans to establish a school-based apprenticeship scheme (including a school-based plumbing apprenticeship), the Committee was not advised of strategies to enable residents to undertake a range of trade qualifications to meet the Island's needs.

#### **RECOMMENDATION 37**

The Minister for Employment and Training should:

- ensure that the current review by the Barrier Reef Institute of TAFE of its Palm Island campus (referred to in section 5.2.5) examines the adequacy of training courses provided on Palm Island, with a particular focus on: the employment opportunities that are available for residents on the Island and on the mainland; opportunities arising from economic development on the Island; and the sufficiency of the level of training that is available in terms of delivering meaningful employment outcomes for participants;
- facilitate an audit of the skills and qualifications held by residents on Palm Island;
- implement mechanisms by which the employment outcomes of people who undertake courses at the TAFE can be monitored to assist in developing a better framework for training at the TAFE; and
- examine opportunities for people on Palm Island to undertake apprenticeships, particularly in terms of current skills shortages and emerging needs for tradespeople through greater economic development on the Island.

#### **5.3.4 Coolgaree CDEP**

The Committee was advised that between 250 and 300 residents of Palm Island participate in the Coolgaree CDEP. About 34 participants are involved in activities in Townsville. A number of residents are also on a waiting list to join the program.

Participants are involved in activities including: sport; landscaping; plant nursery; farming; cabinet-making; mechanics; parks and gardens maintenance; general clean-up; commercial fishing; and the retail store. The CDEP has also considered involvement in a range of other initiatives such as: a hardware store; operating an additional service station on the Island; sea transport between the Island and the mainland; a café and an aquaculture sponge farm (which is discussed further in section 5.3.6).

CDEP is funded and administered by the Commonwealth Department of Employment and Workplace Relations (DEWR). Originally, CDEP was based on community development projects, however has evolved into focusing on providing participants with meaningful employment away from CDEP.

Under CDEP, communities decide on their own projects and work activities. CDEP organisations must not compete with existing businesses unless it can be demonstrated that there is an unsatisfied demand for a product or service, or that the product or service will be provided in a different way. Goods and services must be charged at commercial rates. This requirement raises some issues regarding the CDEP's proposed service station facility. Conflict of interest issues are also raised by the involvement of Councillors on the board of the CDEP.

Participants work for two days per week as part of the program, earning \$446 per fortnight. This 'wage' is an alternative to unemployment payments such as Newstart and Youth Allowance. There are quarterly limits on how much a participant can be paid from CDEP wages before he or she becomes ineligible for CDEP (for 2003-04, the maximum gross quarterly income for each participant was \$5,616). Participants may also earn a certain amount from other sources (for 2003-04, the maximum amount was \$5,616 per quarter). Participants with a partner not involved in CDEP become ineligible if their partner's gross quarterly income exceeds a certain amount (for 2003-04, \$11,230). Participants are also paid a supplement by Centrelink and remain eligible for a range of other benefits such as family payments and the health care card.

The DEWR intends to make progressive changes to the CDEP program. The Federal Government is concerned that the flexibility of CDEP has resulted in the program becoming 'all things to all people'.

The DEWR proposes to shift funding agreements from the current listing of activities to a funding agreement with planned activities and results in three funding streams (employment, community activities and business development).

According to the DEWR:

- the employment stream would involve: better connections between CDEP and Job Network, to give participants easier access to funding for training and job search support and a wide range of job vacancies; links with other government services; the possibility for CDEP organisations operating where there are more job opportunities to become Indigenous Employment Centres, and the possibility for some successful Indigenous Employment Centres to take up the opportunity to initially trial, and eventually provide, an expanded range of employment services;
- the community activities stream would involve: strengthening community and cultural activities identified by the community as priorities; making sure that community work fits in with local job opportunities and builds skills through work experience; cultural maintenance activities which benefit communities; introducing funding arrangements that support community activities; ensuring the 'no work no pay' principle is enforced; and helping organisations increase their ability to deliver activities that benefit communities; and
- the business development stream would involve: identifying community activities that could become viable businesses; supporting business development through better access to business services and finance; developing participant business skills and providing mentoring assistance; and establishing governance structures that will support successful businesses.

The DEWR is seeking to link CDEP activities to a Shared Responsibility Agreement (SRAs are explained in section 2.2), if a community has one (Palm Island does not currently have an SRA). In other instances, DEWR will negotiate other arrangements for measuring community satisfaction with the CDEP's activities and will include this in the funding agreement.

The proposed CDEP guidelines for 2005-06 will incorporate a 'no work-no pay' policy to be implemented by CDEP organisations on an individual basis, taking account of local circumstances.

The DEWR is also seeking to focus the activities of CDEP on obtaining non-CDEP employment for participants by offering: additional financial incentives to CDEPs who provide full Job Network services; lesser incentives for those who are Indigenous Employment Centres; and a further reduced incentive for CDEPs whose participants are placed in non-CDEP jobs.

Given the current employment prospects on Palm Island, it is unlikely that the Coolgaree CDEP would attain the status of Job Network provider or Indigenous Employment Centre and would therefore be ineligible for these incentives.

The DEWR also intends to apply strict time limits on the use of CDEP wages as wage subsidies for particular jobs or activities.

**RECOMMENDATION 38**

The Minister for Employment and Training should monitor the impact on the Palm Island community of proposed changes by the Commonwealth Department of Employment and Workplace Relations to the Community Development Employment Projects program.

**5.3.5 Employment initiatives**

The *Indigenous Employment Policy for Queensland Government Building and Construction Contracts* requires at least 20% of the employment hours on government construction projects in designated Aboriginal and Torres Strait Islander communities and shires (including Palm Island) to be dedicated to employment and training opportunities for local Indigenous people. Of the 20%, a minimum 50% of the labour hours must be provided for accredited training such as formal apprenticeship, traineeship or other appropriate building and civil construction training.<sup>162</sup> (This policy is also discussed in section 4.10.1.)

The Committee was advised that a careers expo is proposed to be conducted on Palm Island during the school holidays in September 2005. The Department of Employment and Training is currently developing the proposal in consultation with other government agencies. The community is also being consulted about the expo and the proposal will be provided to the Council for its consideration. It is intended that the expo will target school students and other residents and will examine the careers available on the Island and on the mainland, such as in the mining industry.<sup>163</sup>

In March 2005, the Federal Parliament's Standing Committee on Aboriginal and Torres Strait Islander Affairs announced an inquiry 'into positive factors and examples amongst Indigenous communities and individuals which have improved employment outcomes both in the public and private sectors'. This committee will 'recommend to the Federal Government ways in which this can inform future policy development, and assess what significant factors have contributed to the outcomes identified, including what contribution practical reconciliation has made'.<sup>164</sup> The findings and recommendations of this inquiry may be relevant for implementation in Queensland.

The concept of 'orbiting' was also raised with the Committee, including by the Council,<sup>165</sup> as an avenue of possible employment for Palm Island residents. Orbiting essentially involves people being employed outside their own communities where a demand for labour exists, but returning home for short visits so as to maintain their family and cultural connections. Industries already providing employment to Aboriginal and Torres Strait Islander people under this concept include: the mining industry; industries providing seasonal employment, such as fruit picking; and the construction industry, particularly where major infrastructure projects are involved. Relevant factors to the success of such a concept include:

- the willingness of residents to leave Palm Island, particularly in terms of ensuring the security (and continuity) of their housing;
- appropriately coordinating employment opportunities; and
- ensuring residents have necessary skills to gain employment in relevant areas.

<sup>162</sup> Queensland Government (Department of Employment and Training), *Indigenous Employment Policy for Queensland Government Building and Construction Contracts*, January 2004.

<sup>163</sup> Letter from Minister for Employment, Training and Industrial Relations, n 151.

<sup>164</sup> Parliament of Australia, House of Representatives, Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Inquiry into Indigenous Employment, Terms of Reference*.

<sup>165</sup> Palm Island Council submission, n 6 at part 20.0.

**RECOMMENDATION 39**

The Minister for Employment and Training should:

- monitor the findings and recommendations of the Federal Parliament's Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry into Indigenous employment, for possible implementation in Queensland (and Palm Island in particular); and
- examine opportunities for Palm Island residents to participate in employment on the mainland through the concept of 'orbiting' (that is, people from Palm Island being employed in places where a demand for labour exists, but returning home for short visits so as to maintain their family and cultural connections).

**RECOMMENDATION 40**

The Minister for Employment and Training should ensure that a careers expo is held on Palm Island each year.

**5.3.6 Economic development**

Palm Island is a relatively undeveloped, picturesque island situated in the Great Barrier Reef. Economic development opportunities might be realised through the Island's natural beauty, resources, and other avenues.

Employment on Palm Island stands to be greatly enhanced through economic development. Given the Island's location, however, environmental considerations will underlie some opportunities and proposals for economic development.

Apparently, there have been a number of industries on the Island in the past including: oyster farming; pig husbandry; poultry; horses; a pine forest plantation; and market gardens (which not only supplied the local community but also exported surplus to the mainland). There have also been attempts to establish other industries such as seaweed farming.

The Cape York Justice Study recognised the importance of enhancing economic security in Indigenous communities as a way to break the welfare cycle.<sup>166</sup> As a result of that report, the Queensland Government developed the *Queensland Indigenous Economic Development Strategy*. While initially the focus of this strategy was on economic development in Cape York, the project has been expanded to Indigenous communities state-wide.

The Council recently announced that it is keen to investigate economic development activities for the Island.<sup>167</sup> The Palm Island traditional owners, the Manbarra people, are also supportive of development provided that it is sustainable and environmentally friendly.<sup>168</sup>

The Coolgaree CDEP has been proposing the development of an aquaculture sponge farm for a number of years. This project will be owned and operated by the Palm Island community and involves the establishment of 27 two-hectare farms to grow sea sponges for cosmetic and bath sponge markets. It will potentially employ approximately 30 people. Funding has recently been obtained to update an initial business plan and market study to examine the commercial and environmental viability of the project. An environmental impact study and approval from the Great Barrier Reef Marine Park Authority are required before the project can proceed. On 26 July 2005, an ILUA was signed with the Manbarra people to enable

<sup>166</sup> Queensland Government, *Meeting Challenges, Making Choices: The Queensland Government's Response to the Cape York Justice Study*, April 2002.

<sup>167</sup> Michael Madigan, 'An island of dreams rising out of the ashes', *Courier-Mail*, 18 June 2005, at 1.

<sup>168</sup> Submission on behalf of the Manbarra people, n 5.

access to their traditional lands and waters for the project. This is the first ILUA regarding a commercial venture to be signed on Palm Island.

As noted in section 3.5.2 (in the context of the retail store) and section 5.7.1 (regarding transport), there is a significant interest in the community to take over, or be more involved in, business opportunities servicing the community.

A number of suggestions were made to the Committee regarding other economic development opportunities for Palm Island. These included: a timber industry; eco-tourism (possibly on one of the other islands in the Palm group of islands); a cattle industry; various types of aquaculture; utilising the artistic talents of many residents; and home-based cottage industries. It was also suggested to the Committee that some manufacturing could be conducted on the Island given the availability of labour.

The Committee observed that a small market garden is operated on Palm Island as part of the CDEP and some produce from this garden is sold through the store. However, there is seemingly scope to significantly expand the amount and variety of produce grown on the Island. This would not only provide local employment opportunities but could also reduce the cost of nutritious produce being sold in the store (as no transportation costs would be involved).

The Department of State Development is coordinating a summit to be held on the Island in the near future to explore a range of economic development opportunities both on and off the Island, including possibilities of joint ventures with the private sector. In its submission, the Council identified the opportunities the summit will provide residents.<sup>169</sup>

The Council submitted that consideration should be given to a community banking option for the Island.<sup>170</sup> This issue should be raised at the summit.

The Department of Employment and Training is also piloting an initiative to assist Indigenous clan and family groups establish small businesses in their local areas.

The Committee supports development of an economic base for Palm Island through a community-based economic development plan that comprises a range of sustainable projects and businesses. However, there must also be an acknowledgment by the community that addressing social issues is critical to establishing a platform for economic development and growth.<sup>171</sup> Community capacity, leadership, support and ownership are also imperative if projects are to succeed.

Other factors relevant to attracting and maintaining economic development on Palm Island include:

- land tenure, land use planning and native title issues;
- stability in governance;
- law and order;
- funding to initially investigate the viability of opportunities and, if feasible, to proceed;
- business advice and assistance;
- appropriate infrastructure and services;
- skill levels of the potential workforce (education and training); and
- environmental approvals.

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<sup>169</sup> Note 6 at part 20.0.

<sup>170</sup> Note 6 at parts 20.0 and 22.0.

<sup>171</sup> This observation was also made in the Dillon report, n 11 at 59.

The economic development summit is an appropriate way to explore various opportunities with the community. In particular, the Committee encourages the summit to examine, at least initially, smaller scale projects and possibilities to enhance existing projects, and opportunities both on and off the Island.

Training courses should be linked to economic development projects. (In this regard, courses relating to the proposed aquaculture sponge project will be available through the local TAFE.) Apprenticeships should also be offered within the particular industries (see section 5.3.3).

While all economic development should be commercially viable, the Government might also consider whether the viability of a particular project can be considered in the context of employment, training and other benefits which a project might bring to the Island.

#### **RECOMMENDATION 41**

The Minister for State Development should continue to explore a range of economic development opportunities with the Palm Island community as part of a wider goal to develop a community-owned economic development plan. Development of this plan should entail consideration of:

- opportunities which are sustainable and likely to meet the environmental requirements of the Island;
- joint ventures with other entities (both public and private sector);
- enhancing existing projects;
- projects and industries of a range of sizes, particularly smaller scale and ‘cottage’ projects initially; and
- opportunities both on and off the Island.

#### **5.4 LEADERSHIP DEVELOPMENT**

In order to ensure there are future leaders for Palm Island (both in the Council and in the community generally), there is a need to engender leadership in the Island’s young people.

Leadership skills can be developed not only through structured programs but also by more informal mentoring and role models.

Currently, young people on the Island are exposed to a limited range of role models and peer types. In addition to young people on Palm Island having positive role models from the wider community, such as sporting identities, it is important that they also identify similar people within their own community. The Committee was advised that, in some instances, young people have adopted as role models people who do not have a positive influence on their lives. The Committee was also advised that many young people who have achieved success have left the Island to continue their education or obtain employment elsewhere.

Opportunities exist for young people on the Island to develop leadership skills and be exposed to positive mentoring. For example, an Emergency Services cadet group exists on Palm Island for young people aged 13 to 16. Fifteen cadets are involved in the unit. The program operates during school holidays, and all the participants attend boarding schools on the mainland. Expansion of the program to young people who attend school on the Island is being examined. A junior cadet program, for Year 7 students, is expected to commence at the end of this year.

The cadet group provides young people with opportunities for:

- active, empowered citizenship;
- commitment to voluntary action;
- enhanced self-identity, self-efficiency, self-esteem, self-reliance and self-confidence;

- effective membership and leadership of teams and groups; and
- enhanced skill development.<sup>172</sup>

Similar programs also operating on the Island include a rural fire brigade service and SES in which young people may participate.

The Australian Red Cross is also developing youth leadership retreats, which are anticipated to be conducted in the next few months. The retreats will be available for young males and females, and involve a one day retreat on Palm Island, away from the township areas. Red Cross staff are coordinating the delivery of the retreats with a number of other agencies and groups on the Island.

The Palm Island Sport and Recreation Association (recommended in section 5.5) should offer young people opportunities to take on leadership roles and explore options for the development of leadership skills in young people through non-government organisations such as the scouts/girl guides movement. Similarly, establishment of a community and cultural centre (recommended in section 5.6.1) could assist in forging better links between young people and elders who are an integral part of leadership in most Aboriginal and Torres Strait Islander communities.

Schools also provide an environment in which young people can develop leadership skills.

Townsville and Thuringowa City Councils expressed a willingness to assist in providing leadership and mentoring for young people.

The Queensland Government's submission indicated that the community is interested in establishing a youth council on Palm Island, with support from government agencies, the QPCYWA and the Red Cross.<sup>173</sup>

Most local governments in Queensland engage with young people through structures such as youth councils, youth advisory groups, reference groups and forums. The LGAQ also undertakes a number of initiatives to enhance the participation of young people, including young Indigenous people, in local government. Most notably, these include camps and forums such as:

- 'Speakout', which is a weekend camp for young people who participate in organisations such as youth councils. The program consists of workshops and group activities aimed at developing the skills and abilities of young people in a local government context. Young people share ideas and information about their involvement in, and coordination of, local activities, festivals, events and programs; and
- the North Queensland Indigenous Youth Leaders forum which, in conjunction with Speakout, allows young people to develop skills in a community context. The forum enhances and reinforces learning from Speakout through information pertaining to Indigenous leadership in communities.<sup>174</sup>

The Committee understands that a number of young people from Palm Island expressed interest in attending these events this year.

The Committee considers that there is scope for the skills and capacity of young people on Palm Island to be developed through a youth council structure. By participating in such a structure, young people will:

- be supported in their development and have access to the information and resources offered by the LGAQ;
- foster and develop relationships with other Aboriginal and Torres Strait Islander youth; and
- have an opportunity to share and hear what other young people and local governments are achieving throughout Queensland.

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<sup>172</sup> Queensland Government submission, n 3 at 45.

<sup>173</sup> Queensland Government submission, n 3 at 35.

<sup>174</sup> LGAQ, submission, n 4.

**RECOMMENDATION 42**

The Palm Island Council should establish a youth council and examine other avenues through which leadership can be encouraged in young people on Palm Island.

Opportunities and funding sources which the Council might explore in this regard include:

- relevant government departments and agencies, including the Departments of Local Government, Education, Communities and Emergency Services;
- neighbouring mainland local governments;
- the Local Government Association of Queensland;
- the Aboriginal Local Government Association of Queensland;
- the Queensland Police-Citizens Youth Welfare Association; and
- non-government organisations including the Australian Red Cross.

**5.5 SPORT AND RECREATIONAL ACTIVITIES**

High unemployment and boredom among young people on Palm Island contribute, as they do in many other communities, to crime, vandalism and alcohol and drug abuse. Providing young people with a wide range of sport and recreational activities is an important way to alleviate some of these behaviours. Other relevant factors include ensuring young people have sufficient opportunities to engage in meaningful employment (see section 5.3) and strengthening the connection between young people and their culture (see section 5.6).

The Palm Island Community Youth Centre, which was officially opened in February 2005, has provided a much utilised outlet for young people. The Island also has facilities such as a football field, netball courts and cricket nets. However, these additional facilities could be better utilised and there are many other opportunities for the expansion of sport and recreational activities on the Island.

In developing an appropriate range of activities for young people, there must be:

- a balance in the activities offered for children and young people across all ages;
- a balance in the activities that appeal to males and females;
- provision of evening social activities for young people; and
- a balance in the variety of activities provided (sporting and non-sporting).

The Committee also considers that there is opportunity for greater involvement of families in the sport and recreational activities of young people.

**5.5.1 Palm Island Community Youth Centre**

The Community Youth Centre, which was officially opened in February 2005, is a significant outlet for young people on Palm Island. By mid-July 2005, there had been almost 12,000 visits to the youth centre. Approximately three-quarters of those attending are aged under 14<sup>175</sup> and up to 500 young people visit the centre on any one day.

The youth centre is operated by the Queensland Police-Citizens Youth Welfare Association (QPCYWA) and provides the following facilities:

- a gym and multi-purpose sports area, including a basketball court;
- play areas for younger children;

<sup>175</sup> Queensland Government submission, n 3 at 31.



- a multi-purpose computer room ('pulse centre');
- an elders' space and barbeque area;
- an amphitheatre and stage;
- a multi-purpose training area; and
- a disco and kitchen.<sup>176</sup>

The staff include: a branch manager; an administration officer; four after school hours care/vacation care personnel; an events coordinator; a sport and recreation officer; a full-time sport and recreation volunteer; and two part-time volunteers.<sup>177</sup>

The centre offers: boxing; an after school hours care program; information technology facilities through the pulse centre; a basketball competition; a monthly disco; and a vacation care program. Various sporting groups have provided coaching clinics through the centre.

In addition, a radio station opened in the centre in July 2005. The youth centre is also connected to the internet and AUSTAR programming.<sup>178</sup>

In March 2005, the Department of Communities approved \$83,792 in funding to the QPCYWA to provide support activities for the young people of Palm Island (between ten and 17 years) for 12 months.

The Queensland Government has encountered substantial difficulty in obtaining a lease for the youth centre from the Council (see section 4.4).

The Committee also notes concerns raised by the Council regarding the management of the youth centre by the QPCYWA. In particular, the Council has:

- indicated that there is discontent that a facility making such a valuable contribution to the community is not being managed by the community;
- suggested that, as an alternative, the youth centre be managed by Sport and Recreation Queensland; and
- suggested that the youth centre be named the 'Bwngcolman Youth Centre'.<sup>179</sup>

Although the youth centre has already been officially opened, the Council indicated to the Committee that because, in some respects, work on the complex was not completely finished at that time, a second opening may be appropriate.<sup>180</sup>

The committee believes that the Queensland Government should enter into a formal agreement providing for the management of the Community Youth Centre by the QPCYWA as soon as the lease for the site is granted (see section 4.4). This management agreement should be part of a management structure that also incorporates Council and community representation.

Negotiation of the management structure might be best conducted by an independent facilitator.

This process should also address arrangements for ongoing funding of the maintenance and management of the youth centre.

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<sup>176</sup> Queensland Government submission, n 3 at 31.

<sup>177</sup> Queensland Government submission, n 3 at 31.

<sup>178</sup> Queensland Government submission, n 3 at 31.

<sup>179</sup> Palm Island Council submission, n 6 at part 23.0.

<sup>180</sup> Palm Island Council submission, n 6 at part 23.0.

Consideration should also be given to the official name of the youth centre. In this regard, the Committee supports the Council's suggestion that the youth centre be named the 'Bwgcorman Youth Centre'.

The Committee supports a suggestion raised during its consultation that, after the management agreement is finalised, some form of community celebration be conducted at the centre.

**RECOMMENDATION 43**

As soon as the trustee lease for the Palm Island Community Youth Centre is granted, the Queensland Government should enter into a formal agreement providing for the management of the youth centre by the Queensland Police-Citizens Youth Welfare Association. This management agreement should be part of a management structure that also incorporates Council and community representation.

Negotiation of the management structure might be best conducted by an independent facilitator.

This process should also address arrangements for ongoing funding of the maintenance and management of the youth centre.

**5.5.2 Other initiatives and opportunities**

There are a number of sporting groups on Palm Island including junior and senior rugby league clubs and a netball association. There is also an Emergency Services cadet group (see section 5.3).

Other Queensland Government initiatives aimed at sport and recreation for young people on Palm Island include:

- recurrent funding to Surf Life Saving Queensland to conduct a surf sports activities program for children aged 6 to 14 (a program was conducted in January and February 2005 that was attended by a minimum of 60 children each day);
- the Get Active Queensland Schools Program (this occurred on 5 May 2005 with the participation of 120 school students); and
- funding the Coolgaree CDEP to employ two full-time sport and recreation officers on the Island.<sup>181</sup>

The Department of Communities also provides funding to the Australian Red Cross. During the last summer school holidays, following the riot, the Australian Red Cross provided a holiday program for children. In February 2005 funding of \$70,000 was approved to enable the Red Cross to continue support activities for young people at risk on Palm Island.

The following possibilities for further sport and recreational activities for young people on Palm Island were raised at the youth forum and at other meetings held by the Committee: a functioning football competition across a range of ages; fishing competitions; a horsemanship centre (given the popularity of riding horses on the Island); a scouts/girl guides association; social activities for young people at night; dancing; extreme sports; an adventure camp; and art.

In particular, the Committee was advised that there is a need to ensure activities are provided for young people in the age ranges of 15 to 19 and 20 to 25.

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<sup>181</sup> Queensland Government submission, n 3 at 41, 45 and 46.

The main barriers to pursuing further sport and recreational activities for young people are apparently:

- the cost and frequency of transport services between the Island and the mainland (see sections 5.2.2 and 5.7);
- the lack of community capacity in terms of management skills, leadership and expertise in a particular pursuit; and
- funding.

In its submission, the Council reiterated the need for more sporting and recreational opportunities on the Island.<sup>182</sup>

There is existing sporting infrastructure on the Island, much of which could be better utilised. For example, the Committee was advised, on a number of occasions, that the football grounds were unusable due to broken glass. An inspection by the Committee revealed that the grounds were free from glass but that the football clubhouse is in a state of significant disrepair and requires substantial improvement, or demolition and rebuilding. The Council also indicated that the irrigation system for the football grounds is damaged.<sup>183</sup> Further, the Committee was informed that the junior rugby league club had, for some time, sought a lease from the Council for use of the football grounds and clubhouse.

The Council submitted that there is insufficient park area in the community and places for residents to socialise and children to play.<sup>184</sup> The Committee encourages the Council to investigate options to address this need.

### **5.5.3 Palm Island Sport and Recreation Association**

The Committee believes that the most effective way to better provide sport and recreational opportunities for young people is through the establishment of a Palm Island Sport and Recreation Association. Such a body would take responsibility for coordinating the provision, and funding, of sport and recreational activities on Palm Island.

An umbrella organisation would also enable the more efficient delivery of services through economies of scale, and a coordinated approach to funding. The concept for such an Association should be explored through a consultative process involving representatives from the community, existing sporting groups, the Community Youth Centre and the sport and recreation officers funded through the Coolgaree CDEP. Assistance to establish and manage such an Association should be provided by the Department of Communities.

Consideration should also be given to the two sport and recreation officers being funded directly through the Association.

In accordance with the discussion and recommendation in section 3.3, the Council should not be required to deliver the services that the Committee believes would be more appropriately delivered by such an Association.

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<sup>182</sup> Note 6 at part 23.2.

<sup>183</sup> Palm Island Council submission, n 6 at part 23.2.

<sup>184</sup> Note 6 at part 23.2.

**RECOMMENDATION 44**

The Minister for Communities, in conjunction with the Premier as Minister for Sport, should establish and support a Palm Island Sport and Recreation Association as the body responsible for coordinating the provision, funding and maintenance of sport and recreational activities on Palm Island. This body should be established through a consultative process involving representatives from the community, existing sporting groups, the Palm Island Community Youth Centre and the sport and recreation officers funded through the Coolgaree CDEP.

The Association should be responsible for:

- developing an appropriate range of activities for young people in light of the need to ensure:
  - a balance in the activities offered for children and young people across all ages, particularly the 15 to 19 and 20 to 25 age groups;
  - a balance in the activities that appeal to males and females;
  - provision of evening social activities for young people; and
  - a balance in the variety of activities provided; that is, sporting and non-sporting (such as dancing, art, beading, and opportunities for leadership development through organisations such as the scouts/girl guides movement);
- coordinating the provision of sporting activities on and off Palm Island; and
- managing the sporting infrastructure on Palm Island in conjunction with the Council.

Consideration should also be given to the two sport and recreation officers being funded directly through the Association.

**5.6 COMMUNITY AND CULTURAL ENHANCEMENT**

**5.6.1 Community and cultural centre**

There is no community hall on Palm Island. (The Island had a community hall but it was burnt down some four years ago.)

The Council submitted that the community wants a public gathering space that can be used for activities such as community meetings, balls, social events, play groups, toy libraries and community education courses. The Council also submitted that, while the Palm Island Community Youth Centre does exist as a public space, it is a sports centre and ‘feels’ like such.<sup>185</sup>

The Committee acknowledges the need for a centre in which community activities can occur apart from the Community Youth Centre and the potential licensed social club venue discussed in section 5.11.

Various cultural activities could also be conducted in, and coordinated through, such a centre. Cultural initiatives on the Island include:

- Arts Queensland funding through the Indigenous Regional Arts Development Fund for cultural retention projects, arts projects and contribution to the salary of the local community arts project officer;<sup>186</sup>
- an \$80,000 allocation under the Art Built-in Policy by various Government departments and agencies to engage local artists to produce concept designs for integrated public art and to purchase local artworks and artefacts;<sup>187</sup>

<sup>185</sup> The need for a community hall was raised in the Palm Island Council submission, n 6 at part 3.0.

<sup>186</sup> Queensland Government submission, n 3 at 33.

<sup>187</sup> Queensland Government submission, n 3 at 33-34.

- activities through the Community Youth Centre including arts-based activities in the after school care programs and opportunities to use the centre's radio station and pulse centre technology for cultural pursuits;<sup>188</sup>
- the inclusion of traditional games into activities provided by the sport and recreation officers funded through the Coolgaree CDEP (see section 5.5); and
- cultural education provided through the schools, with the involvement of some elders.

Only a small number of the traditional owners continue to live on Palm Island, and some tension exists between the traditional owners and the historical people. The 2001 ABS census shows that less than 1% of the Island's population speaks an Australian Aboriginal or a Torres Strait Islander language. A similar proportion identifies as being of Australian Aboriginal traditional religion.<sup>189</sup>

The Committee was also informed that many young people on Palm Island have lost a connection with their elders. In many Aboriginal and Torres Strait Islander communities, elders play a crucial role in ensuring the cultural awareness of young people.

From a cultural perspective, a community and cultural centre on Palm Island could, for example:

- be a place where information is provided regarding traditions and cultures of the traditional owners and the historical people, and the past and recent history of the Island;
- be a venue through which cultural events on the Island could be coordinated and young people are taught traditional cultural practices;
- be an information sharing point regarding matters such as personal and community history research;
- provide a community art space and be a meeting point for local and visiting artists and the community arts project officer;<sup>190</sup> and
- provide a venue to display and sell local art and craft.

Library services, including an Indigenous Knowledge Centre, discussed in section 5.2.6 might also be provided through the centre.

The Committee believes that the Palm Island Council should pursue the concept of a community and cultural centre in consultation with the community, the Minister for the Arts and the Minister for Communities. Management of, and funding for, required infrastructure might be facilitated through *Palm Island Partnerships*.

The Queensland Government recently released a new guide to assist councils and local communities plan and develop arts and cultural facilities which might assist the Council in this regard.<sup>191</sup>

The land use plan currently being developed should identify an appropriate site for a community and cultural centre. In accordance with the discussion and recommendation in section 3.3, the Council should not be required to manage this facility.

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<sup>188</sup> Queensland Government submission, n 3 at 33.

<sup>189</sup> Note 2.

<sup>190</sup> Palm Island Council submission, n 6 at part 20.0.

<sup>191</sup> The Hon R Welford MP, Minister for Education and the Arts, 'New guide helps strengthen arts and culture', *Queensland Ministerial Media Statements*, 19 August 2005.

### 5.6.2 Significant and sacred sites

The Committee was informed that there are significant and sacred sites on the Island including: story places, rock and other paintings, middens, ceremonial sites and burial sites. Apparently, these sites are not currently preserved, protected or registered.<sup>192</sup>

The land use planning process is cognisant of some significant and sacred sites. A cultural heritage survey may reveal further sites or artefacts.

Funding has previously been provided for a ranger/heritage officer to be employed by the Council. Such an officer would be able to facilitate education of community members regarding heritage matters, and might also be able to manage the community and cultural centre.

In its submission, the Council raised the need for such a ranger and for the services this person could provide.<sup>193</sup>

#### **RECOMMENDATION 45**

The Committee supports establishment of a community and cultural centre on Palm Island.

The Council should:

- pursue the concept of establishing such a centre, and the facilities and activities which might be conducted at the centre, with the community; and
- liaise with the Minister for the Arts and the Minister for Communities, as to progressing the concept.

The land use plan for Palm Island should identify an appropriate site for the centre.

#### **RECOMMENDATION 46**

The Minister for Natural Resources and Mines should:

- through the Cultural Heritage Unit of the Department of Natural Resources and Mines, coordinate and facilitate the identification, preservation, protection and registration of significant and sacred sites and artefacts on Palm Island; and
- assess, in conjunction with the Minister for Environment and the Palm Island Council, the role and functions that a ranger/heritage officer on the Island could perform.

### 5.7 TRANSPORT

The Palm Island community is affected by problems with transport services:

- between the Island and the mainland; and
- on the Island.

The impacts on young people are particularly acute. For example, young people are either prevented from, or have difficulty in:

- participating in sporting events on the mainland (conversely, sporting teams from the mainland are also affected in attending events on the Island);
- accessing services, socialising or participating in recreational or cultural events on the mainland;
- undertaking school excursions; and
- commuting to the mainland for training and work.

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<sup>192</sup> Submission on behalf of the Manbarra people, n 5.

<sup>193</sup> Note 6 at part 16.0.

The junior rugby league team on Palm Island has previously competed in the Townsville competition. However, the timetabling and cost of transport services have contributed to its current absence from the competition. Other sports, such as netball, are also affected.<sup>194</sup>

### 5.7.1 Transport between Palm Island and the mainland

Palm Island is located approximately 50 kilometres north-west of Townsville. Restrictions in travelling between the Island and the mainland contribute significantly to a feeling of isolation in the community.

Many residents expressed concerns over the cost and frequency of transport services. These concerns were reiterated in the Council’s submission.<sup>195</sup> Conversely, some residents are concerned that improvements to transportation may adversely affect the community through increased visitor numbers.

#### *Air service*

A regular commercial air service operates between Palm Island and Townsville, with about 36 return services each week. Charter flights are also available.

Although Palm Island residents receive a discounted fare on the commercial service, there is no further concession for children or pensioners.<sup>196</sup>

*Table 3: Air fares between Palm Island and Townsville*

	All Palm Island residents		Non-resident adults		Non-resident high school students and aged pensioners		Non-resident children (aged 3-12)	
	Weekdays*	Weekends	Weekdays	Weekends	Weekdays	Weekends	Weekdays	Weekends
<b>One-way</b>	\$37.50	\$45.00	\$65.00	\$70.00	\$57.00	\$63.00	\$53.00	\$59.00
<b>Return</b>	\$75.00	\$90.00	\$130.00	\$140.00	\$114.00	\$126.00	\$106.00	\$118.00

\*some flights only.

Passengers are restricted in the amount of luggage they can take on flights. At times, flights are heavily booked and residents find it difficult to access flights. There are also limits on the number of infants who can travel on each flight. Government employees and other officials visiting the Island heavily use the service. The Committee was advised that, at times, the carriage of freight (including alcohol) precludes passengers from travelling.

Despite these difficulties, the Committee was advised that Palm Island is considered to be relatively well-serviced compared to other communities in Queensland, both in terms of the frequency of flights and the cost of fares on a distance basis.

Concerns were raised by the Council regarding the visual amenity and facilities at the airport. As the entry point for most visitors to the Island, the Committee agrees that the appearance of the airport, particularly the signage, landscaping, carpark, seating, waiting lounge, reception and restroom facilities,<sup>197</sup> should be of an acceptable standard. However, some of these concerns may be the responsibility of the Council.

<sup>194</sup> Funding arrangements for school students attending sport, excursions and other events on the mainland are also considered in section 5.2.2.

<sup>195</sup> Note 6 at part 14.2.

<sup>196</sup> Letter from Queensland Transport to the Committee dated 17 June 2005.

<sup>197</sup> These problems were raised by the Palm Island Council in its submission, n 6 at part 6.0.

The Council should seek assistance from the Government Champions in clarifying the Council's responsibility in relation to the airport. The Council should address any concerns that fall within the bounds of its responsibility and seek further assistance from the Government Champions in ensuring any remaining concerns are attended to by the appropriate entity.

### *Sea services*

Commercial passenger ferry and freight barge services are provided between Palm Island and the mainland.

The passenger ferry service operates twice weekly between Townsville and Palm Island (on Fridays and Sundays). Fares on the passenger ferry for adults are only marginally cheaper than the air service for Palm Island residents: \$37.50 one way/\$57.50 return. It is, however, significantly cheaper for children to travel by ferry: \$17.50 one way/\$28.50 return.

Travel by ferry takes approximately two and a quarter hours. The Committee was advised that, considering the nature of the vessel already being used as the passenger ferry, provision of a high-speed ferry would not significantly reduce travel times. Other relevant considerations in relation to the vessel needed to service the Island include the fact that the water between the Island and the mainland is open ocean.

In some instances, residents rely solely on the ferry service, such as those who prefer not to fly and those travelling with significant luggage.

The key practical issue raised with the Committee regarding the ferry was the frequency of its services. The Council also raised difficulties and safety concerns residents experience due to the disrepair of the jetty. For example, the Council is concerned that: there is no safety barrier; lighting is poor at night; there is no vehicular access to the jetty or a conveyor belt, requiring residents to carry their luggage and other goods along the jetty; and there is no protection from rain or sun.<sup>198</sup>

Queensland Transport is currently providing assistance to the operator to ensure the continuity of the ferry service.

Queensland Transport is also considering other enhanced options for the sea servicing of Palm Island, including a combined freight and passenger service and larger, faster barges.

Two barge services operate from Townsville (three services each fortnight) and Lucinda (three services weekly). Despite the barge services transporting most of the freight to the Island, there is no arrangement for the return journeys to transport material off the Island. Instead, removal of material from the Island, such as waste, is governed by separate arrangements (see section 3.3).

Sea services to the Island are weather and tide dependent because of the state of the channel.

Infrastructure work which is needed to improve the current sea services, and the estimated cost, includes:

- dredging the channel - \$700,000;
- upgrading the jetty - \$1.2 million; and
- upgrading the barge ramp, which is currently too narrow - \$300,000.

Queensland Transport is undertaking this work with a target completion date of November 2006. However, this is dependent upon the receipt of the required environmental approvals.

These upgrades should be undertaken in consultation with the Palm Island Council and community to ensure community input into design and other issues.

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<sup>198</sup> Palm Island Council submission, n 6 at part 1.4.



It was also raised with the Committee that the sea services are commercial operations in which the Palm Island community does not have an investment. The Coolgaree CDEP has, for example, previously examined the possibility of providing the sea services. The Committee believes there is scope for the community to have greater participation, or investment, in the provision of these services. This might be explored further as part of the economic development summit discussed in section 5.3.6.

**RECOMMENDATION 47**

In relation to concerns raised by the Council regarding the visual amenity and facilities at the airport, the Council should:

- seek assistance from the Government Champions in clarifying the Council's responsibility in relation to the airport;
- address any concerns that fall within the bounds of the Council's responsibility; and
- seek further assistance from the Government Champions in ensuring any remaining concerns are attended to by the appropriate entity.

**RECOMMENDATION 48**

The Minister for Transport and Main Roads should:

- facilitate, as a matter of priority, completion of the infrastructure work relating to sea transport services (that is, dredging the channel, and upgrading the jetty and barge ramp);
- monitor the provision of sea services to Palm Island, including the assistance currently provided to the commercial operator of the passenger ferry service; and
- examine enhanced sea services for Palm Island.

Council and community input should be sought regarding infrastructure improvements.

### **5.7.2 Transport on Palm Island**

Although the community has had access to a number of buses on the Island, these buses have not been operated in a coordinated manner for the benefit of residents. The lack of a properly functioning transport service on the Island has impacted on school attendance rates. Some students live a reasonable distance from the schools and, particularly in inclement weather, the absence of a structured school bus service has provided further disincentive to them attending school.

Under Queensland Transport's School Transport Program, recurrent funding (of \$125,000 per annum) is now being provided to the QPCYWA to operate a school and community bus. This funding covers bus running costs (such as fuel, registration and maintenance) and the employment of a local person as its driver. A memorandum of understanding (MOU) governing the arrangement was entered into by Queensland Transport and the QPCYWA in late June 2005. Under the MOU, school bus services must be provided on each school day. The bus may also be used in connection with other community services such as youth centre activities and other services for school students.<sup>199</sup>

No fare is charged for these services, however there is a possibility that fares may be charged for other utilisation of the bus.

The Council raised some concerns with the Committee about the process by which the bus was put into operation on the Island, practical issues regarding the operation of the bus such as timetabling and the provision of bus stops,<sup>200</sup> and the management of the bus.

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<sup>199</sup> Letter from the Minister for Transport and Main Roads to the Committee dated 8 July 2005 enclosing a copy of the MOU.

<sup>200</sup> Palm Island Council submission, n 6 at part 14.1.

The Committee believes that the bus provides an important service to students and the wider community and supports the continued operation of the bus by the QPCYWA.

**RECOMMENDATION 49**

The operation of the Palm Island school and community bus should remain with the Queensland Police-Citizens Youth Welfare Association.

**5.8 HEALTH**

**5.8.1 Social context of health outcomes**

Improving health outcomes on Palm Island depends heavily on addressing the range of social problems within the Island's community. The poor health of a young person impacts on every other aspect of their life, particularly their education. Poor nutrition, for example, affects a student's ability to concentrate at school. School performance is also affected by poor eyesight, hearing and dental health.

The benefits of improving the health of young people on Palm Island were explained to the Committee in the following way: healthy children will result in healthy youth, healthy adults, healthy families and healthy elderly people.

**5.8.2 Health services**

*Existing services*

Palm Island's hospital facility (the Joyce Palmer Health Service) has 15 in-patient beds and is staffed by three doctors, a number of nurses (including two Indigenous registered nurses from outside the community) and local Aboriginal and Torres Strait Islander health workers. The hospital operates on a 24-hour basis and provides a range of services to the community, including a mental health service and sexual health clinic. An ambulance service also operates from the hospital.

The hospital has access to the S100 program which means that all residents are provided with free medication.

In relation to young people specifically, the health service provides:

- a child health nurse who is based at the hospital and provides services including immunisation, education/health promotion, health assessment and treatment/management;
- monthly visits by a paediatrician;
- monthly visits by a child development services team; and
- two alcohol, tobacco and other drugs service workers (although one of these positions is still in the process of being filled).<sup>201</sup>

A position for a school nurse has been vacant for some time. The Committee understands, however, that options to fill the position, including from within the community, are currently being examined.

There is a strong emphasis on primary health care and tailoring the health service to the needs of the community. In this regard, the Committee is mindful that success in primary health care depends strongly on community support and involvement, particularly by the Council, families and schools.

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<sup>201</sup> Queensland Government submission, n 3 at 46; Letter from the Director-General for the Department of the Premier and Cabinet to the Committee dated 4 August 2005.

In terms of hospital admissions on Palm Island, there were, in the three months to March 2004 and in comparison to the number of admissions expected for a like-sized community in Queensland:

- 30 times the number of admissions for assault;
- 3.7 times the number of admissions for other external injuries such as falls, burns and accidents; and
- eight times the number of admissions for self-inflicted injuries.<sup>202</sup>

The Queensland Ambulance Service on Palm Island is supported by two ambulance paramedics and two Indigenous ambulance attendants. The Indigenous ambulance attendants, who work with the paramedics and perform patient care and community liaison roles, have assisted in the integration of the service into the community. The service provides community safety and health programs and has been involved in establishing a men's health and welfare camp. These camps are conducted with young men in isolated places and provide cultural and social training.

Disability Services Queensland (DSQ) has provided funding to the Wuni-Oombra Family Disability Respite Care Aboriginal Corporation. However, the board of management decided to suspend service provision in June 2004 on advice that the corporation was trading insolvent.

A community resource officer has been working with the board of management to build capability and capacity. In the meantime, DSQ staff have linked clients into formal and informal support. Two other Townsville-based non-government organisations funded by DSQ also continue to provide a direct or indirect service to Palm Island people with disabilities, their families and carers.

### ***Community and Council concern regarding health services***

The Committee acknowledges that there is a level of disquiet amongst some residents regarding the services provided by the Joyce Palmer Health Service. Much of this sentiment was also reflected in the Council's submission.<sup>203</sup> Some of this concern relates to whether the service is culturally appropriate, whether local people are adequately involved in the provision of health services, and whether the service appropriately addresses the community's preventative health requirements.

The Council also submitted that:

- there are inadequacies in some of the health services provided to the Island (such as dental, physiotherapy, chiropractic, osteopathic and alternative therapies);
- women are dissatisfied with the need to travel to the mainland to give birth;
- there is a need to promote health issues amongst males on the Island; and
- there is inadequate support for children and adults with disabilities.<sup>204</sup>

The Council advised the Committee that it intends to examine the possibility of establishing its own community health service on the Island<sup>205</sup> which would focus on preventative medicine, be staffed by local Indigenous people and be separate from the Aboriginal Health Service in Townsville.

Establishing and operating a health service would be outside the Council's core municipal functions, and therefore contrary to the Committee's discussion and recommendation in section 3.3. The Committee is also concerned that the proposed service could duplicate existing health services on the Island.

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<sup>202</sup> Handout provided by Government Champions for Palm Island, n 13 using data sourced from Qld Admitted Patient Hospital Collection (Queensland Health).

<sup>203</sup> Note 6 at part 18.0.

<sup>204</sup> Note 6 at part 18.0.

<sup>205</sup> Palm Island Council submission, n 6 at part 18.0.

Given these concerns and other significant issues requiring funding on the Island, but acknowledging the issues raised by the Council and other members of the Palm Island community, the Committee recommends that, as a first step, the Minister for Health and the Council liaise to establish the Council's reasons for its dissatisfaction, and for dissatisfaction in the community, with the existing service.

There is also scope to examine greater involvement by Indigenous health workers in the provision of particular aspects of the health service on Palm Island, such as dialysis.

While, ideally, qualified health professionals would be sourced from the local community in areas such as medicine, nursing, dentistry and physiotherapy, this is currently not an option. An opportunity for possible expansion of the RATEP program to nursing is, however, discussed in section 5.2.

### ***Queensland Health initiatives***

Queensland Health advised the Committee of a number of initiatives it has in place which, although aimed at Indigenous communities generally, also apply to health services on Palm Island. For example, Queensland Health has:

- recently endorsed a national strategic framework for Aboriginal and Torres Strait Islander health which focuses on: developing a more effective and responsive health system; influencing health impacts on the non-health sector; and providing infrastructure;
- a cultural respect framework. Cultural awareness training (non-compulsory) has been in place for about ten years and about 10 to 20% of the workforce has undertaken the program. More recently, a cultural orientation online program was developed to assist people working in remote areas. The Department also has facilitators who are trained and resourced with manuals and CD-Roms to support cultural reconciliation. The emphasis is on developing people's capacity in cultural awareness and appropriateness; and
- a clinical services planning framework, which determines, for example, the services expected on Palm Island and the services that residents should expect to be transferred to the mainland to receive.

Queensland Health also advised the Committee of the 'Ferret system' which is a community health information system that has been trialled in the Torres Strait and Cape York. The system has the potential to enable the health of a community to be examined. For example, the immunisation rate of a community can be determined and a number of registers, such as a register of people affected by diabetes, can be maintained. When a person presents for treatment for a certain condition, the system alerts the service provider that the person (or an accompanying relative, such as a child) should also be treated for other conditions at the same time. Information for the system is initially collected by Indigenous health workers who visit people in the community at their homes.

Similar to other government agencies, clinic and staff accommodation is needed for Queensland Health workers (see section 4.4).

### ***Suicide***

The Committee was advised that suicide, including by young people, has been and remains a significant concern on Palm Island. Although the Committee was also informed that there had been general reductions in the numbers of suicides on the Island in the recent past, the Committee was not provided with statistics to support this assertion. Largely, this appears to be due to the process by which attempted and completed suicides are recorded.

This problem with recording data is not limited to Palm Island. However, in order for an assessment to be made of the occurrence and nature of suicide on the Island, and to ensure that appropriate services (both prevention and postvention) are provided on Palm Island to address this problem, it is imperative that

Queensland Health, in conjunction with the Joyce Palmer Health Service and the Queensland Ambulance Service:

- conduct an audit to determine the extent and nature of attempted and completed suicides on the Island in the recent past;
- assess the adequacy of existing prevention and postvention services provided on the Island; and
- put in place mechanisms to track relevant data on an on-going basis.

**RECOMMENDATION 50**

The Minister for Health and the Palm Island Council should liaise to establish the reasons for dissatisfaction by the Council and the community with the existing health services on the Island.

**RECOMMENDATION 51**

The Minister for Health should:

- examine scope for greater involvement of the Indigenous health workers in the provision of particular aspects of the health service on Palm Island, such as in the provision of dialysis;
- examine the possible implementation of the Ferret system on Palm Island; and
- liaise with the Minister for Education in expediting filling the school nurse position as a matter of urgency.

**RECOMMENDATION 52**

In order for an assessment to be made of the occurrence and nature of suicide on Palm Island, and to ensure that appropriate services (both prevention and postvention) are provided on the Island, it is imperative that the Minister for Health, in conjunction with the Joyce Palmer Health Service and the Queensland Ambulance Service:

- conduct an audit to determine the extent and nature of attempted and completed suicides on Palm Island in the recent past;
- assess the adequacy of existing prevention and postvention services provided on the Island; and
- put in place mechanisms to track relevant data on an on-going basis.

### **5.8.3 Cultural healing service**

Queensland Health is proposing to establish cultural healing services in some Indigenous communities including Palm Island. This will involve local people being trained so that they have skills to provide counselling and support services to the community.

A draft proposal has also recently been developed for the establishment of community residential healing places for young people. The proposal is currently with DATSIP for consideration.<sup>206</sup> It is intended that these healing places will target 12 to 17 year olds who are: in detention or at risk of being detained; living in fear of abuse, particularly domestic violence and/or sexual abuse; or victims of dysfunctional lifestyles. The healing places will address the psychological, cultural, social development and healing needs of the young people through programs and activities, counselling, vocational guidance, cultural advice and direction.

The Committee endorses investigation into the establishment of cultural healing services for the Palm Island community, particularly for young people.

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<sup>206</sup> The Committee was provided with a copy of a letter from the Minister for Emergency Services to the Minister for Aboriginal and Torres Strait Islander Policy dated 27 June 2005 forwarding the draft proposal.

In this regard, the Committee acknowledges the contribution of the recent history of Palm Island to the need for cultural healing services in the community. In particular, the Committee was informed about suppressed, unresolved trauma among generations of residents stemming from matters such as the impact of past government policies and practices.

The Committee was also advised of the relationship of these factors to some of the social issues confronting the Palm Island community. For example, these factors may underlie an unresolved need which some residents attempt to deal with through drugs and alcohol or through violence. These underlying needs should be addressed through remedial processes.

Cultural healing services on Palm Island could be a vehicle through which this can occur. Similar services are already offered in some other Aboriginal and Torres Strait Islander communities, and consideration should be given to the nature and benefits provided by these services to residents of those communities.

### **RECOMMENDATION 53**

The Minister for Health and the Minister for Aboriginal and Torres Strait Islander Policy should assess the need and scope for cultural healing on the Island and ways in which those needs might be best addressed.

## **5.9 LAW AND ORDER**

### **5.9.1 Context of Committee's consideration of law and order issues**

The Committee has considered law and order issues on Palm Island generally. Particular attention has been given to how these issues relate to young people. The Committee emphasises that its role was not to examine matters connected to the riot in November 2004 that are the subject of the coronial inquest, CMC investigation or criminal proceedings.

### **5.9.2 Incidence of crime on Palm Island**

Palm Island experiences a consistently high level of most forms of crime, particularly crimes against the person and, to a lesser extent, property offences. In large part, law and order issues on Palm Island stem from many of the social issues affecting the community such as unemployment, alcohol and drug use, and overcrowded housing. In turn, law and order affects other aspects of life on the Island including economic development and the effective functioning of families and the community as a whole. The high level of serious assaults, for example, also impacts on health service resources.

Crimes against the person often involve grievous assault, unlawful wounding, grievous bodily harm offences and sexual offences. Many are fuelled by alcohol, and some are committed in the home against family members. Weapons such as knives, sticks, broken bottles and axes are often used in assaults.

Over ten times the number of finalised assault charges than would be expected for a like-sized community in Queensland were heard by the Magistrates Court in 2003-04 on Palm Island. Of these assault charges, 64% were aggravated assault charges, compared to 48% for the Queensland population.<sup>207</sup>

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<sup>207</sup> Handout provided by Government Champions for Palm Island, n 13 using data sourced from the Department of Justice and Attorney General. The following notes accompanied this data: some offences committed on Palm Island may be heard in Townsville and some offences committed in Townsville may be heard on Palm Island; the data represents the number of charges finalised in the Magistrates Court only; a further 27 charges in 2003-04 were committed to higher court for trial; the figures do not include charges that were dismissed; the figures do not represent the number of defendants appearing in court on assault charges; also excluded are charges for assaulting police, homicide, manslaughter and sexual assault.

A culture of ‘payback’ exists on the Island and, despite the high number of recorded assaults, it is likely that many assaults are not reported to the police.

Sexual offence levels are also high (section 5.10 discusses the sexual abuse of young people). Although reporting of these offences has improved since 2001-02, higher reporting rates have not necessarily translated into charges being brought. For example, no charges were brought for sexual assault or related offences in 2003-04. In the following year, however, ten charges were brought in the eight months to 28 February 2005.

Property offences relate predominantly to wilful damage and unlawful breaking and entering. The Committee was advised that these offences occur at a significantly higher rate on Palm Island than in other communities.

The Committee was advised that drug use on the Island mainly relates to cannabis rather than amphetamines. On many occasions, the Committee was informed of sly-grogging operations conducted on the Island, sometimes quite overtly.

Many community members reported illegal gambling activities on the Island, including by children, and the operation of gambling schools. However, the QPS advised the Committee that there is no evidence of:

- people running up gambling debts;
- action to recover gambling debts;
- regular, organised gambling activity; or
- organised or sophisticated gambling groups.<sup>208</sup>

The QPS also advised that it will continue to monitor the situation and proceedings will be commenced where there is sufficient evidence and it is considered in the public interest to do so.

A Magistrates Court sits on Palm Island a few times each fortnight. The majority of matters brought before the court relate to road traffic and public order offences. A large number of applications are made in respect of domestic violence and family protection orders. The court also deals with a large number of breaches of domestic violence and community-based orders.

Offending by young people on the Island largely involves unlawful entry with intent, theft and related offences and property damage. On 30 June 2003, 9.5 times the number of young people who would be expected to be on youth justice orders for a like-sized community in Queensland were on such orders on Palm Island. By 31 May 2004, this had increased to 11 times the expected number.<sup>209</sup> Although noting these high rates, the Committee endorses alternatives for young people on Palm Island to the criminal justice system.

Boredom of young people aged 15 and over contributes to some of this offending. The Committee was advised that there is difficulty capturing young people of this age in diversionary activities. (Enhanced sport and recreational activities for young people are discussed in section 5.5.)

### **5.9.3 Police presence on Palm Island**

The Committee acknowledges the difficult, and at times volatile, relationship that has existed between the QPS and the Palm Island community.

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<sup>208</sup> Letter from the Police Commissioner to the Committee dated 10 August 2005.

<sup>209</sup> Handout provided by Government Champions for Palm Island, n 13 using data sourced from the Department of Communities.

The relationship has been particularly tense since the events of November 2004, although a number of residents informed the Committee that they appreciated the police presence on the Island.

Some residents, and the Council,<sup>210</sup> expressed frustration that the police have failed to respond to calls for assistance or investigate certain matters. The Committee has not considered these allegations. Instead, concerns in this regard should be directed to the CMC.

Prior to November 2004, the police presence consisted of: seven general duties uniformed officers; two detectives; and one police liaison officer. Numbers significantly increased immediately following the riot but have subsequently reduced. The current arrangements provide for: 16 general duties uniformed officers; two detectives; a manager for the Palm Island Community Youth Centre; one police liaison officer; and two Palm Island Community Youth Centre police liaison officers. These increased numbers allow for a 24-hour patrol station to operate.

The Committee believes that the temporary posting of officers to Palm Island, through a rotation of officers from various mainland police districts (sometimes for periods of only one month) has contributed to a feeling of a lack of integration of the police officers into the community. The Council also submitted that police are rotated in and out of the community very quickly which does not enable relationships and community confidence to be built.<sup>211</sup>

Other concerns raised with the Committee were more general and included the youth and inexperience of some officers who are posted to the Island. There was sentiment that the community would feel greater respect towards older officers, and that the increased natural maturity of older officers would be beneficial to improved relations. Better integration of police officers into the community might also result when a police officer is accompanied to the Island by their partner and children.

While noting the merits of the concerns raised, there are some practical issues currently accompanying the posting of older officers to Palm Island, including the lack of suitable accommodation for officers and their families.

Recently, some positions were filled on a permanent basis. Permanent appointments to other positions are being sought. Community representatives have been involved in selection panels for some positions. Four constable positions will be filled on a six-monthly rotational basis from the Townsville district.

The Committee endorses the various initiatives the QPS is implementing to improve relations with the Palm Island community. The Community Youth Centre has been significant in this regard, by providing a forum in which police officers and the community, particularly young people and their families, can interact. Continued management of the youth centre by the QPCYWA, as recommended in section 5.5.1, will allow the benefits flowing from this process to further develop.

Enhanced cultural awareness of police officers is another important initiative. At a broader level this involves:

- a Cultural Appreciation Project, which was established to develop Indigenous cultural appreciation training for QPS personnel (not compulsory), including police recruits. Units in the current Competency Acquisition Program dealing with race relations, law and contemporary social issues have also been reviewed and rewritten;
- an Introduction to Culture education session, which is being developed for personnel in all regions, and for recruits; and

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<sup>210</sup> Palm Island Council submission, n 6 at part 11.0.

<sup>211</sup> Palm Island Council submission, n 6 at part 11.0.



- regional, district and divisional or community profiles, which are being developed with information relating directly to Indigenous issues in specific areas.

Police on Palm Island are provided with training which is specific to the community, including historical information and community-based cultural practices and protocols. Elders from the community justice group (discussed in section 5.9.4) and members of the recently formed Indigenous community/police consultative group (also discussed in section 5.9.4) were involved in developing this training.

Cultural awareness sessions have been implemented in the Townsville district for officers involved in rotations on Palm Island.

In further improving the relationship between the QPS and the community, the Committee acknowledges that there is value in examining avenues for greater involvement by Aboriginal and Torres Strait Islander police officers on Palm Island. The Council's submission to the Committee also raised this for consideration.<sup>212</sup>

Recruitment of Aboriginal and Torres Strait Islander people into the police force underpins the number and availability of such officers.

The initiatives outlined above should assist in enhancing the diversity of the Police Service and a better understanding and acceptance of Aboriginal and Torres Strait Islander people.

#### **RECOMMENDATION 54**

The Minister for Police should examine:

- arrangements to enable the posting of police officers to Palm Island on a permanent basis as far as possible;
- the adequacy of cultural awareness training for police officers serving on Palm Island; and
- avenues for involvement by Aboriginal and Torres Strait Islander police officers on Palm Island.

#### **5.9.4 Community involvement in law and order issues**

Community involvement in law and order issues on Palm Island includes:

- a community justice group which, although not registered under the *Aboriginal Communities (Justice and Land Matters) Regulation 1998 (Qld)*, operates in the community;
- a number of residents who are appointed as Justices of the Peace (Magistrates Court) for the Island; and
- an Indigenous community/police consultative group (ICPCG), formed in March 2005, which aims to: develop a partnership between the police and the community; operate as a forum for discussing policing matters of concern to the community; facilitate resulting decisions; and, where necessary, act upon such decisions in an informed and cooperative manner.

The Council's submission to the Committee raised the need for a community legal service on the Island.<sup>213</sup> Residents currently have access to legal advice through the Townsville office of the Aboriginal and Torres Strait Islanders Legal Service or Legal Aid. Accordingly, the Committee does not support the establishment of a community legal service on Palm Island. The Council should, however, raise its concerns with the Attorney-General.

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<sup>212</sup> Note 6 at part 11.0.

<sup>213</sup> Note 6 at part 19.0.

Currently, there is no diversion from custody option on Palm Island for simple offences such as public drunkenness. The Council supports such a facility.<sup>214</sup> A diversion from custody model is now being developed by DATSIP and the QPS, in conjunction with the ICPCG.

The Committee also believes that consideration should be given to establishing a 'Murri watch' program on Palm Island. This program was established as a result of the Royal Commission into Aboriginal Deaths in Custody. Under this program, residents who are taken into custody for relatively minor offences are released into the care of a community elder.

There are no community police employed on Palm Island. The Committee was advised, however, that negotiations are underway for the Queensland Aboriginal and Torres Strait Islander Police (QATSIP) project to be established on Palm Island. The project has already been implemented in Yarrabah, Badu Island and Woorabinda. The principal responsibility of QATSIP officers is to enforce Council by-laws, help in the preservation of law and order in the community, and liaise between the QPS and the community. QATSIP officers are employed by the QPS and complete a pre-service training course before being appointed with limited powers in the community.

**RECOMMENDATION 55**

The Minister for Aboriginal and Torres Strait Islander Policy and the Minister for Police should, as a matter of urgency:

- collaborate with the Palm Island Indigenous Community/Police Consultative Group (ICPCG) to implement a diversion from custody option for Palm Island; and
- investigate with the community the establishment of a Murri watch program on Palm Island.

**RECOMMENDATION 56**

The Minister for Police should:

- ensure that the membership of the Indigenous Community/Police Consultative Group (ICPCG) includes a representative of young people on Palm Island (possibly a member of the youth council which the Committee recommends in section 5.4); and
- examine the merits of introducing the Queensland Aboriginal and Torres Strait Islander Police (QATSIP) project on Palm Island.

**RECOMMENDATION 57**

The Council should raise its concerns regarding the provision of legal services in the community with the Attorney-General and Minister for Justice.

**5.9.5 Local security service**

The Committee was advised of a proposal to establish a local security service for Palm Island, and of support and a need for the proposal within the community. A resident is training to be the manager of the service. Nine residents have also completed the formal component of training with the Australian Indigenous Security Service and are gaining work experience as security officers at the Palm Island canteen.<sup>215</sup>

There is scope for a local security service to be utilised at licensed premises on the Island (currently the canteen, but also the proposed social venue recommended in section 5.11) and in the patrol of government infrastructure. The service could also provide much-needed employment for suitable residents (see section

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<sup>214</sup> Palm Island Council submission, n 6 at part 26.0.

<sup>215</sup> Queensland Government, *A Status Report on Selected Priority Projects for Palm Island as at April 2005* at 20-21.

5.3), strengthen the relationship between the QPS and the community, and assist in the economic development of the Island (see section 5.3).<sup>216</sup>

The Department of State Development has provided some assistance in the establishment of this proposal.

#### **RECOMMENDATION 58**

The Minister for State Development should continue to liaise with relevant parties (including the Council, the Palm Island Community Justice Group, the Palm Island community and relevant Government Departments) in relation to the proposed local security service for Palm Island.

### **5.10 CHILD SAFETY**

#### **5.10.1 Issues and their impact**

The Committee was advised, on numerous occasions, that young people on Palm Island are subjected to the following forms of abuse: neglect; physical abuse; emotional abuse; and sexual abuse. The exact levels of abuse are difficult to establish. There is strong underreporting of abuse, particularly sexual abuse, due to cultural and other factors, which are particularly pronounced given the Island environment. The Committee was informed, however, that neglect is overwhelmingly the most prevalent form of abuse on the Island and involves, for example, young people not being provided with basic clothing, food and nutrition, housing and medical attention.

The child safety issues on Palm Island largely reflect similar concerns about child safety in other Aboriginal and Torres Strait Islander communities and the over-representation of Aboriginal and Torres Strait Islander children in the child protection system.<sup>217</sup> At June 2003, the number of children on Palm Island on child protection orders was 2.5 times the number expected for a like-sized community in Queensland. By 31 May 2004, this had increased to 3.1 times the expected number.<sup>218</sup> The Department of Child Safety (DCS) is currently receiving about 20 notifications of child abuse each month on Palm Island.

The urgent need for a 'safe house' for young people was conveyed to the Committee. Such a facility would provide young people with a short-term alternative to remaining in their home environment or wandering the streets when they feel at risk.

There is a strong relationship between the safety of young people on Palm Island and the other social issues affecting the Island. In particular, the following conditions create an environment in which the safety of some of the Island's young people is at greater risk:

- overcrowding in housing;
- low socio-economic status;
- high unemployment among the adult population and limited educational attainment;
- alcohol and substance abuse;
- generations of children having been abused on the Island;
- a lack of support for parents and poor parenting skills in some families;

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<sup>216</sup> Note 215 at 20-21.

<sup>217</sup> Queensland Government (Department of Child Safety), *Reform of Queensland's Child Protection System – One Year on: Progress of a Blueprint for Implementing the Recommendations of the Crime and Misconduct Commission Report "Protecting Children: An Inquiry into Abuse of Children in Foster Care"*, 22 March 2005 at 19.

<sup>218</sup> Handout provided by Government Champions for Palm Island, n 13 using data sourced from the Department of Communities.

- a high incidence of teenage pregnancy; and
- other law and order problems, particularly family and domestic violence.

The absence of a functioning non-government sector on Palm Island has impacted significantly on services for young people and their families, such as parenting support and child protection and violence prevention programs.

There are insufficient numbers of foster carers on the Island (three or four), although DCS is actively trying to recruit more.

The Committee believes that child safety concerns must be addressed through targeted prevention, early intervention and support measures specifically aimed at child safety. These concerns will also be addressed as a flow-on from addressing the broader social issues affecting the Island.

In turn, addressing child safety concerns will assist in addressing some of the other issues currently facing young people on the Island, such as educational outcomes and substance abuse.

### **5.10.2 Child safety initiatives**

Four officers of the DCS provide child safety support services on a fly-in/fly-out basis, due to the lack of governmental residential accommodation on the Island (see section 4.4).

As part of raising the community's consciousness of child safety issues, the negotiation tables (see section 2.2) now have child protection as a mandatory item for discussion.

The QPS provides child protection and sexual offences training for its specialist and general duties staff. The QPS advised the Committee that it is currently developing a significant training program as a result of the *Seeking Justice*<sup>219</sup> report and is looking at sexual abuse generally. Cultural appreciation and an understanding of the culturally specific issues of dealing with sexual abuse and child abuse for investigators is a component of that training.

School students are also provided with a protective behaviours program.

The Queensland Government has indicated that it intends to develop an appropriate model of child safety service delivery for Palm Island. This model is being developed by DCS in collaboration with the Queensland Aboriginal and Torres Strait Islander Child Protection Partnership. The Partnership is funded to assist the capacity building of independent, community-based Indigenous Recognised Agencies, which are the bodies through which the enhanced model will be provided.<sup>220</sup>

The Committee was advised that the Department of Communities is currently in negotiation with the Federal Government regarding funding for a safe house for children.

### **5.10.3 Supporting families**

Risks to the safety of children are greatly increased in circumstances of violence against their mothers. Violence within Palm Island's families was raised with the Committee on a number of occasions. Despite this, the Committee was also advised that no formal study had been conducted into the level of violence other than its prevalence.

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<sup>219</sup> Crime and Misconduct Commission, *Seeking Justice: An Inquiry into how Sexual Offences are handled by the Queensland Criminal Justice System*, June 2003.

<sup>220</sup> Queensland Government submission, n 3 at 40; *Reform of Queensland's Child Protection System – One Year on: Progress of a Blueprint for Implementing the Recommendations of the Crime and Misconduct Commission Report "Protecting Children: An Inquiry into Abuse of Children in Foster Care"*, n 217 at 19-20.

The Department of Communities funds the Kootana Women's Centre as part of the response to domestic violence on the Island. This centre provides a safe house for women on the Island, and also provides information and referral services. Kootana will receive \$303,622 for 2005-06 to cover salaries for four full-time equivalent positions and operating costs.

The important role women play in Indigenous communities was recently stated as follows:

*... Indigenous women are predominantly engaged in the community in non-stop efforts to promote and achieve better health and education for their children, and in struggling to keep families, communities and Indigenous culture strong ...*<sup>221</sup>

Accordingly, the Committee believes that improving the safety of mothers, grandmothers and the functioning of families, will improve the safety of children on Palm Island.

Funding has recently been approved for the Department of Communities to establish a Family Support Hub on the Island, which will focus on violence prevention and intervention. Implementation of this initiative is likely to take three years and, in the interim, the Department is funding an Intensive Family Support Action Research service which will be delivered by the Townsville Aboriginal and Islander Health Service and provide family support services on Palm Island. The North Queensland Regional Office of the Department has allocated a project officer to progress work on the hub and the Department intends to engage with the community and government agencies over the next 12 months as the hub model and service mix are developed.<sup>222</sup>

It is anticipated that the Family Support Hub will deliver a range of services not currently available on Palm Island, including: trauma counselling; family support/parenting support; family outreach; counselling and court support for victims and witnesses of violence; child protection/early intervention; mediation; emergency relief, and an information and referral service. Other activities, such as a grandmothers' support group and training in the family support area, will also be provided. A number of off-site programs, such as domestic violence perpetrators' programs, will be linked to the hub.<sup>223</sup>

There also might be value in examining the formation of a group of residents to be community leaders in child protection matters, who will operate as a liaison between the community and police officers and child safety officers.

From time to time, various men's support groups have operated on Palm Island. The Committee believes that structured support services for men, particularly young fathers, through the proposed Family Support Hub will be as important in terms of preventative action targeted at child safety issues as the services offered to mothers. These services should be available for all men, and not be restricted to those men who perpetrate domestic violence.

Health workers at the Joyce Palmer Health Service have also developed a positive parenting program, specially tailored for Indigenous communities, and put in place a venue and staff to deliver the program. As part of community acceptance for the program, the service has sought approval for the program from the Council. The Committee suggests that the Department of Communities liaise with the Joyce Palmer Health Service, as a matter of priority, regarding the nature of, and need for, this program.

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<sup>221</sup> Hon J Hannaford, Hon B Collins, and Ms J Huggins AM (Review panel members), *Review of the Aboriginal and Torres Strait Islander Commission: Public Discussion Paper*, June 2003 at para 4.25.

<sup>222</sup> Queensland Government submission, n 3 at 44.

<sup>223</sup> *A Status Report on Selected Priority Projects for Palm Island as at April 2005*, n 215 at 18-19.

**RECOMMENDATION 59**

The Minister for Child Safety should, as a matter of urgency, examine foster care arrangements for the young people of Palm Island and identify scope to expand either the number of foster carers on the Island or appropriate alternative arrangements.

**RECOMMENDATION 60**

The Minister for Communities, as a matter of urgency, should:

- facilitate the establishment of a ‘safe house’ for young people on Palm Island in conjunction with relevant federal counterparts;
- expedite the establishment of the Family Support Hub, ensuring that adequate support services are offered for parents and other family members; and
- liaise with the Joyce Palmer Health Service regarding the nature of, and need for, the positive parenting program developed by health workers at the Joyce Palmer Health Service.

**5.11 ALCOHOL AND DRUG USE****5.11.1 Social context**

A range of factors contribute to the high levels of alcohol consumption by some residents on Palm Island, including: high unemployment; overcrowded housing; and boredom.

Frequently, less tangible, but equally important, factors such as unresolved depression, trauma and frustration also fuel an underlying need in people which can manifest itself in alcohol and drug use.

In turn, excessive alcohol consumption and drug use can lead to other issues, notably, law and order (such as assaults, vandalism, family violence and child abuse), health and social issues.

In an attempt to address the alcohol and violence issues afflicting Aboriginal and Torres Strait Islander communities in Queensland, 19 Aboriginal and Torres Strait Islander communities have been targeted as part of the *Meeting Challenges, Making Choices*<sup>224</sup> strategy for the implementation of alcohol management plans (AMPs). AMPs address alcohol related issues in communities and provide for matters such as restrictions on the type of alcohol that may be sold, limits on take-away sales and alcohol carriage limits. AMPs can also deal with other concerns of the community related to alcohol such as the provision of support services.

Community Justice Groups (CJGs), comprised of people within each community, are responsible for developing AMPs and have certain other responsibilities once a plan is established. CJGs have a statutory basis and are funded by the Queensland Government.

AMPs that have been introduced are being progressively reviewed. These reviews examine: the success of AMPs in decreasing alcohol-related crime and violence; how successful plans have been in improving the well-being of community members; and other effects alcohol restrictions have had.

AMPs have apparently had a positive impact in some communities in terms of reducing presentations to community health centres for alcohol-related injuries and reducing hospital admissions for assault.<sup>225</sup>

Palm Island is now the only community of the 19 identified that does not have an AMP in place.

<sup>224</sup> Note 166.

<sup>225</sup> Handout provided by Government Champions for Palm Island, n 13.

The CJG on Palm Island is not a regulated justice group under the *Aboriginal Communities (Justice and Land Matters) Regulation 1998* for the purposes of alcohol management. However, the group is a long-established and funded organisation which performs a range of justice-related functions in the community and has been participating in the development of an AMP.

Despite not having an AMP in place, in 2002 the Palm Island Council passed a by-law to prohibit the possession and consumption of any type of liquor other than beer (of any strength). The by-laws also prohibit a person from bringing or arranging to bring into the area any liquor other than beer.

The canteen is the only licensed premise on the Island, with trading hours of 4pm-9pm Monday to Saturday. The canteen only sells beer, and a two can per transaction limit applies. There is no restriction on the amount of take-away beer a person can purchase.

The Council has recently applied to the Department of Local Government to have the by-law regarding alcohol possession and consumption removed. This would enable the sale of any type of alcohol on the Island.

The Council currently owns, and is the licensee of, the canteen. While profit levels vary, and there have been issues with theft and management, the canteen generally makes a profit for the Council. In section 3.3 the Committee recommends that the Council divest itself of such enterprises as part of rationalising the services it offers. In the case of the canteen there is also a potential conflict of interest between the Council running and managing the canteen as a commercial enterprise, and its responsibility to welfare and law and order in the community.

‘Sly-grogging’ (that is, bringing alcohol onto the Island and selling it illegally at highly exorbitant prices, particularly when the canteen is closed) is apparently widespread.<sup>226</sup> Anecdotally, alcohol is often bought from sly-groggers on credit, leaving customers with a growing debt and little money for necessities for themselves and their family, such as food and rent.

### **5.11.2 Draft Alcohol Management Plans for Palm Island**

Four separate draft AMPs have been proposed by the community to date. Agreement as to an AMP has been hindered by a lack of consensus between members of the CJG, and the CJG and the Council.

Prior to the November 2004 riot, the Government had produced a draft AMP based on a compromise of the four previous AMPs.

The Premier’s Five Point Plan in response to the riot included a commitment to finalise an AMP for the community in early 2005.

A draft AMP was provided by the (then) Minister for Aboriginal and Torres Strait Islander Policy to the Council and CJG on 19 January 2005. This plan proposed that:

- only low to mid strength beer be sold or brought onto the Island;
- wine, spirits and other alcoholic beverages be banned;
- there be a carriage limit of 24 cans or stubbies of low to mid strength beer, which means that a person can only walk down the street with one carton of beer and cars, dinghies, ferries, barges and planes only be permitted to carry one carton of beer at a time, regardless of how many people are travelling on board;
- the restrictions apply to all Palm Island residents; and
- the canteen be open between from 4pm-9pm Monday to Saturday.

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<sup>226</sup> The Council also states this is its submission n 6 at part 26.0.

In February 2005 DATSIP received a response from the Council, accompanied by 22 survey forms received from community members regarding the proposed AMP. The Council's feedback did not comment on the detail of the proposed AMP but did state that the AMP would not be successful without appropriate support structures. The CJG's response raised one issue regarding closure of the canteen during periods of mourning.

### 5.11.3 The Committee's consultation

There was general agreement among those with whom the Committee met that there is an alcohol problem on Palm Island which requires addressing. The Council endorsed this position.<sup>227</sup> The Committee was informed that while the smoking of cannabis is widespread on the Island, there is little evidence of other drug use.

The Committee was, however, presented with a wide range of views regarding how alcohol should be managed on the Island.

Comments included:

- a prohibition on alcohol would not be effective as it would only lead to an increase in sly-grogging on the Island and cause people to leave the Island to go to the mainland to drink;
- the current restriction on beer is discriminatory against people who do not drink beer, particularly women;
- UDL (pre-mixed spirit) cans should be allowed as they are the same alcohol content as a full strength beer;
- there is a need for a social club on the Island so that people can drink alcohol in a normal social environment that offers more than just alcohol;
- there is a need for responsible drinking campaigns and education programs regarding the effects of alcohol, including for school students; and
- there is a need for effective detoxification, rehabilitation and counselling services.<sup>228</sup>

It was also noted that the policing of alcohol being brought onto the Island is difficult given the various entry points by sea to the Island, and that it is difficult to prosecute the illegal sale of alcohol because it is necessary to prove that a person possessing alcohol intends to sell it. It was suggested that to be effective, the area in which any AMP is to be enforced should incorporate some of the sea to the front of the settlements on the Island, and that a carriage limit would be easier to monitor and enforce as it is only necessary to prove that someone is in possession of alcohol above a prescribed limit.

In its submission to the Committee, the Council stated that it does not feel it can move forward on the issue of an AMP until '*the immediate issue of overcrowding, homelessness and lack of housing money is addressed*'. The Council also submitted that it wants a normal drinking culture, such that residents can have a drink while watching the football, a cocktail at the bar, and wine with dinner in a bistro.<sup>229</sup>

The Committee believes that it is now time for a decision to be made regarding alcohol management on Palm Island.

The Committee does not believe that the prohibition of alcohol would be effective or desirable. There is a significant risk that prohibition would lead to an increase in sly-grogging, people leaving the Island to drink elsewhere, and other substance abuse. However, the Committee supports management of alcohol in the community and therefore believes that an AMP should be put in place as a matter of priority.

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<sup>227</sup> Palm Island Council submission, n 6 at part 26.0.

<sup>228</sup> Many of these comments were reiterated by the Council in its submission, n 6 at part 26.0.

<sup>229</sup> Note 6 at part 26.0.



Consideration (including legal advice) should be given to extending the area in which the AMP operates to the sea in front of the settlements on the Island. This would assist in the enforcement of alcohol restrictions.

A number of initiatives should be undertaken to address alcohol usage in the community, and to complement the introduction of an AMP.

Firstly, the Committee agrees that it is highly desirable that the community have a family-friendly licensed venue which offers activities apart from drinking. The Council has also recognised this need.<sup>230</sup> The Department of State Development is currently undertaking a feasibility study regarding a social club on the Island.

This venue (together with the community and cultural centre recommended in section 5.6.1 should also provide the community with access to function rooms in which social gatherings such as wedding receptions and other celebrations can be hosted.

Secondly, there is a need for education regarding the responsible consumption of alcohol, and preventative programs.

Two Alcohol, Tobacco and Other Drugs (ATODS) workers will be funded to work with the Palm Island community. The first ATODS worker was appointed on 14 June 2005 and commenced clinical service delivery on a fly-in/fly-out, basis on 4 July 2005. The second worker is to be recruited following a direct assessment of the community's needs.<sup>231</sup>

Thirdly, there is a need for support services such as detoxification, rehabilitation and counselling.

Ferdy's Rehabilitation Centre, which is primarily funded by the Commonwealth Government, provides a rehabilitation service on the Island. The centre is staffed by people who have significant experience in dealing with alcohol problems but who do not have formal qualifications. The success rate of the centre is low and the CJG is currently not referring people to the centre. Consequently, Community Corrections and the courts do not refer clients to this service.

There have been discussions between the Queensland and Commonwealth Governments about the development and implementation of service delivery improvement programs and rehabilitation services for people on Palm Island.

The Committee believes that there needs to be a holistic approach to support services for people with alcohol and other drug problems.

The Ministers for Communities and Health, in conjunction with relevant federal counterparts, should ensure that a coordinated approach is taken to alcohol and drug support services including education, detoxification, rehabilitation and counselling. In this context, current service provision on the Island should be reviewed.

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<sup>230</sup> Palm Island Council submission, n 6at part 8.0.

<sup>231</sup> Letter from the Director-General for the Department of the Premier and Cabinet, n 201.

**RECOMMENDATION 61**

The Minister for Aboriginal and Torres Strait Islander Policy, in conjunction with the Palm Island Community Justice Group and community, should finalise an Alcohol Management Plan for Palm Island as a matter of urgent priority.

Consideration (including legal advice) should be given to extending the area in which the AMP operates offshore to Palm Island to assist in the enforcement of alcohol restrictions.

**RECOMMENDATION 62**

The Minister for State Development should expedite the current feasibility study regarding a family-friendly social venue on the Island.

**RECOMMENDATION 63**

The Ministers for Communities and Health, in conjunction with relevant federal counterparts, should:

- ensure a coordinated approach is taken to alcohol and drug support services on Palm Island including education, detoxification, rehabilitation and counselling; and
- in this regard, review the current provision of such services on the Island.

**5.12 INCENTIVES FOR GOVERNMENT EMPLOYEES**

There is a need, at least in the immediate term, to ensure that there are sufficient incentives to bring people to Palm Island who can assist in the delivery of services and in building capacity in the community.

As acknowledged by the Council in its submission,<sup>232</sup> there are a number of reasons behind difficulties in recruiting and retaining staff from the mainland. These include perceptions as to life on Palm Island and the lack of appropriate accommodation.

More positive perceptions regarding Palm Island might result from forging relationships between the Island and mainland communities, for example, through shared service provision initiatives (see section 3.3), sporting competitions (see section 5.5) and economic development (see section 5.3.6).

Divesting the motel operation from the Council to a community or private enterprise (as encouraged in section 3.4) might assist in the expansion of temporary accommodation on the Island. The need to ensure accommodation for Government employees is addressed in section 4.4.

The Council submits that there is also a need to offer lucrative packages to fill certain positions by people from the mainland, to compensate for the isolation and lack of services on the Island.<sup>233</sup>

Market forces will dictate the financial compensation required to attract skilled workers to Palm Island. The Committee was advised that there had been occasions when workers have had rocks thrown at their vehicles and accommodation through the night. If accurate, such experiences no doubt contribute to the difficulties in attracting skilled people to the Island at reasonable rates.

In the case of Government employees, the Committee was advised of some inconsistency in the incentives provided to officers of various departments who work in isolated or remote parts of Queensland (such as Palm Island). Most public servants are, for example, provided with locality allowances, and leave and travel concessions. More lucrative incentives are, however, available to certain other Government employees.

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<sup>232</sup> Note 6 at parts 11.0 and 21.0.

<sup>233</sup> Note 6 at part 21.0.

For example, the Department of Education has a remote area incentive scheme to encourage teachers to work in rural and remote schools and remain in those schools beyond the minimum required service period. Components of this scheme for teachers on Palm Island are: a compensation cash benefit (\$2,500 per year plus an additional payment for declared dependents to offset the cost of travel to Brisbane or a nominated provincial coastal centre); an incentive cash benefit (\$5,000 per year which is paid to teachers in their third, fourth, fifth and sixth years of service); extended emergent leave (up to eight days to cover leave to travel to major centres to conduct urgent personal business, including medical and dental appointments); and an induction program for newly appointed teachers.

In addition to appropriate incentives for government employees, the effective delivery of Government services to Palm Island requires employees with an appropriate level of cultural awareness and a personal interest in working in the community.

**RECOMMENDATION 64**

The Minister for Industrial Relations should examine the adequacy of incentives offered to Government employees who work in isolated or remote parts of Queensland (such as Palm Island). The Minister should also consider the desirability of consistency in the incentives offered between employees of various Departments and agencies.

## 6. CONCLUSION

As the foregoing discussion reflects, a range of complex issues confront the Palm Island community. Many factors—including action and inaction by successive governments and successive Palm Island Councils—have contributed to this situation.

The Committee's report alone cannot bring about all the changes necessary to address the problems on Palm Island. Commitment by all levels of government, non-government agencies and the private sector is also required. Of equal importance is a need for the Palm Island community to be actively involved in planning and building its own future. Individuals, families and community groups must recognise the importance of their vision for Palm Island and be involved in identifying the changes that are necessary on the Island, considering how these changes might be effected, and committing to ensure that change occurs.

In doing so, the range of resources from government, non-government organisations and the wider Indigenous community should be effectively utilised. Funding in the past has been allocated to projects on the Island and has not been expended because successive governments and councils have not been able to negotiate matters such as leasing arrangements.

As the Palm Island community is expected to move forward and embrace change so must the Government continually revise its service delivery mechanisms (including the structure and role of DATSIP) and programs for Aboriginal and Torres Strait Islander communities.

Further, strategies currently focussed on communities in discrete regions (for example, many of the Cape York-based initiatives) need to be considered for expansion to other communities experiencing similar problems such as Palm Island. Similarly, recommended action in this report might be considered by Government to be appropriate for other communities.

It is important to acknowledge that change cannot be expected to occur immediately. There is a need for long-term perspective to many of the strategies, projects and initiatives outlined in this report to ensure community ownership and sustainable improvements. Time is also needed to strengthen community capacity to enable effective participation and contribution by the Palm Island community in its future.

There have been a range of reports and recommendations regarding Palm Island. Many of the issues previously identified remain today. It is imperative that these issues now be addressed. To assist in this regard, the Palm Island CEO Committee should actively monitor implementation of the committee's recommendations. Further, the Queensland Government should report back to the Parliament 12 months after the tabling of this report regarding implementation of the Committee's recommendations.

### **RECOMMENDATION 65**

The Queensland Government should report back to the Parliament 12 months after the tabling of this report regarding progress in implementing the Committee's recommendations.