

20 December 2004

The Honourable Peter Beattie
Premier
Office of Premier & Cabinet
Brisbane Q 4000

Dear Mr Beattie

Re: Palm Island Aboriginal Council

I refer to our letter of 13 December 2004. Enclosed is a copy of a letter from Ms Kyle confirming the role that Louisa Pink and I will continue to play on behalf of the PIAC.

Ministerial Visit

There were some short term issues raised with Ministers Clark and Reynolds last week. A number of commitments were made. They are set out in Ms Kyle's letter. The commitment from the Ministers to return in February 2005 to augment these discussions was of particular interest to the PIAC.

The PIAC view this meeting is a positive start towards repairing relations with your government.

I propose to make some observations about significant matters which attend this dialogue including matters not easily said at this level and which Ms Kyle finds difficult to express. I propose to be frank. Only candour, I suspect, will permit a meaningful dialogue.

Media – Contact with the PIAC

Ms Kyle and the PIAC have had limited media liaison experience, no training and little access to media advice.

The community's position has been badly presented by others, including some in the wider Aboriginal community. Whilst I am in no position to actively stop such a dialogue I have for the present discouraged it amongst the PIAC. I have advised that whilst the current media interest is high, it remains fickle and focussed on personalities and a search for controversy and conflict. Much of the recent media has been about things that just don't matter. I will put to one side my sense that unless the media is engaged that the government will not continue to engage at this high level however I am presently choosing not to succumb to that cynicism.

In this context I have advised Ms Kyle that now is not the time for the PIAC (or anyone on their behalf) to seek to make points in the news media.

You should appreciate that promoting a meaningful dialogue with your government and attempting to identify the Palm Island community's most pressing needs amidst the public perceptions created by the police union president, and the Opposition on the one hand and activists such as Yanner and Foster on the other poses as much a challenge for the PIAC as it might for your Ministers and your government.

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However I will note that not only was it not necessary for your Ministers to need to enlist outside activists to make a formal visit to the island it was inappropriate if not a bit patronising to do so. Under the present statutory framework the PIAC is the peak body elected by the entire community and Ms Kyle is the popularly elected Chair. A phone call to her was all that was required. It still is.

Ms Pink remains available to co-ordinate any further visits that the Government wishes to make to progress this dialogue with Ms Kyle or the PIAC.

Representative authority and perceptions

You should not view comments in the media from people like Messrs Yanner and Foster as emanating from the community itself. Both men have extensive family on Palm Island including, as we understand it, a direct relationship with the man who died in custody. They are somewhat entitled to comment about public matters such as the death, the police response and other subsequent events. Many Palm Islanders may well share some of their views. But neither of them hold, or seek the right to speak, in any formal sense, on behalf of the community on community issues. That is the responsibility of the PIAC.

There is also a perception – one which has been expressed to us on different occasions - amongst some Palm Island ‘experts’, including those who may be advising your Ministers, that the island is made up of “40 or so divided families and tribes” and that the PIAC is in that sense merely a faction within the community and that somehow the path of reform is being thwarted or hindered by this division. This perception is wrong and unfair. If it is continued to be embraced by your advisers then it stands in the way of your government’s proper understanding of the community.

Ms Kyle was of course not unanimously elected. No member of your own government enjoys such a mandate either. She is however the popularly elected Chair. It is a fulltime position. She is also an elder and a long time resident and advocate for her people. From what we have seen she is clearly respected. She is not tainted by any involvement in the previous maladministration of the council. On the other hand, there are people and families on the island who hold other positions of influence in the running of the community. There are also organisations and groups on the island such as the AMP committee and the Palm Island Justice Group who fulfil key responsibilities and roles on the island. Of course there are differing views in the community particularly about matters of policy and resource management. Reasonable views can however differ. None of this should be taken to undermine the PIAC as the elected representative body of the community.

At this critical time your government and its Ministers should be fostering a primary dialogue with Ms Kyle and the PIAC and be less concerned about appeasing activists, whether they are from the police union or from the wider indigenous community. Ms Kyle will need to place some energy on information distribution to her constituency to ensure general support and understanding of the issues being determined. It would be helpful if you could her assist her with resources in that regard.

Future government expenditures and commitments

Some comments that have been publicly made view the government’s response to recent events on Palm Island as some sort of charitable exercise – ‘lots of taxpayers money have already been thrown at this community’ and ‘haven’t we given them enough already’. This is unfortunate. A proper analysis mindful of the recent history surrounding government administration of the island would suggest that it is quite under-serviced. It would be unfair to set the notional level of funding for, and future injection, into this community by reference to a

State-wide per capita average. Treating people with different circumstances in the same way necessarily promotes continuing inequity and unfairness.

The effect of recent events

I found the following passage instructive in viewing recent events:

"The history of the Queensland Aboriginal reserve system from its foundation in 1898 was characterised by a largely incompetent and dishonest administration which acted with a blatant disregard to basic human rights. Of the many Aboriginal reserves set up across Queensland, Palm Island in particular gained a reputation as a "punishment place", a reputation which still lingers today.

Palm Island belonged to the Manbarra people. Descendants of the Manbarra were still living on the tropical island, 65 km NE. of Townsville, when in 1914 the Queensland Government gazetted the Island as a reserve. No further action was taken by the Government until 1918 when a cyclone flattened the Hull River Aboriginal Reserve near Tully. The Queensland Protector, J.W. Bleakley, then decided that Palm Island would become the replacement site. He regarded the location as an ideal place to confine Aboriginal and Islander people who were regarded by white society as "problem cases" and "uncontrollables."

Over the next two decades around 1630 people from 40 different Aboriginal groups across Queensland were removed by the Department and deposited on the Island. Removal to Palm Island was the heaviest punishment a Department officer could legally administer. In charge of the new reserve settlement was an ex-army captain, Robert Curry, a man with no previous administrative experience. From the start the settlement was underfinanced, with the residents of the island surviving on meagre rations and living in complete poverty. Leprosy and venereal disease spread through the settlement and the doctors appointed to the island were less than competent in their approach to medicine. No inspections of Palm Island were made by the Department until the Governor of Queensland, Donald Thatcher visited in 1923 and was critical of the squalid living conditions he observed. This quickly led to a visit by the Protector, Bleakley but no real improvement in conditions occurred. Administrator Robert Curry continued to feud with the other white staff on the Island. Gradually he succumbed to the combined effects of alcoholism and mental illness and in February 1930 he went on a destructive rampage, killing his own children and torching several buildings before he was shot by one of his own Aboriginal staffers.

As was the case on all Queensland reserves, the residents of Palm Island were subject to strict supervision. Conditions were jail-like. No one could leave the Island without the Superintendent's permission and he had the power to censor all outgoing mail.

Speaking Aboriginal languages was forbidden. Employment opportunities were limited and the wages earned by Aboriginal workers were 'managed' and misappropriated by the Department. Despite this high level of enforced control, poor health conditions continued to prevail. In 1957 a series of incidents involving the staff treatment of Aboriginal women and a decision by the Department to cut wages, led to a strike by the residents. The Department responded by expelling 25 identified ringleaders of the resistance, and their families, from the island. A second strike occurred in 1974 when the Department sacked the local Community Council and threatened to turn control of the Island over to the Townsville City Council.

The Department finally relinquished control of the Island in 1985 when title for the Island was passed to the Community Council in the form of a DOGIT. (Deed of Grant in Trust.) While this gave the residents a greater say in the administration of the island, the transfer of title led to the removal of much of the Government infrastructure. Soon after the decision was made, barges arrived and houses, shops, the timber mill and farming equipment were disassembled and shipped back to the mainland.

Like many remote communities, Palm Island today continues to grapple with social problems including high unemployment, alcohol abuse and crime, a direct legacy of 80 years of mismanagement by the Queensland Government.¹

The present perceptions within the community should be viewed in this context. Their sense of injustice can be better understood. Many lived through these past events. They have endured considerable past disregard. Despite all the dollars that may have been "thrown at the community" most indigenous people still live in poverty. The opportunities for their children are

¹ I have not sourced the accuracy of this internet essay (<http://www.faira.org.au/lrq/archives/199901/stories/shameful-white-history.html>), nor do I embrace its political sentiment but the essence of history appears accurate.

bleak. There are no public recreational amenities on the island of note other than a jetty, a licensed canteen, a single supermarket and the beaches. The death in custody was a significant event. The opaque circumstances surrounding it are viewed with considerable suspicion. The circumstances leading to the arrest personified a profound perception of being treated unfairly. The resultant police response and the current "removal" of many of the community from the island under bail conditions continues to cause resentment.

You can well reiterate that there is a 'separation of powers' issue that constrains government intervention but you cannot ignore the result. The police service sought conditions which range from the sublime to the ridiculous. That the Townsville ALS has not sought a review of these conditions is sourced to resource limitations only makes the situation more frustrating. It escapes us how it might be thought that curfew and daily reporting conditions are unlikely to not be breached by young men who have homes and family support on the island and who are otherwise unemployed and unemployable but required to live in Townsville.

The non-integration of the white service providers with the indigenous community cannot just be sheeted to the conduct of the latter. The funeral which comprised a proportion of the indigenous community far greater than most of us might expect, was unfortunately absent of white faces other than a sole police officer. This division in the community was not unnoticed.

Governance – self management

The island certainly needs the injection of considerable infrastructure to bring the services that are available in the form of roads, housing, education health and community spaces to 'first world' standards. Health and education outcomes for children remain a significant priority. It also needs the injection of community based businesses so that productivity is not only associated with government grants but rather from the circulation of resources on the island.

However, setting the framework for self-management is the important priority. The development of a local government improvement plan should be the first focus. In the context of the past failures and of recent history this is a key matter that warrants extra-ordinary attention with high level but culturally sensitive sincerity.

The elected governing body must be resourced to equip the councillors and the Chair with the necessary infrastructure and personnel to administer their onerous responsibilities.

Process

The concept of the government appointing its own "conduits" was raised by the Ministers. You will recall that we raised this issue at the outset.

The non-alignment between your government and the community is a matter as to the community's priorities is a matter that still needs attention and government appointed conduits may well be in the best position to lessen these differences. For example, signals sent by the fact that the most impressive building on the island is owned and operated by the Police Service – and soon to be opened with reconciliation fanfare - is not missed by the many in the community. The prospects of avuncular friendships arising between police and the island's youth community must presently be slim. The Police Commissioner's sincerity is not in question, but a realistic assessment of the community has not been taken to promote this as a community priority. The community does not even have a community hall. The public spaces are 'ghetto-ish'. The only public building open in the evening is the canteen.

The PIAC will of course work with people you might wish to nominate to be conduits or links. They can see that there are numerous inequities both perceived and actual which need to be raised in dialogue.

In this context merely appointing symbolic conduits is not enough.

The sense of priorities between your government and the PIAC are unlikely to always align. Who will arbitrate or even mediate these differences so that the respective positions are at least understood if not agreed to? In this equation governments, to a large extent, hold most, if not, all of the cards. It is naïve if not condescending to think that all that is needed is someone that will explain government policy to the community before it is implemented. The first priority must be to get the heads of each level of government, including at the Federal level, to sit at the one 'table' and articulate the perspectives that each wish to bring in order to address the current and systemic problems. A long term commitment is needed. Only then perhaps should discussion of priorities be facilitated to take place in a meaningful way.

Your policy platform speaks of creating "partnerships". The PIAC wishes to engage in a meaningful way towards creating such a relationship but they need to be sponsored to attain the capacity to do so. The intellectual resources, sense of duty and spirit is there, they need practical empowerment to articulate their position from an 'equal' standpoint.

We would suggest that the conduits that you appoint should:

- Not be selected merely having regard to their eloquence and communication skills.
- Be people that you and your government will listen to.
- Have the capacity, time and resources to discuss, understand, process and articulate the needs and aspirations of the community in a sincere and trusted fashion.
- Promote an agreed framework between the government and the council to foster understanding and agreement but also have the power and skills to arbitrate it.

Longer term priorities

I now attach a more detailed schedule of priorities for the PIAC: **Attachment 2**. They are in a draft stage. Ms Pink is continuing to work with the PIAC to settle this document over the next few weeks. The draft will nevertheless help you, your Ministers and your advisers to appreciate the detail of issues that befall this community and the preliminary concerns of the PIAC in respect of them.

I am considering engaging in correspondence with the Federal Government on behalf of PIAC in similar vein to the issues that we have sought to raise with you. I would take into account your views on our taking that course at this stage.

We look forward to hearing from you. If I may, I extend to you and your family compliments of the season.

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B O E L A W Y E R S

cc. Minister Clark & Minister Reynolds