



- A SUBMISSION -
AMENDMENTS TO THE NATIVE TITLE ACT
- PUBLIC HOUSING AND INFRASTRUCTURE IN
REMOTE INDIGENOUS COMMUNITIES -

Prepared by
Ian Copeland
Chief Executive Officer
Island Industries Board

4 September 2009

Table of Contents

EXECUTIVE SUMMARY	3
INTRODUCTION TO THE ISLAND INDUSTRIES BOARD	4
COMMUNITY SERVICE	4
CURRENT OPERATIONS	5
INFRASTRUCTURE.....	5
CURRENT PROJECTS IMPACTED BY NATIVE TITLE.....	6
NATIVE TITLE NEGOTIATIONS	7
CONCLUSION.....	7
AUTHOR INFORMATION.....	8

Executive Summary

This submission is made on behalf of the Island Industries Board (IIB) in response to the discussion paper on possible public housing and public infrastructure Native Title Act amendments.

Its purpose is to submit that the IIB has significant public infrastructure interests in the Indigenous Communities of the Torres Strait and Northern Peninsula Area of Cape York (NPA).

The IIB, as a public service provider, albeit charged with operating on a commercial basis, delivers safe, nutritious food at the lowest possible price to remote Indigenous communities. In order to continue to provide this service it is essential that its assets in discrete Indigenous (Deed of Grant in Trust) communities be covered by the definition of 'public infrastructure' in proposed amendments to the Native Title Act.

Introduction to the Island Industries Board

In 1905 Reverend F.W. Walker established the Papuan Industries Pty. Ltd. This was the beginning of the Islanders Board of Industry and Service as we know it today.

The Islanders Boards of Industry and Service (IBIS) is the trading name for the Island Industries Board (IIB) which is a Queensland Government Statutory Body constituted under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, with obligations to:

- Provide goods and services to the communities of the Torres Strait; and
- Report to the Minister for the Department of Communities, Disability Services, Aboriginal and Torres Strait Islander Partnerships, Multicultural Affairs, Seniors and Youth.

IBIS has a genuine role in generating investment and industry opportunities to provide jobs and economic growth for the people of the Torres Strait and the NPA. It plays a major part in the economy of the Torres Strait, employing around 150 staff, approximately 80% of whom are Indigenous Australians.

Community Service

Because the IIB is a not for profit organisation that is required under its enabling legislation to return any and all profits to the Communities it serves for use for the betterment of those Communities, it has no motivation to exploit its customers for the sake of profit. Its mission is "To provide our customers and the people of the Torres Strait and Northern Peninsula Area Communities with high levels of service and quality in goods and services, in a manner which clearly meets their expectations and those of the IIB". An example of this commitment is the IBIS Healthy Choice Program that provides much needed nutritional and healthy lifestyle information to customers, and ensures the availability of healthy food at prices cross-subsidised by less healthy options.



Map of the Torres Strait

Current Operations

IBIS is a multi-outlet retail operation with sixteen stores, one service station and five self-operated fuel dispensers. These outlets are established in the following locations (NB the European names for the Islands of the Torres Strait are shown in brackets):

Waiben (Thursday) Island:

- Main Store (Thursday Island Supermarket)
- BP Service Station
- Tamwoy Community Store
- Rosehill Community Store

Bamaga – This is the only mainland store

Boigu Island Store

Poruma (Coconut) Island Store

Erub (Darnley) Island Store

Dauan Island Store

Mabuiag Island Store

Moa Island:

- Kubin Community –
 - Branch Store
 - Self-operated fuel dispenser
- St Paul's Community -
 - Branch Store
 - Self-operated fuel dispenser

Mer (Murray) Island Store

Saibai Island Store

Warraber (Sue) Island:

- Branch Store
- Self-operated fuel dispenser

Iama (Yam) Island:

- Branch Store
- Self-operated fuel dispenser

Masig (Yorke) Island:

- Branch Store
- Self-operated fuel dispenser

Except for the freehold property on which the Thursday Island Supermarket and Service Station are situated, the land associated with IBIS assets is subject to Native Title.

Infrastructure

The IIB owns all assets involved in its business – the stores (i.e. the buildings), the plant, fixtures, communication equipment, vehicles, etc. By owning these assets the IIB also controls the maintenance of them. The IIB has a comprehensive maintenance program in place that extends the life of its assets indefinitely, and a depreciation schedule that ensures it always has the financial resources necessary to carry out essential repairs and/or replacements. Furthermore because these assets are owned by the IIB it has a vested interest in ensuring they are well maintained in order to protect its investment therein.

For an organisation to operate efficiently it requires a significant investment in infrastructure. The IIB has over many years developed its high quality infrastructure

to provide for the needs of the communities of the Torres Strait and NPA. The value of this infrastructure currently stands at \$20 million, with Business Planning in place to ensure the accrual of a sinking fund of \$40 million by the year 2025. This level of infrastructure provides a degree of confidence to the people in the communities, knowing that the IIB will have a presence for the long term future, providing them with food and other essential services.

However, this program of works is dependent upon the ability to satisfy the requirements of the Native Title Act .

Current Projects impacted by Native Title

The Island Industries Board is seeking to progress the following infrastructure projects:

- Enlarging and refurbishing the Mer Island Store.
- Refurbishing the Dauan Island Store (including improved staff amenities and the installation of a community meeting area).
- Refurbishing the Mabuig Island Store (including improved staff amenities and the installation of a community meeting area).
- The construction of a new store on Ugar Island in response to community needs.

Ugar Island is located in the north eastern area of the Torres Strait. The population fluctuates between 50 and 60 people. Access to the Island is difficult and expensive. As the Island does not have an airstrip the only air access is by helicopter which costs approximately \$3,000 per trip.

Currently there is no store providing food and other necessities on this island. To obtain goods the Islanders have only two options:

1. To purchase goods from Thursday Island and have them delivered by Sea Swift; or
2. To travel for between 45 minutes and 1 ½ hours to Darnley Island.

Consequently the community on Ugar Island does not have access to a reliable source of groceries, fresh milk or fresh fruit and vegetables, meat, etc. The result of this is that the elderly, infirm and families with young children may not be able to remain on their Island.

To relieve this situation the IIB has undertaken to build a store on Ugar Island that will provide the basic needs of the community. Failure to do this may result in a tragedy where members of the community are lost while travelling by dingy to another Island to get food.

To effectively provide for the community the IIB has designed a transportable store of approximately 110 square metres that can be shipped to Ugar Island in pieces. It will be shipped with all necessary lighting, power points, cool rooms, counters, etc. fitted.

Native Title Negotiations

Community consultations and Native Title negotiations were commenced between the IIB and the communities of Mabuiag, Mer, Dauan and Ugar in 2006, with members of the IIB and senior executives of IBIS attending numerous community meetings. At these meetings the traditional owners and residents have consistently expressed their agreement with the proposed developments and the terms of leases presented by the IIB, and openly articulated their desire for the building works to be undertaken promptly. However, subsequently in the drafting of proposed ILUAs the communities' agreements have been amended to include compensation and/or payments to the Prescribed Body Corporates (PBC).

It has been communicated that, as the IIB receives no ongoing operational funding, any compensation or payment would result in an increase in the only means by which the IIB gains income, the sale of food and groceries in the Torres Strait. At all face to face community meetings the community participants indicated their understanding of this issue and indicated their agreement for no compensation or payment.

These negotiations have now been continued for four years with the only result being that the cost of the proposed infrastructure developments has increased significantly.

With new work projects now being estimated at a further \$10 million for other necessary building work to enlarge the store on Saibai Island and for the construction of new stores on Badu and Hammond Island, which are not currently serviced by the IIB, the added financial burden caused by delays in Native Title negotiations are significantly detrimental to the provision of services to these regions.

In addition to the four ILUAs mentioned above, the IIB currently has need to negotiate ILUAs and trustee leases for land on which 13 of its stores currently stand. As a statutory body it is essential that the IIB assets are protected by at least 30 year leases.

Conclusion

The Island Industries Board submits that in order to be able to continue to provide this critical service to the people of the Torres Strait and NPA it is essential that the definition of public infrastructure in the proposed amendments to the *Native Title Act 1993* includes infrastructure owned or to be developed by the Island industries Board even though it is required under legislation to operate in a commercial manner.

Food security for all in remote Torres Strait communities is too important to be held hostage to the self interest of the few.

Author Information

This Submission has been prepared on behalf of the Island Industries Board by the undersigned, Ian Copeland, Chief Executive Officer of the IIB. Contact details are as follows:

Address: 149 Spence Street, Cairns Qld 4870
PO Box 1108, Cairns, Qld 4870
Phone: Direct – 07 4050 4332
Mobile – 0427 504 320
Fax: 07 4050 4362
Email: ian@ibis-ti.org
Date: 4 September 2009.