

**Shire of Christmas Island**  
**Submission to the**  
**Joint Standing Committee on the National Capital and External Territories**  
**Inquiry into the Strategic Importance of the Indian Ocean Territories**

**Terms of reference**

*The changing regional security environment and security contingencies;  
Defence capability in the territories and associated infrastructure development;  
The scope of maritime, air and other cooperation with Indo-pacific partners; and  
Impacts on local communities.*

With respect to the first term of reference, Christmas Islanders are passive observers of the evolution of *the regional security environment*. We do not offer any expertise or specialized knowledge on this matter. We offer comment about the historical concerns of the Australian government about the place of Christmas Island in serving Australia's defence and security objectives.

With respect to the second term of reference, we are not qualified to provide information about the *Defence capability in the territories*. We can offer opinions and we can offer suggestions for *associated infrastructure development*.

Infrastructure development is desperately needed for civil society to function. If we do not have governance and infrastructure in place for the sustainable functioning of civil society on Christmas Island, then Australian sovereignty over Christmas Island is at risk.

We propose the following areas of dual use Infrastructure development for support of defence capability which would also have the benefit of serving civil society's needs for social and economic development.

Governance

Communications – telephones, internet ASC undersea cable connection

Port – renew crane and mooring system

Airport- all weather navigational instruments, runway extension, new terminal, security of air craft fuel supply

Roads – seal all roads, first priority is North west Point Road

Drainage system – engineering plan and funding for management of storm water to alleviate soil erosion and prevent landslip events.

Waste management – fund waste management plan for recycling, consider relocation longer term

Power – security of diesel fuel supply, evaluation of current capacity and extension of renewable energy capacity

Water – mapping of the basalt layer and water flows

With respect to the third term of reference, we are not qualified by expertise or knowledge about *the scope of maritime, air and other cooperation with Indo-Pacific Partners*. We observe public activities of **Operation Sovereign Borders** which we understand to be about border security. We note the public reporting of the relations between the Australian and Indonesian governments on the question of “boat turn backs” and we observe the Island based activities of the Australian Defence Force supporting Operation Sovereign Borders. Defence activities on the Island are low impact for the community at large. We have the capacity in the small business community to supply the defence operations and that has produced a financial benefit to those businesses.

Apart from the matter of infrastructure it seems to us that the first three terms of reference have been framed to invite expert opinion from technically qualified people in the Defence and Research establishments in Australia.

The “Boffins” who attended the roundtable conducted by the Inquiry in Canberra were on task, setting out the technical strategic considerations.

Former Territories Office officials Mr Clay and Mr Yates delivered the human impact infusion to the discussion, warning that the community must be consulted, taken along, with any proposal for hardening of defence capability in the Territories.

We concur with Mr Yates and Mr Clay with regard to their proposal that an impact study of any proposal for the Commonwealth of Australia to establish defence and security capacity on Christmas Island should be undertaken before any implementation of defence plans is to occur.

That study should be conducted under the auspices of an elected assembly which has the powers to review, amend and make regulations for laws applied in the Territory. If that institutionalisation of political authority in the hands of Christmas Islanders does not occur the sovereignty of the Commonwealth of Australia will remain contestable.

Mr Snowdon made the point that the majority populations on Cocos and Christmas Island “look to the North”.

We concur. This point exemplifies the state of geographical separateness from Australia, the ethnic and cultural distinctiveness of our population and the sense of subordination due to historical, administrative, political and economic elements which are the characteristics of non-self-governing territories described in the UN Charter Article 73 and the Annex to General Assembly Resolution 1541.

We recognize those most valuable contributions of those attending the JSC’s roundtable in Canberra, as the most earnest endeavours of those with the knowledge, helping the Commonwealth of Australia plan the security of the Commonwealth.

### ***Impacts on local communities***

Foremost in our minds is the historical impact on our community of our continuing status as a non-self-governing territory of the Commonwealth of Australia. We are still a colony ruled by a colonial regime.

For practical purposes, in the day to day living and personal decisions we all must make, most of our residents identify as Christmas Islanders. We do not see ourselves as Australians possessed of all of the rights of Australians, because our day to day living and decision making is not conducted in the same institutional, social and political context enjoyed by Australians living in the self-governing States and Territories of the mainland. We have no say in the laws that govern our day to day lives and decision-making, whereas Australians do vote for representatives in the parliaments of the self-governing States and Territories of Australia.

We say Christmas Island remains the partially reconstructed colonial possession of the Commonwealth of Australia. And partial reconstruction is a dangerous place to be, in terms of the sustainability of our economy and the viability of our traditional population, and the all-important matter of Australian sovereignty over Christmas Island.

### **Brief Political History**

Formal negotiations between the Australian and British Governments for the transfer of the colony of Christmas Island from British to Australian sovereignty commenced in 1955. The Australian government's interest in the Island as articulated by the Menzies government was twofold.

Post World War II there was a massive expansion of super phosphate-enriched agriculture in Australia and New Zealand. In 1948 the British Phosphate Commission had taken control of the phosphate mining operations on Christmas Island to supply that demand.

And secondly the Australian government was concerned about "*Asiatic penetration*" of the region. "In January 1954, R.N. Hamilton, an official of the Department of External Affairs, issued a memo detailing Australian government policy on the *arc of islands* surrounding Australia's west, north and east. The express policy of the time was *to exert a dominant political influence in the area with a view to maintaining Australian security behind a peripheral screen of islands.*"<sup>1</sup>

The Menzies government had two objectives for their new possession, the extraction of the phosphate for Australian and New Zealand farms and to bolster Australia's defence and security by holding a strategic asset of increasing importance in the region.

Of note, with reference to the original programme for transfer of sovereignty of the Territory, is the fact that phosphate mining continues but the substantial market has shifted to Malaysia and Indonesia. Our current concern is that the mine is at risk of imminent closure because of the failure of essential port infrastructure for which the Australian government is responsible.

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<sup>1</sup> Chambers, Peter, "Society Has Been Defended: Following the Shifting Shape of State through Australia's Christmas Island", **International Political Sociology (2011) 5**, pp18-34

So here we are talking about the interests of the Australian government, regional security, protecting Australia's borders from refugees and maintaining the peace with the passive inhabitants of the colony of Christmas Island.

The continuation of Australian sovereignty over Christmas Island has been, is, and will remain contestable until the question of governance is settled. The JSCNCET has delivered three reports about the governance of Christmas Island. In the *Islands in the Sun* report the issue of sovereignty was presented as a problem that could be contested through the UN De-colonisation mechanisms available to people living in non-self-governing communities, such as the Colony of Christmas Island.

The JSC's report *Islands in the Sun* summarised the characteristics of a non-self-governing territory:

***Article 73 of the United Nations Charter which refers to “ territories whose peoples have not yet attained a full measure of self-government” and the Annex to General Assembly Resolution 1541 which establishes the criteria of geographical separateness, ethnic and/or cultural distinctiveness, and a position of subordination due to historical, administrative, political and/or economic elements.***

In its 2006 Report the JSCNCET recommended changes that would bring Christmas Islanders into decision-making about, and delivery of, some State-type services, the things that are about our daily lives, how we live, work and relate to each other. The recommendation that the people be consulted about Christmas Island being incorporated into either the State of Western Australia or the Northern Territory was an implicit acceptance of the fact of the absence of the democracy that forms government of the people by the people. Their conclusion: Do something, or the Commonwealth of Australia's sovereignty over Christmas Island will continue to be open to contest.

In its 2016 Governance Report the JSCNCET reissued the call for incorporation of Christmas Island into Western Australia or the Northern Territory. In all other respects the recommendations were regressive when compared to the recommendations about improved consultation, capacity building and transparency in all matters of governance and service provision that were contained in the 2006 report.

Nineteen recommendations of the committee's 2016 report entrench the single authority of the Department. The Recommendations require the Department to do something. It is implicit in those recommendations that the Committee sees only the Department as having responsibility, agency and authority to act regarding the delivery of services and the governance of Christmas Island. And the JSC has nothing to say about how the people can have agency and authority, our future in our hands.

As we said in 2015, “The Cooked Duck Flies Away”. What we had from the 2006 Inquiry was taken away by the Committee's recommendations of the 2016 Report. What we had from the 2006 Report was a group of references against which we could measure progress in the direction of inclusion in decision-making. Those measures were unceremoniously dumped in 2016.

#### **Internet**

Internet ASC undersea cable \$7 – 10 million has potential to provide highly secure and best capacity for internet connections to the world for civilian and defence purposes

A passing note on the NBN roll-out on Christmas Island –

Council's IT staff estimate that 30% of our community might not be able to connect to the NBN's Skymuster satellite because the cliffs of the Island stand between them and the satellite, being the population in the lower terrace. No solution to this problem has yet been found and it is unlikely there could be a solution if the line-of-sight issue exists as we think it may. The wrong technology and equipment is being installed and the service will be domestic use only, if it can be connected. Business users, particularly hotels and accommodation establishments, will not be able to provide internet services to the standard demanded by their guests.

There is no point in having the wrong infrastructure, especially when we have had a most satisfactory internet service for many years. That service, operated by Christmas Island Internet Administration (CIIA), is likely to end in June when the Commonwealth ends its subsidy of the temporary operator appointed in March.

Investment in the branch line cable that is on offer from Australia Singapore Cable (ASC), for a short time, will provide secure infinite communications capacity for defence that satellites cannot, and state of the art internet communications for the whole community including business needs that the NBN service cannot meet.

#### **Port**

The wharf crane has failed completely and the mooring system is in the process of decline that will result in total failure.

The impact of the failure of the port crane could be catastrophic. If the mine ceases production, as it must do, if there is no working crane, 225 direct employees of the mine will be out of a job. The only industry that brings money in to the community will be finished.

Our supply ship cannot be unloaded, affecting food and business supplies. No-one is missed in this failure.

Defence cannot operate without supplies of food, fuel and operational support through the Port.

#### **Roads**

All roads to be sealed - SOCI estimate to complete sealing North West Point Rd is \$750,000 to \$1,000,000

Murray Road – re-build and realign the Drumsite section of Murray road before it collapses in a cascade of earth rock and trees down on the roofs of the houses in the Kampong at Flying Fish Cove.

#### **Drainage**

The aged and degraded drainage system must be replaced. Run-off during heavy rain is a major contributor to the erosion of the cliff above the Kampong. The run-off has severely eroded the foundations of Murray Road and the conveyor structures that run alongside Murray Road.

**Sustainable Economy** – Infrastructure required for an economy that can serve the Islanders

#### **Other**

The range of social services, that should be available on the Island, such as aged care services, will be subject of further submission.

### **Immigration Detention Centre (IDC)**

The government's decision to close the IDC on 1 January 2018 was confirmed by Minister Fiona Nash during her visit to the Island on 7 March. Minister Nash offered to work with our community to plan the future post-IDC closure. We wish to cooperate with the government in that task.

Of note, there has been a lot of publicity about the closure of the Loy Yang power station in Victoria. The Victorian State Government is copping a lot of flak over not keeping it open. The Australian government has a lot to answer for in not having a strategy or plan for diversity on Christmas Island to soak up the employees who will have no job to go to when the Government shuts down the detention centre on Christmas Island.

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Timeline discussion points not presented, (lack of time allocated) and to be considered for written submission.

### **Commonwealth of Australia administration of the Colony of Christmas Island**

- 1958 1 October 1958 Menzies government got what it wanted; phosphate for farmers and Christmas Island for security of state.  
Social impact – no change Colony of CI passes from British to Australian Colonial Administration – some Christmas Islanders gained Australian Citizenship. First iteration of the depopulation policy
- 1975 UCIW founded 21 March 1975 The greatest improvements to social being have been derived from the formation of the Union of Christmas Island Workers in 1975 and enactment of the Racial Discrimination Act 1975.
- 1981 Sweetland Inquiry – out with British Phosphate Commission and PMCI wholly owned by Australian Government
- 1987 Mine closes, Christmas Island Assembly sacked, Government Depopulation policy
- 1990 Mining recommenced until ownership of UCIW members – joint venture with Clough
- 1991 Joint Standing Committee Report *Islands in the Sun*
- 1992 New Legal Regime – WA law became default laws for Christmas Island
- 1992 Direct sale scheme delivered home ownership to Christmas Islanders, C I Resort & Casino
- 1995 Christmas Island Infrastructure Rebuilding Programme commenced its five year programme.
- 1998 Casino closes – massive confrontation at Resort
- 2000 JSCNCET Report *Risky Business*

- 2001 Christmas Island excised from Migration Zone, SAS seize the *Tampa*
- 2002 Government announces construction of IDC
- 2005 JSCNCET Inquiry Governance
- 2015 JSCNCET Inquiry Governance
- 2017 JSCNCET Inquiry Strategic Importance of the Indian Ocean Territories