



COMMONWEALTH OF AUSTRALIA

# Proof Committee Hansard

## SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES  
COMMITTEE

**Reference: Matters relating to the Torres Strait region**

WEDNESDAY, 24 MARCH 2010

THURSDAY ISLAND

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## SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE

### REFERENCES COMMITTEE

Wednesday, 24 March 2010

**Members:** Senator Trood (*Chair*), Senator Mark Bishop (*Deputy Chair*), Senators Ferguson, Forshaw, Kroger and Ludlam

**Participating members:** Senators Abetz, Adams, Back, Barnett, Bernardi, Bilyk, Birmingham, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Jacinta Collins, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Fielding, Fierravanti-Wells, Fifield, Fisher, Furner, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Lundy, Ian Macdonald, McEwen, McGauran, McLucas, Marshall, Mason, Milne, Minchin, Moore, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Siewert, Sterle, Troeth, Williams, Wortley and Xenophon

**Senators in attendance:** Senators Mark Bishop, Boyce, Ferguson, Kroger, Trood

#### **Terms of reference for the inquiry:**

To inquire into and report on:

The administration and management of matters relating to Australia's northern air, sea and land approaches in the region of the Torres Strait, including:

- (a) the provisions of the Torres Strait Treaty;
- (b) the role of the Torres Strait Regional Authority in respect of treaty and border issues, including how the authority interacts with the governments and people of Papua New Guinea (PNG);
- (c) the extent of cooperation with, and between, Australia's northern neighbours, PNG and Indonesia, in relation to the health, welfare and security of the Torres Strait region and communities in and around this region; and
- (d) the challenges facing this region in relation to:
  - (i) the management of fisheries,
  - (ii) the contribution of international trade and commerce to regional economic sustainability,
  - (iii) the maintenance of strong border security across the Torres Strait region, including but not limited to, issues related to Australia's defence, bio-security, public health, immigration and customs,
  - (iv) cooperation between federal, state and local levels of government, and
  - (v) air, sea and land transport linkages.

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**Committee met at 8.34 am**

**CHAIR (Senator Trood)**—I declare open this public hearing of the Senate Standing Committee on Foreign Affairs, Defence and Trade inquiry into matters relating to the Torres Strait region. I acknowledge the traditional owners and elders of this land. The committee would like to acknowledge the presence of the Aboriginal and Torres Strait Island people who are here today and who reside in this area.

The committee is very pleased to be here today. Preparations for this trip were interrupted, as you know, on several occasions and that was to some extent beyond our control. The committee would therefore like to thank all of those involved in making the arrangements—particularly for your forbearance in the light of the various changes that took place in ensuring that we got here safely and eventually. In particular the committee would like to thank Mr Brett Young, the DFAT Torres Strait Treaty Liaison Officer, and his staff, Ms Annalisa Koeman and others at the TSRA, and Mr John Kerlin and his staff at the Australian Customs and Border Protection Service for all the efforts they put in to ensure that we were able to get here. We would also like to thank the Thursday Island community for having us here and for receiving us with such warmth during the course of our visit here and during our public hearing.

These are public proceedings. The committee, however, may agree to a request to have evidence heard in camera and may determine that certain evidence should be heard in camera. I remind all witnesses that in giving evidence to the committee they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee. If a witness objects to answering a question, the witness should state the grounds upon which the objection is taken and the committee will consider such a request. A witness may request that evidence be given in camera. Such a request may also be made at any other time.

I remind the witnesses that the Senate has resolved that an officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted. I also remind you that any claim that it would be contrary to the public interest to answer a question must be made by a minister and should be accompanied by a statement setting out the basis of that claim.

I welcome officers from the Torres Strait Regional Authority to the hearing and councillors Kris, Banu, Bedford, Bin Tahal, Fell and Pearson, who have travelled to this hearing from the outer islands.

[8.38 am]

**BANU, Mr Donald, Portfolio Member for Native Title, Member for Boigu Island, Torres Strait Regional Authority**

**BEDFORD, Mr Kenny, Portfolio Member for Fisheries, Member for Erub Island, Torres Strait Regional Authority**

**BIN TAHAL, Ms Napcia, Deputy Chairperson, Portfolio Member for Economic Development, Member for Horn and Prince of Wales islands, Torres Strait Regional Authority**

**FELL, Mr Keith, Portfolio Member for Healthy Communities, Member for Mabuiag Island, Torres Strait Regional Authority**

**KRIS, Mr John Toshie, Chairperson, Torres Strait Regional Authority**

**PEARSON, Mrs Nancy, Portfolio Member for Safe Communities, Member for Hammond Island, Torres Strait Regional Authority**

**SEE KEE, Mr Wayne, General Manager, Torres Strait Regional Authority**

**CHAIR**—The committee has before it submission No. 18 from the TSRA. It is a public document. Do you wish to make any amendments to your submission at this stage?

**Mr Kris**—No.

**CHAIR**—It is our practice to invite you to make an opening statement if you care to do so, and then we will proceed to questions.

**Mr Kris**—Thank you, Chair. I take this opportunity to acknowledge the traditional owners of the land where we gather today, the Kaurareg nation, and all traditional owners and elders right throughout our region in the Torres Strait. Before I start my opening statement, it needs to be stated that acknowledging traditional owners is a cultural protocol and a matter of respect. This hearing is held in the Torres Strait, where native title first became a reality for the Indigenous people of Australia. The High Court of Australia, in the Mabo decision, recognised the fact that Australia was occupied when British settlement occurred. The Mabo decision recognised the Torres Strait Islander and Aboriginal people cared for, occupied, used and identified with their land and sea. It is my strong belief that acknowledging traditional owners, along with the national apology to the stolen generation, enables all Australians to follow the reconciliation path we are still travelling along.

I would also like to welcome the Senate Foreign Affairs, Defence and Trade References Committee to the Torres Strait. Thank you for travelling here to see our region and meet our communities. I would like to introduce you to our TSRA members and general manager, who are joining me today to answer any queries you may have regarding our submission. Our TSRA



board consists of councillors elected to represent their communities. Some of our board members also take on additional portfolio responsibilities across Torres Strait Regional Authority program areas and they are joining me here today.

The TSRA thanks the Senate committee for the opportunity to contribute to the inquiry into matters relating to the Torres Strait region. At this stage in the inquiry, I believe you will have gained a deeper level of knowledge and understanding about the culture and geographical location, and issues and challenges facing the Torres Strait region, including the management of international border relationships under which the Torres Strait region operates.

Many of the issues you have been informed of are not new. They are ongoing daily challenges we face as Torres Strait Islander and Aboriginal people living in this region. The TSRA addressed all the terms of reference of the inquiry in our submission. However, in this opening statement I would like to make some additional comments for the record. As you can appreciate, the issues and challenges facing us are always evolving and, since we submitted our paper to you in November last year, there are areas we have not covered in our submission that we feel should also be considered by your committee. I would like to take this opportunity to highlight the areas of economic development, freight, native title sea claim and our recent progress towards the implementation of our *Torres Strait and Northern Peninsula regional plan 2009-2029*.

The first area I wish to raise is that of economic development and the CDEP. Creating a sustainable and permanent economic base is one of the priorities of the Torres Strait Regional Authority. Presently we are working with the Australian government on the transition of CDEP workers into government and private enterprise positions and at the same time we are strengthening our economic development program in order to supply private enterprise employment options. This area is important to your inquiry in two ways. Firstly, if you look at improving the international security and cross-border protection of both the Torres Strait and Australian mainland, we argue it is common sense for the Queensland government to transition CDEP workers currently performing Queensland policing and security roles to full-time, fully resourced employees holding the appropriate powers under Queensland law. Whilst there has been some commitment from the Australian government to convert its 113 jobs to equivalent government positions, the Queensland government still has not been able to demonstrate any firm commitment to converting its 309 positions.

Secondly, and in the interest of the region moving towards a more independent economic base, the TSRA recommends to the committee that both the Australian and Queensland governments continue to support the development of sustainable economic industry in the Torres Strait and northern peninsula area for the long term. Strengthening and broadening our economic base is necessary for a long-term positive future. It will result in closing a number of the COAG building blocks for Indigenous disadvantage and help our communities to help themselves address some of their long-term challenges.

The next area I wish to raise is the issue of freight. Presently there are no subsidies available to our region and it is very expensive to supply essential food, fuel and building materials. This issue is impacting on all aspects of life for people in the region and until it is addressed we have little chance of closing the gaps for outcomes relating to health, mortality and morbidity. Therefore the TSRA would like to add the following recommendation to our existing recommendation No. 10, which was also recommended to the House of Representatives inquiry

into remote Indigenous community stores: there is a need for greater Australian and Queensland government action, in partnership with the private sector, to counter our cost of living issues in general, particularly the cost of food; to improve the quality and variety of food and fresh produce; and to work on preventative health programs.

This includes subsidisation of transport and freight; exploration of alternative fuels with lower economic and environmental costs; support for initiatives that aim to increase local production of fresh foods; and identification of ways to improve the supply and price of fresh meat in the Torres Strait, including through subsidisation to reduce the reliance on dugong and turtle meat. This will be a major contributor to achieving more affordable housing for local people, with the benefit of increased home ownership.

By reading other submissions to your inquiry, the TSRA has noted that the Australian government Department of Infrastructure, Transport, Regional Development and Local Government did not mention the issue of freight or fuel subsidisation in its submission to the inquiry. The TSRA recommends this department be included in any future initiatives addressing the issues, along with the Queensland government.

I would like to update the committee on the progress of the Torres Strait regional sea claim and to reiterate that this has been progressed within the framework set out under Australian law. All the evidence has now been heard and the TSRA is awaiting the decision by Justice Finn of the Federal Court of Australia. The majority of the Torres Strait has been successful in gaining native title and prescribed bodies corporate have been established to manage the administration of our native title. The TSRA is working closely with PBCs to support them with this progress.

We understand that the main area of interest in your inquiry relates to implications the Torres Strait's regional sea claim may have on the operations of the treaty and any other commercial or customary rights PNG nationals have in the area. The Federal Court of Australia cannot make an order increasing the number of villages entitled to traditional visits under the treaty, and the possibility of the court making orders that give PNG nationals any other customary rights in the seas of the Torres Strait is very unlikely. The TSRA would like it to be noted that the Torres Strait regional sea claim has been progressed within the Australia legal system and is quite separate to other PNG issues which relate more closely to the PZJA—Protected Zone Joint Authority—framework and treaty processes.

As you know, we now have a visionary document for the region, called the regional plan. In full consultation with our regional partners, we have started to implement strategies to achieve the goals outlined in the regional plan, noting that these also match the goal of the Australia government to close the gap for Indigenous disadvantage. The TSRA has commenced drafting on behalf of the signatories a regional service delivery agreement to formalise our regional service delivery framework. We also received positive feedback from our February 2010 meeting with the Queensland government representative about our regional plan. We are liaising with this government representative to further ensure our integrated planning and service delivery framework is aligned and linked with the activities taking place on the mainland. Significantly, the new service delivery model is being implemented for 29 priority areas under the National Partnership Agreement on Remote Service Delivery.

In summary, the TSRA is of the opinion that consideration of the administration and management of matters relating to Australia's northern air, sea and land approach in the region of the Torres Strait is timely and presents the region with an opportunity to highlight the pressures and challenges it faces in being the only region in Australia with a physical international border. I sincerely hope that your final report will identify some real solutions for the Torres Strait region and provide a way for those responsible to move forward in actively addressing these issues. Your report, which is independently researched and wide-ranging in its scope, is an opportunity for both the Australian and Queensland governments to plan future long-term strategies that will actively close the gap for Indigenous disadvantaged as well as improving the safety and security of our international border. Thank you.

**CHAIR**—Thank you very much for your very comprehensive submission to the inquiry, Mr Kris. It has been very helpful and the remarks you have made this morning fill out some other issues that have turned up while we have been here. A couple of the submissions and some of the representations the committee has received refer to the need for a comprehensive review of the treaty. Can you tell me whether or not the authority has a view on that suggestion?

**Mr Kris**—In our meetings with communities throughout our region we have had some discussions with local members and community members who feel that there should at some point be some review of the treaty to look at how the practices have changed and in particular how the changes have happened throughout the life of the treaty that has moved from a barter system to a cash flow system as has happened in the later years.

**CHAIR**—In your view does that mean that you need to review the whole of the treaty or do you think the issues that you have drawn attention to in your submission and you have mentioned here this morning can be dealt with within the context of the existing structure of the treaty and the arrangements that exist?

**Mr Kris**—That can certainly be done within that structure. When we are dealing with the treaty the focus, especially on the Australian side of the border, really needs to be on looking after the people within the Australian border. The feeling that we get from communities is that, every time an issue crops up, with the way that things are being clarified, more preference is given to the need of the people on the PNG side of the border rather than the communities on our side.

**CHAIR**—Are you suggesting there is a kind of bias in the way in which the treaty protocols operate?

**Mr Kris**—To some extent there is some bias being put into that context. In particular, when we are looking at people coming through medical issues, our communities are still inundated with people coming across with issues and you cannot turn people away from your doorstep when someone turns up sick. But we are trying to manage our border, and when these issues are coming across it puts a lot of strain on infrastructure and communities.

**CHAIR**—You raised some questions about health issues. I am interested in exploring that with you in a moment and my colleagues might wish to do so as well. In relation to the structure of the committee and the Joint Advisory Council, in your view does that structure work well for the purposes for which it was intended?

**Mr Kris**—Yes, on the Australian side it does, to be honest with you. How we police it on the other side is another issue.

**CHAIR**—In your view are there elements of the JAC that could be amended? Do changes need to be made to allow it to work more effectively?

**Mr Kris**—I guess I can only speak from our side of the border. I think that, with the representation and the partnership that we have through the JAC on the Australian side, it does work for us. But when we attend those meetings you still have issues from the other side pertaining to those particular communities who are most active under the treaty. There are still issues that need to be cleared up on their side of the border that are beyond the authority of colleagues on our side.

**CHAIR**—The regional council suggest to us that some of their representatives, the village representatives, are sometimes in fear in relation to the representations that they make through this process and are reluctant to speak out freely to the JAC process. Are you aware of those issues and do you take them seriously?

**Mr Kris**—I have heard a few. We have certainly raised some points where we think that the elected members of those particular communities need to be at the table to address these issues. We have seen very minimal numbers of representatives, but through the other process of the traditional inhabitants meeting of the teams that is referred to we do get the majority of those elected members who attend those meetings. But, when we attend the JAC, the numbers are very small when we are looking at the representation of those communities that interact under the treaty compared to the Australian side.

**CHAIR**—Why is that, do you think? Is it just a problem of geography? Is it a function of expense, or is there a lack of interest? How do you explain the limited interest?

**Mr Kris**—To be honest with you, I really cannot answer that. I am not too sure how the system works on that side.

**Mr See Kee**—Each time we go to the JAC meetings there seems to be common acknowledgement of issues. Once again, as our chair mentioned in his opening statement, a lot of these issues are longstanding. There seems to be a level of commitment from everybody at the meeting to work these things through, but you find that, because of the cycles, once everybody disengages from the JAC meetings there is very little contact. That is one thing that seems in some ways to contribute to not a lot being done in addressing the long-term issues. On the other side, there always seems to be a resourcing issue on the PNG side in terms of getting people to the meetings. There have been occasions when the Australian side have, to the best of their ability, assisted or tried to assist PNG to come to the meeting. In terms of the environment that the PNG traditional inhabitants find themselves in, I am not too sure. The relationship seems to be pretty good out of session when our representatives and I have spoken to other people over there. But, as to what happens behind the scenes, that is really beyond what we can try and speculate or comment on.

**CHAIR**—So is it a matter of follow-up? When the meetings take place, there seems to be a useful dialogue that takes place, but is the following up once the meetings have been concluded a concern?

**Mr See Kee**—In some cases, yes. What we have noticed is that, if we have a look at the last five years, when we have a look through the environmental type issues we see progress being made on the Australian side—for example, TSRA with partners are doing the dugong and turtle program and we are taking steps to try and deal with the climate change challenge here—but we do not see that sort of progress being made on the other side. What makes it difficult in some circumstances, especially in resource management here, is that we are taking steps to have sustainability on this side. There is a commitment to do it on the other side but not too many resources, so nothing much changes. Torres Strait, as you know, is a joint jurisdiction area, so it makes it very hard to move forward, for example, with conservation plans or management plans for dugong and turtles when we are taking a sustainable approach and putting some restrictions on the Australian side, yet, at the community level, people are not seeing the same sorts of changes happening on the PNG side. I think that is where—and the chair made the comment about bias—in the eyes of the community it seems that everything is being done on this side to make it sustainable and so people have to give things up in some ways, yet there does not seem to be that reciprocity across the border in the arrangements that are happening.

**Senator FERGUSON**—You made your additional recommendations or additional comments on top of your submission and you spoke about economic development. Can you give me some examples of the types of economic development or types of industry or activity that you would like to see encouraged for economic development?

**Mr Kris**—One of the things that we are really looking at through the economic development process is the fishing industry, through the PZJA structure. We bought out some of the licences to look at the increase of numbers of our fishermen going into that industry. That is one area where we have identified immediate access to employment, in particular for the outer islands of the Torres Strait where, being a remote area, the employment market is at arms-length, so to speak. For them, the fishing industry is right at their doorstep. Therefore we feel that for us to create that employment market through that process of owning those quotas for that industry is a direct linkage to a lot of our communities on the outer islands.

We have also looked at developing a tourism economic development plan that will give us an insight into the impact that tourism will have in our region and how we can manage it if it does come to fruition so that it creates that opportunity for Torres Strait Islanders.

**Senator FERGUSON**—Are there any opportunities outside tourism and fishing?

**Mr Kris**—There are small business opportunities throughout our communities. Arts and culture are one of the things that have really picked up, especially in our region. Besides that, those are basically the two big opportunities for our region.

**Senator FERGUSON**—I notice that in your original submission, where you talk about increasing Indigenous involvement in the fishing industry, you say:

There has been strong Torres Strait Island interest in obtaining 100 percent access to the TRL—

tropical rock lobster—

spanish mackerel and finfish fisheries.

Could you explain what you mean by ‘100 per cent access’?

**Mr Kris**—Under the current arrangement with the fishing industry, although we say it is 100 per cent it is really 75 per cent of the whole 100 per cent. Under the treaty arrangement, 25 per cent of that 100 per cent is attained by PNG and then the 75 per cent is split between the Torres Strait Indigenous fishermen and the non-Indigenous or commercial arm. We are negotiating through the government on how we could attain the full 75 per cent or, as we refer to it, the 100 per cent of that industry.

**Mr Bedford**—I would also like to add that the ownership issue is important in the sense that—if I could use the finfish as an example, the Spanish mackerel and the coral trout fishing industries—now that we have 100 per cent ownership of those resources it has given us as Torres Strait Islanders, for the first time, an opportunity to generate funding through our ability to lease back some of that quota that we are not able to catch at this stage, to protect the market but also, as I say, to generate money for us to reinvest in those fisheries and then other fisheries. We are at a point now where we have made almost half a million dollars from our sale of finfish because, at present, the TIB sector, or the Torres Strait Islander inhabitant sector, has the capacity to catch only so much fish. If we can have greater ownership as well of the TRL, or tropical rock lobster, fishery, it allows us room to move into that fishery and to generate some funding. We are at the moment looking at carefully reinvesting that money back into fishers to build capacity, if you like. To go back to the earlier question, one of the biggest challenges is trying to change the culture, if you like, of fishing from what has been a subsistence way of life for Torres Strait Islanders into a professional or commercial operation that can sustain families and communities.

**Senator FERGUSON**—How many non-Indigenous commercial operators are there in the Torres Strait?

**Mr Bedford**—Depending on the different fisheries, at the moment there are three or four that are buying into the finfish—the mackerel and the trout—and I think between 10 and 20 in the TRL fishery.

**Senator FERGUSON**—So the only way that you can become involved is for the government to buy out the commercial operations?

**Mr Bedford**—To an extent—

**Senator FERGUSON**—Is that a fact or not?

**Mr Kris**—The initial stage was that the government came on board and helped us get to where we are now, which is a 100 per cent buyout of the finfish, the mackerel, and 53 per cent of the TRL.

**Senator FERGUSON**—Are they compulsory buyouts or not?

**Mr Kris**—There was a tender process that went through. Because tropical rock lobster is the bigger industry, we are looking at other options and how we get from 53 per cent to 70 percent, because that will give us more flexibility in pushing people into that particular area.

**Senator FERGUSON**—On a different issue: you talked about tourism as the other area of economic development. Is there any resistance amongst Torres Strait Islanders to an increase in tourism?

**Ms Bin Tahal**—I will answer that question. There is no resistance but there is an understanding that tourism can only work at a pace the Torres Strait infrastructure can deal with. So we are not looking at a huge influx immediately but at small-scale tourism building up to something that is sustainable for the industry in the region. In actual fact, there is no resistance.

**Senator FERGUSON**—One of the difficulties of course in tourism here is that a lot of tourists are very cost sensitive, and the costs of getting here are probably the biggest obstacle you would have to overcome, particularly for people down south. They can fly to Fiji and back for half the money; many of them are going to do that.

**Mr Kris**—As you know, to fly in from some of our communities, whether it is the community that you visited yesterday or the communities in the east, is more expensive than flying from Horn to Cairns. Those are some of the issues that our people are facing, and it is beyond our capacity to make an immediate change so that people could actually benefit from the whole process like all other mainland communities. What we are facing up here is difficult.

**Mr See Kee**—I will add a couple of things. In your packs you have a *Torres Strait Development Plan*. It is how the TSRA aims to deliver programs from 2009-13. There is a series of maps, and we are trying to do, as you are finding out, a lot of things that are coming up. In terms of supporting the broader regional plan, we have, if you like, tried to connect the dots. A few things happening here are interrelated—for example, when we talk about tourism it is going to be important but, as the chair mentioned in his opening remarks, there is the cost of living issue. That is an immediate constraint or a challenge that any operator or community is going to face up here.

The other side to that is when you have got smaller islands, it comes back to: how do you sustainably do tourism; how much of your island can you afford to give up for tourism infrastructure or interaction when you have got a whole range of social or housing issues that you have to deal with at the same time? There is the protection of the environment and the island community—its existence, if you like—with the whole climate change issue.

The other thing we mention here in terms of connecting the dots is fishing. Outside of the government sector—which is, if you want to call it an industry, the biggest industry up here—we have talked about getting the state and Commonwealth to put dollars into sustainable jobs, if they are needed for border protection, and building sustainable employment in probably the largest sector of employment in the Torres Strait. Outside of that, fishing offers the most potential immediately. What we are seeing and what our portfolio member for fisheries alluded to is there is participation at the moment. But if we move to professionalise it in a way that potentially could happen with the reforms coming through with CDEP, you are not going to have enough resources in the TRL fishery, for example, for all these people to become engaged. So all

of a sudden you potentially will have more people that may be moving onto welfare full time as opposed to what you could do if we had a lot more resources that we could use to transition people into more meaningful, sustainable work.

**Mr Bedford**—It is also important to recognise that it is not just the physical fishing—the capturing the resources and selling it; there are so many other economic opportunities around the fishing industry: boat building, maintenance—all of those things are potentially areas we are trying to concentrate on investing in the future.

**Senator KROGER**—I would firstly like to acknowledge the tremendous hospitality and assistance that we have received and the tremendous organisation of those who have put the program together. It has been great.

I just want to pick up on your cost of living comments, because, as Senator Ferguson pointed out from a tourism point of view, that is certainly a very prohibitive factor in attracting people. It is clearly a serious problem for those who live here. From the attachment in your submission, it is very clear that freight contributes a big part of that. Are there any other ways you think you could—with assistance—drive down prices, taking out the cost of freight for goods that have been brought in?

**Mr Kris**—We have looked at a few options, including whether or not you reduce freight by way of subsidisation of specific goods. The other standing issue for us is there is only one company that does the freight for the region, so the monopoly is actually in the airport. There is no competition there for that to happen.

**Senator KROGER**—There is one company that brings all goods into the region?

**Mr Kris**—Yes. And that really does make it difficult for negotiations, even when you are looking at how to apply subsidisation to specific goods. We have written to the Australian government and the state government on numerous occasions asking them to look at subsidisation for freight to the Torres Strait and whether it is equivalent to how it was implemented in Tasmania.

**Senator KROGER**—Is there an opportunity for commercial activity that gives you a little more independence in producing local goods for consumption?

**Mr Kris**—There could be some opportunity there. A point that was raised earlier was about the boundaries that lie in our region, where you have quarantine zones where you cannot have goods cross over. If you are on the outer islands, you cannot bring goods to the inner islands, which include Thursday Island and this area. There is a quarantine line that you cannot cross goods over. So if you are going to the outer islands you can buy fruit and vegetables and take them out but you cannot bring any back in. Those are other underlying challenges that we really need to look at. That is why, when we wrote a letter to the federal government, we asked whether the Torres Strait region could benefit from a freight subsidisation process similar to that which was implemented in Tasmania.

**Mr See Kee**—You could look at a whole range of other, comparatively small, issues but I think if you address the freight issue you then make things like housing become more affordable.



That is where the majority of added costs are here for things like construction, food produce—not just the stuff you can grow locally but other things that people need—and fuel for energy. Another thing that may be able to be looked at for communities, and the chair mentioned this in his opening statement, is alternative energy supplies. But there would need to be a very serious commitment to that, including the commitment of resources and, more importantly, there would need to be buy-in at the community level.

You can look at growing local produce but, as the chair has alluded to, you have the quarantine challenges of moving from the outer zone to the inner zone. But even within the Torres Strait protected zone—that is, our outer island communities within the area that is adjacent to PNG—you still have very limited space for farming, as you would probably have seen on your trip yesterday. There are a couple of big islands but when you have a look at some of the other things that are happening, and where land is committed to other things, it makes it very hard to dedicate areas to farm produce and stuff. You may have enough space to do some market gardening for selling amongst the community, but an ongoing reliable supply is always going to be an issue because of the land availability up here. It is always going to come back to how we get goods in to the region.

**Senator KROGER**—Something that I have not pursued or followed up in the past couple of days has been the number of young people on the islands, once they have gone through school or if they leave school a little bit early. What percentage of young people—and I use that term loosely, I guess: teenage through to, say, 20 or early 20s—actually stay on the islands?

**Mrs Pearson**—The majority, I believe. A couple of years back I addressed a senior grade at the Tagai high school and I queried them on their aspirations on leaving school. In regard to going back to their communities, my question to them was: ‘What are you going to do to earn a crust? How many of you are going to go and look for a job like managing an office or administration work?’ Nobody took to that. So I took a different tack and I asked them, ‘How many of you are going to join CDEP?’ The majority of them put their hands up, and that was very sad.

**Senator MARK BISHOP**—I noted in the executive summary from the authority your second recommendation:

Commonwealth and Queensland Governments commit to a 50 percent reduction by 2013—

—only three years away—

in the number of presentations of PNG nationals at Queensland Health clinics in the Torres Strait.

That is a very, very strong recommendation, and it has a heap of consequences for people in PNG, for their health and otherwise. Could you flesh out the recommendation and, in particular, advise us as to how the two governments should go about achieving a 50 per cent reduction in presentations to the hospital three years hence?

**Mr Kris**—A committee has been set up by the Commonwealth government: the Torres Strait Cross-Border Health Issues Committee. They are working closely with both the PNG side and the Torres Strait side to look at health issues. One of the recommendations that we previously

brought to the table was to look at PNG nationals having an identification card for when they turn up to receive health care in our communities. I can certainly appreciate your comments on the impact that it will have on the PNG side, but I stress that the impact it has on our community is exactly next to none, as on the other side of the border.

**Senator MARK BISHOP**—The impact on communities?

**Mr Kris**—In the Torres Strait. It will be exactly the same, because you will find that in these communities, when people do turn up to those health centres, they use up a lot of the medication that has been out there for our community. To retain some of that medicine that is required by our community—

**Senator MARK BISHOP**—I certainly understand that large numbers of people are coming over from PNG and using the hospital system and the doctors and the nurses. There are huge cost blow-out—I certainly grasp that point. In fact, the medical authorities explained to us yesterday or the day before some of the huge costs attendant to the use of helicopters, TB problems and the like. I am really asking: short of having a soldier there, stopping people coming in, how do you stop people naturally being attracted to coming over here and receiving health services?

**Mr Bedford**—There has finally been a realisation by state and Commonwealth health agencies that there needs to be a lot more resources and attention given to the other side of the border. So what we are trying to do now is set up services and arrangements that capture people who might be ill and present at our clinics on the other side by a number of measures, including giving our doctors and nurses the ability to travel under the same sort of arrangements that we have for traditional visits so that they do not have the rigmarole of customs and such to get over there. We are reducing the risk on our side—taking away the costs associated with people who might look at a Torres Strait Island clinic as the last resort—by setting up medical centres and health facilities on that side that help deal with the issues over there before they fall on our doorstep.

**Senator MARK BISHOP**—I can certainly understand that response. I was thinking through some of the comments made by the people at the hospital that, if you did place some sort of physical service over in PNG on the nearby islands or the mainland and it provided a quality effort to those people—just say in a couple of areas such as TB and things of that nature—the natural thing that will occur then is that it is going to become an attractive service to those people who live over there. I would have thought it would attract more people from the inland areas and the hinterland to come down to the coast to receive medical attention.

**Mr Kris**—It is a complex issue.

**Senator MARK BISHOP**—You naturally say that you are Australian citizens and there is a pretty adequate health service around here, which is well used by the local populace, and you want to keep it that way. That is no different to any other community anywhere in Australia and I do not argue with that. Does that mean there needs to be a separate and different approach by the Australian government, perhaps in cooperation with the Queensland government and perhaps through either AusAID or foreign affairs, to the placing of services in PNG that has the effective consequence of stopping people coming here?

**Mr Kris**—Through our meetings with the JAC we have talked about putting infrastructure on the ground in those particular communities to try and cater for some of those needs. The biggest issue for us is the security of the infrastructure on the other side of the border and the professional people to actually operate in those remote communities. My biggest question is: how does Australia audit the funds we give AusAID to look at the needs for those particular communities under those treaties? For ever and a day Australia has been putting money into AusAID to look at building infrastructure and to look at reducing the numbers, but we still do not see any infrastructure on the ground. We still talking about the same recommendation 10 years after the discussion has started. As an organisation, we are answerable to the government by way of audits to look at how we spend our funding but, when you look at how the funding has been spent in PNG, that would be the biggest issue. Who audits the funding that Australia gives to PNG and requires implementation of infrastructure in these communities so that it does reduce the number of issues that are popping up under our treaty?

**Mr See Kee**—That target came from discussions that our board had and also from participation in some of these forums. For example, the health issues committee have helped to put together a package of measures that is going to assist with interim health services or increasing the ability to help Papua New Guinean people across the border. One of the things they are talking about is cross-border facilitated visits. When you are sitting on the ground here, you are being asked by every level of government to work towards targets and what the outcomes or benefits are that you are delivering for your community, yet you see these measures going forward. That is where the board came up with the 50 per cent from. Even if we cannot reach that 50 per cent, there should at least be a target with these measures now where we can start to quantify whether these things are making a difference. I think that goes back to what the chair is saying in terms of Australian aid to Papua New Guinea. From the discussion that we have heard at the board level, we are now having to demonstrate what outcomes and benefits our dollars are delivering to the community. Is that the case with the reporting that AusAID is providing back in terms of what it is delivering for the Western Province community in particular, or is it still that dollars go out and dollars get acquitted?

I suppose that is where our question comes in to being because we are moving through a benefits realisation model of delivery here. So we are having to hold ourselves accountable back to community in terms of what we are able to achieve with our investment here. I suppose, once again, it is this disparity in terms of perception as restrictions are being put down on the ground here yet nothing seems to change on the other side—so the problem just continues to go on decade after decade.

**Mr Banu**—Regarding AusAID being made conditional, Senator Bishop, our request is also coming from the traditional inhabitant leaders attending TIM and JAC, and unfortunately they cannot stretch that across the table in those meetings.

**Senator BOYCE**—You have talked about the many levels within federal and state governments, and we have had several examples of cases in which it seems to have been hard for people to get an answer as to who was responsible. The view exists, and it is certainly the case on Saibai and Boigu, that if a baby is born in Australia it potentially has the right to become an Australian citizen and that would be causing people to come over. Yesterday we were told by people on Boigu that they found it difficult to find out who was the one to give them a definite answer on this question to tell the Papua New Guineans, and in other areas relating to migration

there had been trouble finding out who was in charge and who knew the answers. Is that an issue for the authority as well? Should there perhaps be one group or one body that is seen as the one who finds out?

**Mr Banu**—If I could just correct you there, Senator Boyce, that question was actually asked at Saibai not Boigu.

**Senator BOYCE**—Okay. Thank you.

**Mr Kris**—I am not too sure how far the scope of the HIC committee expands, but those are some of the issues that do stick up and, again—

**Senator BOYCE**—I do not mean just in the health area. Sometimes you can be going from Customs to Fisheries to Immigration or wherever to try to find out who knows the answer.

**Mr See Kee**—My observation working through the administration and also in engaging with communities—and the members will probably have a view on this as well—is that if you are on the community it can get very hard to work out who to deal with based sheerly on the physical presence and number of government departments, state and Commonwealth, based in this region. I suppose one of the things the TSRA, with the councils, is trying to do in terms of our space in looking at Indigenous disadvantage in the Australian side is that it is trying to pull together a framework, which is what the chair mentioned in the opening statement, for integrated service delivery—in essence, making government easier for community to engage and work with. Because you will hear stories as you go through communities about a number of planes showing up each week, of people getting off and asking the same questions and then of another load coming in next week. One community can have an average of three or four planes of departments a week wanting to consult.

In terms of whole-of-government delivery up here, that is one of the things that we have had a look at regarding the delivery model at the moment with the councils, and trying to find out how we simplify that so that, as you are saying, if mum and dad want to find out about A,B,C or D they do not have to navigate a labyrinth of government departments but can go to one or two and they can actually do the navigating and get the relevant department in there. That is something we are trying to work on in order to get commitment from the states and the Commonwealth in our sphere—not in relation to border protection or, specifically, the health area, yet to try and come up with a model that can work and that the community is going to be satisfied with, rather than one that we as public servants are going to be satisfied with. That is what we are trying to do in terms of our integrated service delivery tied to the regional plan that you have also got in your pack. So that is where we are trying to go.

The other thing I hear a fair bit of when we are out in communities is that people want to actually engage a lot more with those agencies doing border protection here, because when you think about it the biggest asset that any agency has, especially with border protection, is the people. They are the ones who are the eyes and ears. They are the ones who are actually going to stop people or let you know when things are happening.

I do not know what level or percentage of investment is being put into engagement by agencies which are present up here to do border enforcement but, in my mind and in terms of

where we are going in our business model, it should be almost the highest priority and where the majority of investment should be placed to get that relationship happening because, without the relationship, nothing happens.

**Senator BOYCE**—It just seems to me that, if it was very clear and if you knew in Western Province that having a baby in Australia did not make the baby an Australian citizen, did not entitle you to the baby bonus, it could quite easily cut the number of women coming over to Boigu and Saibai and hoping to get into a hospital here on TI. My other question relates in some way to what you were saying about talking to the people on the ground, Mr See Kee. I was surprised to discover that the waters between Boigu and Saibai and in the Torres Strait have not been charted; therefore, Customs cannot use ships in that area. I presume that there is quite a lot of local knowledge about the sea in that area. Have you ever been asked to share that knowledge?

**Mr Kris**—The Navy has been doing some charting throughout our areas. I think there is a fair way ahead for it to move up to that particular area. One issue we had was Customs getting around up to Boigu where, in the past, we have seen a few foreign fishing vessels getting through that particular area. It was hard for Customs to get in there because of the uncharted waters. Again, through the service delivery planning that we are doing, we are seeing Customs and other agencies coming on board to actually help push the issue of getting the whole of that particular area charted so there is protection of our region.

**CHAIR**—Has the authority established any priorities for further charting of water, sea lanes et cetera?

**Mr Kris**—No.

**Mr See Kee**—Through the chair, it has been brought to our attention from time to time, often in passing by some of the enforcement agencies at forums like the JAC or others. Obviously, not being core business in terms of what we are doing, we can only do so much with the resources we have to engage. Having said that, though, I would have thought it would have been a high priority not just for those agencies which rely on it but also to raise that not just with the TSRA but also with the other arms of government that will have some level of influence in actually pushing that up the priority list and having the charting done. We have operated in good faith and on the assumption that that was how it was being done in the other areas so that if it was a priority it was being addressed, so we are surprised that a lot of the area is still uncharted as well.

**Senator BOYCE**—I will go back to the freight subsidy. As you pointed out, Tasmania has a freight subsidy and I think, in some ways, the fact that that was granted was a political accident. If the Torres Strait were to be given a freight subsidy obviously there would be other island communities in Australia which would think they should also have it. Have you put any thought into the criteria that should be used for a freight subsidy?

**Mr Bedford**—Definitely, at least at regional council level we have entertained the idea of trying to make Torres Strait a national highway, if you like, that would bring it under a category that may allow for us to apply for a subsidy. But that is something we are pursuing at the moment. We have talked to our Premier about that. That is one possibility.

**Senator BOYCE**—A national highway—a wet one.

**CHAIR**—A maritime highway

**Mr See Kee**—A maritime highway within Australia.

**CHAIR**—Can I just ask you a general question about policing around the region. We have had evidence about that and received submissions in relation to general policing, the level of policing and the adequacy of it. We heard yesterday there were some community concerns on the outer islands about the level of policing. Does the authority have a view about the adequacy of community policing arrangements or otherwise?

**Mr Kris**—We have discussed on many occasions with the state ministers how we can improve the policing, in particular community policing—

**CHAIR**—Do I assume you do not regard it as adequate at the moment?

**Mr Kris**—Yes. It is just not delivering services to our community at the moment.

**Mr Bedford**—In the outer island communities we have at least 15 communities within the regional council. We do not have any Queensland Police Service presence—that is, for a population of over 4,000 people. All the police are based here on Thursday Island. We have sat down with the state police commissioner, as well as the state minister for police here, to look at how we can change that issue and how we can address the inability, if you like, of the community police to act on behalf of Queensland Police.

**CHAIR**—What was the response of the Queensland Police when you made this point to them that you think that the presence is inadequate?

**Mr Bedford**—They have acknowledged that it is inadequate and, in short, we are looking at alternative arrangements that will meet the needs of this unique part of Australia, because the current situation does not meet the needs of particularly the outer island communities. Even Hammond Island—I might let the councillor for Hammond Island comment on this—does not get a police presence, despite Queensland Police Service having 20 or more staff based on Thursday Island.

**Mrs Pearson**—I believe what the member for Darnley is saying is true. Hammond Island is just behind Thursday Island. We have been successful in getting a visit, but that was through talking with the senior sergeant here. While I have the opportunity, I want to also comment on a question Senator Kroger asked. With regard to talking to the youth, from then up until now things have actually turned around, especially in the way the school is operating in Tagai. Some of our young people are now leaving school with the capacity to walk into jobs through their school-to-work experience.

**Mr Kris**—I think the short answer to it, though, is that the Queensland government needs to take on community police officers and give them some authority to arrest people or practise the service within our community. At the moment they cannot detain anyone, let alone apply a fine to someone who is driving without a licence. Those are some of the real issues on the ground.

We have had numerous discussions with the Queensland government on looking at how you transfer throughout this amalgamation. The biggest issue for us that came out of the discussions was the policing of our communities. At one time it was delivering services under the Community Services Act and now the local council has been moved under the Local Government Act it leaves the law and order in our community high and dry. There is no authority within our police force to apply those services in our community.

**Senator FERGUSON**—What can these community police officers do?

**Mr Kris**—They are basically the eyes and ears of the north.

**Senator FERGUSON**—But they are not really enforcing the law?

**Mr Kris**—Not really enforcing the law at all.

**Senator BOYCE**—Someone described it as a by-laws office.

**Mr Banu**—Some would even refer to them as CDEP police officers. My hope in the comment that the chair has made is that we need to get the Queensland government at least to give them some powers of arrest. Hopefully that will not be a deterrent to them actually placing the commission officers out in the communities on, as I said yesterday, Saibai and Boigu.

**Mr See Kee**—The majority of them were CDEP participants. So the council is actually responsible for them and they are performing very minimal types of roles to assist with the police here. I think one of the things that has to be said, and it goes back to the comment I made earlier about engagement, is that there really has to be a bigger focus on that because what we are seeing here is that there is an expectation from community, just like anybody else, to have a level of service and to have security in your community.

I think that there has to be a rethink in government, especially in those agencies responsible for law and order or border protection, as to how you do that because the environment here is very different. You are not going to find a model anywhere else in Australia that you can just pick up and apply here. It has to really adapt to the environment. I do not know if that model is out there yet but it is something that agencies need to think about at the service and program delivery level—because we are seeing the same structures being used down south essentially trying to be used here and it does not work.

**Senator FERGUSON**—Who appoints them? The council? Who appoints the community police officers?

**Ms Bin Tahal**—They are employed by the regional council.

**Senator KROGER**—Is there a training program which is then officially recognised by the authority? What is the process of training, appointment and so on?

**Mrs Pearson**—There is a QATSIP program out at Badu. It has been running for a number of years now. I believe it was implemented when Judy Spence was the police commissioner. That is basically as far as it has gone. I know that QPS has been providing training to our community

police officers, but when you live in a community where there is family there is also that sensitivity in being professional and also still being part of the family. So there are many issues there as well. Whereas, if they were given the proper ways to do the proper job they would probably be a bit more professional in handling their affairs on the ground in communities.

**Senator KROGER**—That is clearly one of the areas that we have heard about—strengthening law and order on the ground—and you can only do that by perhaps enhancing the training, recognising the responsibilities of those individuals and giving them greater authority to be able to do the sorts of things that you are requiring on the ground. It is certainly something we could look at in our recommendations.

**Senator FERGUSON**—But if they have no authority or any power there is not a lot of training required, is there?

**Senator KROGER**—So you go back to the start and actually provide training on the ground and go from there.

**Senator FERGUSON**—In our local district council I think our stray dogcatcher probably has more powers because they can impound the dogs.

**CHAIR**—Mr Kris, we are going to have to finish here because we have other witnesses to deal with but on behalf of the committee I thank you and your colleagues for appearing before the committee this morning. Giving us the benefit of your views on this has been very helpful to our inquiry and we very much appreciate it. We may have questions that we might put on notice for the authority in due course and we would be grateful for the answers to those as soon as you can deliver them. Thank you very much for coming this morning.



[9.45 am]

**BIN TAHAL, Councillor Napcia, Deputy Mayor, Torres Shire Council**

**McCARTHY, Mr Bernard Anthony, Chief Executive Officer, Torres Shire Council**

**STEPHEN, Councillor Napua Pedro, Mayor, Torres Shire Council**

**CHAIR**—We have before us your submission, which is submission No. 19 to the committee. It is a public document. Do you wish to make any amendments to that document?

**Councillor Stephen**—I think there is an amendment.

**Mr McCarthy**—A number of things have moved on since.

**CHAIR**—You can mention those in your opening statement if you care to do so. In fact, if you wish to make an opening statement, Mr Stephen, then I would ask you to do so.

**Councillor Stephen**—Thank you for the opportunity for Torres Shire Council to appear before the committee this morning. There are some amendments to our submission, mainly on the airport. You have had an opportunity to visit the airport. We would still like to brief you a bit about the airport issue—

**CHAIR**—Please.

**Councillor Stephen**—and also about waste management. There has been some progress in that area and we can talk about that. There has been an opportunity for me to hear what the Torres Strait Regional Authority has put in their submission. We have similar issues that we have put forward and I would like to take the opportunity to answer some of the questions that the members put forward about health and the issue of policing that are relevant to our submission as well.

**CHAIR**—Please, Mr Stephen.

**Councillor Stephen**—Thank you. The airport is an international airport for us in this region. Whilst it is owned by the Torres Shire Council, it is a regional access point for the islands north of us, especially as it is the first port of call here that has been gazetted under the Quarantine Act. As the first port of call, it is a clearance port for international aircraft. I believe that the manager has given you some numbers on international aircraft that have come into the airport. Horn Island is recorded as the busiest regional airport in Queensland, meaning it is not just for domestic flights but also for the international flights that we have.

The concern for the Torres Shire Council, which is a small council with a small rate base to run an infrastructure of that size, has always been the cost factor. We have sought funding assistance from both state and Commonwealth to allow us to strengthen the main runway to allow the Q400 access to us. We have had the Q400 run to the airport for about a year or so. We

have monitored it very closely because of the rucking that the aircraft has caused on the runway. We then had to go seek funding to strengthen the runway. We did it in partnership with both Queensland Transport and Qantas because it was their request. We have done our figures on what would allow more passengers access from there to Cairns and the capacity for us to access cheaper airfares that Qantas will give to our constituents.

While the cost of the overall funding is \$7.2 million, we believe that that was the base that we needed to allow the Q400 to land. There was a lot of other infrastructure that we had to cut out—for example, lighting. We now know that there could be a security obligation placed on the airport if the Q400 does operate, so council has been mindful of that. We have been continually lobbying both state and Commonwealth to ensure that if there is that impost placed on the council we will also have that support in funding not only to establish that infrastructure for security but also for the ongoing maintenance and operation costs for such assets as have been added on to the airport. The base funding of \$7.2 million will just allow the operation of Qantas running that service for our constituents. Hopefully, we will have that operation started after October this year, depending on the wet. As we sit here we have the tenders out for both the works project on the development of the airstrip and the crushing of rocks at Horn Island for the job.

Our main concern has always been the first port of call, particularly for our staff, who are front-liners. They are exposed to any exotic diseases such as Japanese encephalitis and anything that comes from the north. Our staff who work at the airport are the first ones exposed to those diseases. But the main factor for costing is the security for the airport.

**Mr McCarthy**—The other one that was deleted was the extension of the runway, which would have allowed jets at a later stage. We had to take that out to achieve the cheaper option.

**Councillor Stephen**—One of the main factors that we keep saying is that the airport not only provides us access to the mainland but also it is the only airport that can provide emergency support for any emergency incidents in the Torres Strait. We know that the council's aspiration is to continue to have the lengthening of the airstrip as well as strengthening it. This is only one of the runways. We have two runways. The one that we are maintaining at the moment is what is being accessed by Qantas, Q400, which is the east to west. The north to south we still have to maintain as well because it is providing our domestic light aircraft from the other islands to TI for connection further south.

**CHAIR**—Do you wish to continue with your opening statement, Mr Stephen, otherwise we could go to questions?

**Councillor Stephen**—Torres Strait Council highlighted the issue about the impost that is actually pressing on our sister council, the Torres Strait Regional Council, of waste management. The big impact that we have in the Torres Strait is that many of the old cars and cans find their graveyards in the islands of the Torres Strait. The problem that we have now is how we get rid of the cars from here. Once they enter the Torres Strait they are in a quarantine zone. We have had several talks with quarantine and with our MOU with TSRA to get some things happening in that area, mainly recycling. Our big problem is that the cars provide a reservoir for mosquito breeding sites. I do not know whether you had the opportunity to see it but over at Horn Island we are slowly building another hill of cars that we cannot actually move even from Horn Island

down to Cairns. To me it has been a bit of a mind-boggling exercise because we have been able to do that before. All the cars that come into the Torres Strait are domestic cargo. We have actually sent cars to the metal companies in Brisbane that pick up from Cairns, so why cannot we continue that particular exercise? We have tried to talk to the shipping company. Most of our goods and services come from Cairns. They come with full containers. We have nothing to export out of TI, so many containers go back empty. They are only full when the holiday season is on and there is transfer of public servants' stuff back to the mainland. So we are talking to the shipping company for in-kind support because we had an arrangement before with Sea Swift that if we packed those vehicles they would send a container down to Cairns.

**Senator KROGER**—Could I ask a question?

**CHAIR**—Do you want to say anything further in your opening statement?

**Councillor Stephen**—I will leave it there and probably touch on the other issues of health and police later on.

**Senator KROGER**—What is the extent of the problem? You were talking about I presume it is like the tip over on Horn Island of car carcasses. What quantity are we talking about here? How long has it been that you have not been able to get rid of them?

**Mr McCarthy**—It is estimated that there are approximately 900 to 1,000 motor vehicles derelict in the Torres Strait. Over here there would be, to hazard a guess, well over 100 maybe 200.

**Senator KROGER**—So what is the quarantine issue in removing them from the islands?

**Councillor Stephen**—The quarantine issue was—and I think still is—that we have to get rid of the soil that is in the cars. Because it is deemed to have come out of a quarantine zone, the car has to have any soil removed. The other thing is that the cost for council to transport one car from here to Horn Island is about \$1,000. We actually approached this concept when Steve Bredhauer was the minister for transport. The council had put two options. We know we have no control, but we have actually looked at a bond system when cars come from Cairns to the Torres Strait. There needs to be a bond system because most cars that council are then responsible for are derelict on the side of the road. In the last couple of years it cost council about \$700 to \$800. Since Sea Swift increased their freight charges, it is now about \$1,000 per vehicle.

When we do pick up those vehicles, it is hard to trace their owners because most vehicles that are derelict are ex-public servants' vehicles that they purchased to come to the TI for their two-year or three-year tenures. Once they leave, the locals buy the vehicle, which is on its last legs anyway, so it stays on the side of the road and we then pick up the impost. There is no way that we can get some funding back, so we put that option of a bond system, which Steve Bredhauer, as minister, looked at in the first instance and probably put in the too-hard basket. They say that vehicles on Thursday Island, and probably the outer island, have a special concession. But it does not matter if there is a special concession; the moving of the car body has a cost, and the cost gets picked up by the council.

**Senator KROGER**—You have things coming in in containers, and those containers go out empty?

**Councillor Stephen**—Not only containers; there are big pallets. We will crush five cars onto those metal pallets, and then they get picked up. The problem we have at the moment is that we are just creating another reservoir site for the breeding of exotic disease, sitting over at Horn Island, which is a growing community here in the inner islands of the Torres Strait. We are just moving that reservoir from one area to another and keeping on moving it around; we are not really solving that problem.

**Senator KROGER**—Obviously this is an area that has to be addressed. I will move on to another issue. In your submission, in relation to law and order, you made a comment referring to women and how it was very easy for them to be abducted from your community here and taken to PNG.

**Councillor Stephen**—That point related to an incident a few months ago that happened at Saibai. It was domestic violence. The person from PNG held a rifle at a lady from Saibai, and her parents were there. When the rifle was pulled out, the parents had no choice but to let the girl jump in the dinghy and be taken back to PNG. If that incident were to happen in Cairns or Brisbane—a gun being produced, kidnapping—all hell would break loose. All the powers that Australia or Queensland have would be directed at that incident to make sure it does not happen again, but because it happened in the Torres Strait it is out of sight, out of mind.

This is only one incident that actually happened. Domestic violence happens all the time. Mura Kosker Sorority, which is the women's organisation in the Torres Strait, has records of all those incidents that have happened. Most of the ladies are flown in from the outer islands. They come to TI because they stay at Lena Passi, which is the shelter for women on TI. That is only a very small building and TI is a very small place, so the ladies can only come here for a couple of nights and then they get to stay with their families. That impacts on the other issue of housing, the continuing problem we have in the Torres Strait about housing. There is nowhere else in Australia, unless you live on the Gold Coast, where you are paying nearly \$2,000 a week for a three-bedroom unit, which is what you pay here on Thursday Island.

**Senator KROGER**—I understand your concerns. I was quite staggered by the cost of housing. Just going back to the women, though, when you are talking about those concerning incidents of violence against women on the islands, is that violence within the island communities? Is it violence that they are subject to from individuals of PNG who might be family on PNG? What is the nature of the violence where it is happening?

**Councillor Stephen**—It is a complex issue. It is all of those issues you mentioned. The problem we have with policing is exactly the discussion with the authority. There is no proper law and order in those communities where people have the power to arrest or to uphold the law. I think since the 1980s leaders have continued to advocate that the police be not just a black tracker, not just a mail boy—

**Senator BOYCE**—Someone said to me that bylaws officer was the sort of role.

**Councillor Stephen**—As bylaws officers. There have been several Senate committees to which I have presented on behalf of the Indigenous police liaison officers in the Torres Strait. They put a submission in to the CMC for there to be a special recommendation for them to be special constables, to be actually empowered under the Commonwealth and the state police legislation. Those people who are on those communities are the one that the community look up to when there is discord and disharmony in that community. They look at them, and most of the perpetrators or the ones that break the law know that there is no law and order there. For example, it took the incident a couple of years ago of the rape on Mabuiag Island and actually everything happened for the nurses. But that is a one-off incident. I do not condone that action but there are lot of Indigenous health workers that are in a similar cases where no action has been taken. They would go to their family and hope the time will heal that hurt. The police authority sits on TI, the Queensland police spend millions of dollars to buy a new boat, to buy a plane, to go out there. Why don't you simply empower the people that are on the front line, the young men and women that have put their hand up to be that law and order officer for the island? The presence of a proper policeman or policewoman will then deter any other incident as it would elsewhere in Australia and Queensland.

**Senator KROGER**—I am concerned that there are these incidents where women are being abused or raped and they are not being followed up. It does particularly concern me. Are the incidents that you are speaking of, and perhaps others, being reported to the Queensland police, for instance? Let me put it another way: do you think there is appropriate identification of these things happening, that they are being reported and that, perhaps through the women's organisation you spoke of, appropriate records of the various incidents are being kept?

**Councillor Stephen**—Over the last two years, the community have taken it upon themselves—and I think that we followed an initiative that was started at Badu Island. It was started by a principal who was at Badu Island, Stephen Foster.

**Senator KROGER**—How long ago was this?

**Councillor Stephen**—That would have been maybe in the seventies.

**Senator KROGER**—Okay, some time ago.

**Councillor Stephen**—It was some time ago. That island actually has a regular monthly meeting where all agencies come together, and we have done that here on Thursday Island and on Horn Island as well. In the past the police used to have a police consultative committee. Because of change of government that no longer happens. So we use the inter-agency meeting as a forum where these issues are tabled to be addressed. I know that the police respond to any incidents, but their response time is too long. In the incident at Mabuiag, when that breaking and entering was reported, the police on TI rang the community police, and the community police had to respond. That was in the early hours of the morning. You cannot expect this fella to actually respond to it, to go and do the initial interview, when he is not covered for overtime and he has no powers. And then the next morning the police get out there. It is too late.

**Senator KROGER**—Thank you.

**Senator BOYCE**—Councillor Stephen, I do not believe we have heard anything previously about Japanese encephalitis. Can you tell me a bit more about it? What is the concern that you have? You mentioned it was a worry for workers.

**Councillor Stephen**—It is another strain of disease that is carried by mozzies.

**Senator BOYCE**—It is carried by mosquitoes?

**Councillor Stephen**—Yes. The incidence of that is very rare on the mainland, mainly at shipping ports.

**Senator BOYCE**—So it could come in in freight, is that what you're saying, from—

**Councillor Stephen**—No. Because of the closeness, the mozzies fly. But the eggs do get carried in water containers or by animals. Pigs are the main host carriers for Japanese encephalitis. There was an incidence of it here in 1975, where we had three cases. Out of the three cases, there were two deaths, a young girl and a man. That is something that AQIS monitor for every year.

**Senator BOYCE**—Sorry, I had misunderstood you. I thought you meant that airport workers were more at risk of this than anybody else.

**Councillor Stephen**—When I say airport workers are at risk, it is because, if you are a carrier of JE, it lies within your body for about nine hours. So, if I had JE and that particular species of mozzie bites me and then flies to you, that virus is being transmitted.

**Senator BOYCE**—The Torres Strait Island Regional Council said in their submission that they thought there needed to be a better method of getting information to decision makers in relation to the treaty, PNG nationals and overstayers. They said:

A better method of getting information to decision makers needs to be established, as the Village representatives fear for their safety and other forms of repercussions if they speak out freely at the Joint Advisory Council—

meetings. Can you comment on that statement?

**Councillor Stephen**—Can you start that again, please?

**Senator BOYCE**—The regional council said in their submission that village community representatives from the islands are frightened for their safety and they are worried about other dangers if they speak out freely at Joint Advisory Council meetings.

**Councillor Bin Tahal**—I do not feel the Torres Shire Council is the appropriate department to respond. Because we do not sit on the Joint Advisory Committee we are not really involved at that level.

**Senator BOYCE**—But what I am asking is: are people on the islands within the shire council worried about saying what they think in terms of the Torres Strait treaty—

**Councillor Stephen**—I think that, when the Torres Strait treaty was ratified in 1985, in the ratification of that treaty they formed forums like the JAC and the TIM, which is the meeting for all the traditional inhabitants, and they got the Treaty Liaison Meeting, with all the government departments, and then they had the Joint Advisory Council. Those forums are in place so that the people at the grassroots level can actually raise issues and those issues can be discussed there and then. I think the concept of people being frightened and not raising issues at those forums is not the case. I know with the Torres Strait Island Regional Council that those in Pacific Island communities that have regular movements as to PNG would have fear because there is a payback system that is very much in place there whereby if rumours get back that so-and-so said something then maybe that person's family is at risk. That has always been in the back of people's minds: that that can happen.

**Senator BOYCE**—So you are saying there is a payback system in the Torres Strait or in Papua New Guinea?

**Councillor Stephen**—In Torres Strait and Papua New Guinea. If I were the chair of Saibai and I raised the issue—so rumours got back to Saibai that I had actually raised the issue for Papuans—because I live in that area, then my family and I would be at risk.

**Senator BOYCE**—We heard a little bit earlier from the TSRA about setting up local fishing bodies and corporatising commercial fishing here. Does the treaty affect the development of local industries in any way, especially in relation to fishing?

**Councillor Stephen**—From my understanding about the treaty, I believe that the treaty would protect the rights of Torres Strait Islanders or Australians that fish. I think, specifically in relation to the treaty, that the treaty does identify specific organisations that are responsible agencies for fishing. I think that mainly the concern that has come from local fishermen here is about the depleting stocks in the fisheries in our areas. I know that the TSRA has been very strong in advocating probably that view in the meeting at which the chair of the TSRA sits in partnership with the minister of the Commonwealth and also of the state and that they continue to review those fishing developments that are happening in the straits. I still believe that whilst the treaty has been in place it has really identified us as a specific region with an opportunity for really positive economic development that we can do either locally here or in partnership. But I think that that needs to be examined more closely by those that are involved in the industry.

**Senator BOYCE**—In partnership with?

**Councillor Stephen**—In partnership with the Papuans. Whilst we see what is happening at the moment, it is probably them against us but we are all focusing on our limited stock. But if we could actually have some arrangement that is more than just what the treaty identified—so you can take this much of the quota and these people can take that much of the quota—so if we could work in partnership, there would be more positive spin-offs not just for economic development but also for social interaction.

**Senator BOYCE**—Yes, so it could spread out into cooperation in other areas as well.

**Councillor Stephen**—Yes, that is true.

**CHAIR**—Councillor Stephen, just in relation to the airport matter firstly, you have received funding for some capital investment in relation to the airport. What about the maintenance of the airport? Is that still primarily a responsibility of the council?

**Councillor Stephen**—At present, because we own the airport, we have put a passenger tax on it but we can only cap it to particular numbers because we know it will come back on the users, which are our own constituents. That is the only form of revenue that we have actioned to manage the—

**CHAIR**—Is the revenue from the passenger tax sufficient to maintain the airport?

**Councillor Stephen**—No, mainly because the revenue that comes from the passenger tax is not specifically quarantined for the airport. It is also for the other services. It is propping up the other services that the council offers, like child care, sport and recreation and the two stadiums that we have here. So that funding is actually spread out.

**CHAIR**—So cross-subsidising other council activities?

**Councillor Stephen**—Yes.

**CHAIR**—How long has it been since you increased the passenger tax?

**Councillor Stephen**—Last year.

**CHAIR**—So is it your assessment that it is somewhere near as much as you could charge?

**Councillor Stephen**—The other thing is that because of the \$7.2 million the council had to go in for a \$1 million loan that we had to negotiate to pay for with the Queensland Treasury. So some of that funding is quarantined to see that we can offset our loan.

**CHAIR**—You have got \$7.2 million and you have not been able to proceed with the lengthening of the runway. Is there anything else that you have not been able to do? The amount of money that you wanted was quite a lot more than that, wasn't it?

**Councillor Stephen**—The amount of money we wanted was actually \$12 million, but we had to cut back. The other significant factor is the other cross-runway as well as lighting. Because this airport is the one that we have flying doctors come up to, we have to cater for night flying and their coming into our area and we need to have appropriate lighting at the airport but at this time that has been taken off the list. That will probably happen in stage 2 of the development.

**CHAIR**—How old is the existing lighting at the airport?

**Mr McCarthy**—I do not have an exact date, but it is very antiquated and it should be upgraded.

**CHAIR**—So it has reached or is reaching its use-by date?

**Mr McCarthy**—It has just about reached its use-by date, yes.



**Councillor Stephen**—The major development there happened in 1998.

**CHAIR**—I see.

**Councillor Stephen**—That was the resurfacing. We used bitumen before, but that is being strengthened and now we are doing asphalt similar to Cairns airport and Mackay.

**CHAIR**—Is this work going to begin this year? You said you have the tenders out, so when do you hope the work will start?

**Councillor Stephen**—We hope to start at the end of April, which is straight after the wake.

**Councillor Bin Tahal**—To be finished by 10 October.

**Councillor Stephen**—To be finished by 10 October.

**CHAIR**—Have you had an indication from Qantas that once that work is done they will begin to fly larger aircraft into the airport?

**Councillor Stephen**—The Q400. We have been meeting with them every month and they are waiting for us to give them the green light and the Q400 will come in.

**CHAIR**—In your submission you refer to the difficulty with illegal immigrants from PNG coming into the Torres Strait. You say that you think it is going to require additional resources from the Australian government. How big a problem do you think illegal immigrants coming into the Torres Strait from PNG is? I am talking about illegal immigrants who are either not coming through the normal processes for traditional inhabitants or otherwise. If you think the Australian government needs to put additional resources in, do you think there should be new procedures or do you think there just needs to be new funding to support the activities that are already taking place here?

**Councillor Stephen**—From my perspective, this region being deemed to be a migration zone was a quick fix situation. I think that local people need to be empowered to do the job on the ground at the forefront of those communities. More resources can be poured into the policing agencies, the specific barrier agencies such as AQIS, immigration, Customs—right across the board—and the police. Whenever good initiatives come from the community it is always said, ‘Sorry, we haven’t got enough money.’ I think a problem that we have in the Strait is that we have both Commonwealth and state government agencies. In some instances they work in isolation from each other. If they do come together they could see that that can empower. Going back to the policeperson, we keep looking at that person as a Queensland policeperson rather than as a person that has been authorised under the Queensland and federal policing laws. Many precedents have been set before. On the question of illegal immigrants, we can look at how Australia is addressing the boat people that are coming through Ashmore Reef. We know there have been processing facilities on Horn Island for processing illegal fishermen, but I still believe we need a greater presence to ensure people who live in those communities are guaranteed of a safe environment. If you are living at Saibai then I believe that you should have no hesitation about where you are at because you are in Queensland and you are an Australian.

Every protection has been guaranteed for a person living in Perth or Melbourne or Cairns for that matter. Most of our families have moved on from our islands and they stay there. When they come back to the Torres Strait, they can see clearly that there are two different standards. Right across the board, Torres Strait Islanders have been saying that we are still catching up. The terminology now is that the government will close the gap. At the community level gaps are not closed—whether it is about your peace of mind or your well-being that you stay in your island community or where you are. You are under the safekeeping of Australia and Queensland, yet people have to have eyes behind their heads. They are living up there and they have to dot the Is and cross the Ts because if, they say something wrong, that night they will find that something has happened to either their families or their property.

**CHAIR**—Your reference is particularly to some of the services provided by the Queensland government, but, from the council's perspective, how effectively do you think the Commonwealth agencies cooperate up here?

**Councillor Stephen**—I will go back and say that, in the early 70s, the Commonwealth moved in to the Torres Strait and that is when a real difference happened—real changes happened in our community. As the Commonwealth sits, a stock take needs to be done in terms of how services are delivered and who is the lead agency. That needs to be clarified so that, as to the community knowing that a bucket of money comes to a particular service at the grassroots level, there is a clear conduit that comes down and that there is no detour of funds—that you are still only getting the smell of the dollars rather than the actual dollars—to make sure that the infrastructure is provided. It is not only the dollars but the resources that come to the community. I have worked with the policing agency before and with AQIS, and there is still only a bucket of money. I think that the formula that looks at delivering services to the Torres Strait needs to be reviewed. I believe that you do not really do justice if you do not add the island factor, whether you are talking about policing, health or building. That factor needs to be put in place so that you know that, if you do the work here, you will get the same standard and value that is being offered.

**CHAIR**—My last question relates to health services. The council does not make any contribution to the provision of local health services, does it?

**Councillor Stephen**—We do not. We work in partnership with the health services, like the CDC centre that comes. We also look at in-kind support and encourage development.

**CHAIR**—My question is: is the council in a position to comment on the adequacy of the health services that are provided to the community in the Torres Strait?

**Councillor Stephen**—The council is not. I will make this statement as the chair of the district health council in the Torres Strait. The resources have been compromised because there is no clear indication of funding that has been served to the PNG people that come to the Torres Strait. In short, to answer your question, the funding is not adequate. I say that because there is a lot of good infrastructure out there and millions of dollars have been spent by the state to build all the health centres, but there is no money to maintain those health centres. So you have a health centre out there and within 12 months the screen door cannot shut because it is frozen due to the salt content. QBIL is the only agency under the state that has to service health, education and

police. Everything is backlogged and I think that one of the main things, especially for the health services, is that the infrastructure must be maintained to its highest standard for our people.

**CHAIR**—Thank you.

**Senator FERGUSON**—I just want to ask a couple of questions. You did have a section in your submission on education particularly relating to Indigenous languages being taught in schools. One of the dot points you put in is about Indigenous languages being taught alongside English but not being subordinate to English. Is there a common Indigenous language across all of the islands?

**Councillor Stephen**—There are three specific dialects. Mainly it is Creole but there is also Meriam Mir, Kala Lagau Ya, which is the western dialect, and Kala Kawa Ya, which is actually a dialect as well.

**Senator FERGUSON**—Can they understand each other?

**Councillor Stephen**—I believe the western islands can, but the Meriam speaker and the western dialect speaker have two distinct languages.

**Senator FERGUSON**—Are your teachers and your education system here run by the Queensland government?

**Councillor Stephen**—Yes, by Education Queensland.

**Senator FERGUSON**—If you were going to teach Indigenous languages alongside English, it would restrict the availability of qualified teachers, wouldn't it?

**Councillor Stephen**—The reason I put this forward is actually that TSIREC, which is the peak Indigenous body, has been lobbying to have a Torres Strait institute established up here. That is why the Torres Shire Council has been a signatory to the memorandum of understanding with TSIREC, the Torres Strait Islander Regional Education Council. Because English is the third and maybe fourth language in some cases in our region, specific recognition through funding needs to be very clearly brought into the community. I know that at this time the Tagai College has a section specifically dealing with the introduction of language that has continued to feed through Education Queensland. I know it will be complex. From the community perspective, they have always asked: if you are going to get a language teacher in from the community, how will you remunerate that person in line with a teacher? Again, a qualified teacher who comes here would probably be limited because of his or her skill in understanding the language. So the Torres Strait has always been pushing to actually have qualified Indigenous teachers right across the board.

**Senator FERGUSON**—How many teachers at the school here on Thursday Island are native Torres Strait Islanders?

**Councillor Stephen**—Four per cent.

**Senator FERGUSON**—I am trying to look at the difficulties there would be in getting qualified school teachers to be able to teach in the native language, which would be very difficult if you were going to do it simultaneously.

**Councillor Stephen**—I have the chair of the Torres Strait Islander Regional Education Council sitting here and he can correct me, but I think that has been the focus not only from TSIREC but from all leadership to empower our own people with teaching qualifications. If you do that then you will probably lessen that difficulty.

**Senator FERGUSON**—The reason I ask is because it is not a large population but you are going to need two or three Indigenous languages taught alongside English if they are going to be put on a par.

**Councillor Stephen**—If you have English as a second language in any of the schools down south—for example, if a migrant comes into a school—then that school would be resourced for one teacher per nine students.

**Senator FERGUSON**—I am not aware of that.

**Councillor Stephen**—I am just using that fact. Up here, although English is a recognised third language, you do not have that standard. You still have our children sitting there with one teacher teaching 23 or 26 students. When the teacher is speaking English, our kids are trying to translate the English. It is not making them second-rate students because bilingual students are far more up there in terms of standards, but we need to invest in the richness of our children.

**CHAIR**—Mr Stephen, I thank you and your colleagues for coming along to the hearing today and assisting the committee with its inquiry. We are very grateful for the time you have given us and appreciate your evidence. Hansard may have a couple of questions for you on names so I wonder if you could just wait for a moment and speak to the Hansard reporter about that. We may also have some questions that we will put on notice for you and we would be grateful if you could give your attention to those when you can. We might just take a short break and resume with the public forum.

**Proceedings suspended from 10.42 am to 11.01 am**

**Community Forum****BON, Rev. Lui Dalton, Private capacity****COOK, Mr Fred Harry, Construction teacher, Tagai State College****DAVID, Mr Ned, Director, Magani Lagaugal, Registered Native Title Body Corporate****NATANIELU, Mrs Bertha Cecilia, Private capacity****NONA, Mr Malawap Ali Benjamin, Deputy Chair, Bura Badulgal Native Title Registered Body Corporate****STEPHEN, Mr Seriako, Private capacity**

**CHAIR**—We will proceed with our program. Ladies and gentlemen, we are due, at this stage, to go into the public forum part of our program for this morning. The point of the public forum is to give the members of the local community who have not made a submission an opportunity to contribute to our proceedings. We welcome your attention. I just have to remind you that these are formal proceedings of the Commonwealth parliament. Everything you say should be factual and honest. It could be considered a serious attempt to mislead the committee if that were not the case.

I would be grateful if any person who wishes to make a contribution during this period comes forward to the front table. We are going to make a transcript of this part of the proceedings. The transcript will be placed on the committee's website so that it will be available, for everybody who chooses, to see it. If you would like any further details about the inquiry or about any of the submissions that have been made to the inquiry that material is available from the committee's part of the parliamentary website. I propose to ask people to contribute but so that I ensure that everybody has a fair go I will limit the time that is available for each contribution.

**Rev. Bon**—Bebe idim; kapu bathinga; good morning. My name is Father Lui Dalton Bon. I am an Anglican priest. I suppose my being here is to speak about my region of Torres Strait. I have taken all that has been said from our organisations here—TSRA and the shire and so on. We are in the process of inquiring about what is appropriate to us. Appropriateness is very important at this present time here because we want to know and understand that we are the owners of this place. Those situations—treaties, economic development, health, education and all that—are part of the Torres Strait progressing in that sense.

The important thing that we as people in the Torres Strait would like to see is that a strong partnership arrangement can be made with the government and us here. The arrangement is that we need to have the say on what is important and appropriate to us, because we understand this region. We grew up in this region: we know the sea, the air, the land, the islands and we know our feelings of progressing, for example in the area of economic development, which is very important.

I remember the first time when we had the then Prime Minister, Paul Keating come up. He was invited by the veterans from World War II. He was invited here, and the Torres Strait was on the verge of speaking out to become independent. Paul Keating said to us, on this beautiful island of ours here, 'Before you have independence you need to have sustainable economic development.' And, praise God, that was it.

Today we have the sea, and we know what the life and abundance in the sea can do for us. Because of my progressing that theory of economic development I look at the sea in that particular area and I see that a lot of people are coming here to fish. We say Torres Strait islanders are 'goodperson'—we love people and we show good to others, and so sometimes we cannot stop them. But the important factor in our journey is that we need to have what you probably know: aqua farming. We need to grow our marine resources. We have got to get involved in that because on the mainland you have the land. You grow sugar cane and maintain cattle and sheep and all that. But for us it is the sea. We know that and we grew up there.

So, importantly, we are looking seriously to the government to support us in a financial approach that we may grow marine resources like crayfish, prawns and other marine species here. We are looking at those aspects now. I was a fisherman myself, and I sent my products to Korea—we are talking about markets here. Now, we have China on our doorstep today—we sell our crayfish and stuff to China. So we are developing in that area. But you must have a farm and a sustainable approach. Otherwise you fish all your fish out and then you will have nothing left. So this is what we are looking at.

We have people who are ready for those issues. People come to me—friends from here in the Torres Strait who have grown up here. They say, 'We have the knowledge to farm crayfish, prawns and other species like coral trout.' So we have people here, but money is the thing. We need to have funds. Because we cannot go and do things ourselves we need the support of government. The government needs to come in. We know the beautiful areas where we can have farming of trochus, clams, prawn, crayfish and rock lobster. We know all the areas where we can do those things, and our people here are ready to go. But it is like everything else: you need finance to develop it.

We have the land, the sea and the beautiful islands of the Torres Strait. Tourism is our next step. I remember when Paul Carter came to one of the beautiful coral atoll islands when I was a priest there. That is going back 15 years. He said to me, 'What a beautiful island you have here. We can bring tourism here.' I said, 'No, because our people are not ready yet and they do not understand what tourism is all about.' I will give you one example. While I was preaching in one of the churches on this beautiful coral atoll island, a yacht pulled up with young crew members wearing bikinis and shorts. They came up the beach while I was preaching, and all my congregation looked up. They had their eyes on them. I looked out and said, 'Gee!' I said to my church warden, 'You had better go and tell those people to go and get dressed because we do not want these things to happen here.'

Today we have come a long way. Technology has taken place and we know what it is all about. Now I am going to set up a pearling lugger hall of fame on this island, like the Stockmans Hall of Fame in Longreach. Now there are ideas about tourism emanating from us. How do we go about it? It has got to come from us, which is appropriate, not from outside. We need to make

the decisions and have the government support us through the process, because it is all for Australia. We are part of Queensland, Australia.

**CHAIR**—Bon, I am very interested in what you have to say but I think the committee members might want to ask you a couple of questions, and we have some other people to hear from. If you just have a couple more things you want to say very quickly then that is fine, but otherwise I think we have a very strong impression of your views on this. Does anybody have any questions?

**Senator BOYCE**—I want to ask some questions, perhaps at the end. I am just wondering whether we could hear from everyone first.

**CHAIR**—That is fine. I am happy to proceed on that basis. Senator Boyce just suggested that we might like to hear from everybody first and then we can ask some general questions later. Can I ask if anybody else wishes to make any remarks? If you could be reasonably succinct that would be helpful to the committee because then we will have time to explore some of the ideas that you are putting.

**Mr David**—I am the current chair of the Magani Lagaugal native title registered body corporate. I have a number of other hats, but we will not have time to go through all of them. Can I acknowledge that this meeting is on the land of the Magani Lagaugal people, the Kaurareg nation. I welcome all senators to the Torres Strait.

There are a number of issues that I will try to cover in a short time. There are three elements that I would like to share with the board, and I would like to raise some of the concerns that have been around for some time. One relates directly to the treaty and some of the mechanisms that flow from the treaty in terms of engaging the views of the Torres Strait nation through the particular structures that exist to support that.

It is the strong opinion of a number of native title representative bodies in the area—in this instance I refer to the prescribed bodies corporate—that a serious review of some sort should take place to ensure that some of the old arrangements, which to some degree are archaic, be done away with and that traditional owners from the Torres Strait are genuinely included in the process. By that I mean that at present you have representatives of a number of elected institutions that exist to represent the views of traditional owners. I think there is a big flaw in that simply because you get people who are not traditional owners participating in the process. Now that there are native title determinations in this regard, where there are prescribed bodies corporate that genuinely represent native title and traditional owners, a review should be conducted to ensure that as part of that mechanism that native title and traditional owners' views are maintained or are seen to be engaged.

The treaty, as we all understand, allows for free movement between the two nations of PNG and Australia, based on traditional owner groups or peoples from the two areas. It would be gross ignorance for us not to agree to the fact that there would have been interactions well and truly before colonialism and, in fact, that continues to exist. But I think that the treaty has allowed for some abuse of that arrangement and I am sure that you have already seen evidence of that. There have been a number of media articles flying around that have reflected this concern for some time. We are all very well aware of the dysfunction of the PNG government in

cultural areas and in this instance I refer to Daru. I think we are all aware of the large masses of people that have elected to settle on Daru. As a consequence of that and the Fourth World conditions—and I speak for my own personal experience having been to Daru and lived there for a little while—I can assure you that had I been a PNG resident of Daru I would have wondered how I could get into Australia. We understand that we are by nature, as Pedro Stephen said earlier, good passing people. When we see people from PNG who come seeking assistance we do not hesitate for one minute to provide assistance. But there needs to be some true control of how are we police this and that is nonexistent. I am sure that speakers following me will tell you of many instances where we have sighted illegal fishermen, not necessarily from Indonesia but a large number of PNG fishermen, who abuse that arrangement and go overboard in accessing our crayfish fisheries and other fisheries that can be sold on Daru. We know the market is open to anything; there is absolutely no regulation existing. Back in 1992 you could sell a turtle for 100 kina and that allowed you to be treated as some kind of millionaire for a couple of weeks. That continues to exist—we are made well aware of that. On policing, I understand from your visit to Saibai yesterday that there was a large presence of Commonwealth and state officers who were from Customs or elsewhere. I have visited that place many times myself and I have seen no-one. People are quite free to come across and sell anything. So if we are interested in ensuring that this treaty is working as it should then these sorts of things should be reviewed and some real changes made. Continuing on to another subject, where Pedro Stephens raised the idea of a Torres Strait Institute, that proposal—

**Senator MARK BISHOP**—Sorry to interrupt, but I had gained the impression that there were Customs officers on Saibai every day of the week. I appreciate that this trip has been loaded up with lots of blokes to show us what a good job the various agencies are doing. Notwithstanding that gilding of the lily, it had been my understanding that there were Customs officials and the like on Saibai every day to intercept the boats that were coming over. Are you saying that is not the case?

**Mr David**—I am saying that local Customs officers probably have a 24/7 presence there. That does not in any way, in my opinion, address security issues. I can assure you that there are many people in this room who will tell you that PNG people can walk in and out of the Torres Strait any time they like. There may well be instances where Customs officials are present when people come ashore on Saibai to trade—I do not deny that at all—but I can assure you that there is enough evidence around to tell you that people from PNG can come into Australia any time of the day, any time they like, and stay as long as they like—and not necessarily just on Saibai.

**Senator MARK BISHOP**—Thank you.

**CHAIR**—Mr David, I need to remind you of the time we have available and that there are other speakers.

**Mr David**—I am quite happy to stop there.

**CHAIR**—I am happy for you to finish your point, if you wish to do so.

**Mr David**—I want to give a little spiel about the idea of the Torres Strait institute and why it is really important in this instance.



**CHAIR**—If you can do that quickly, we would be happy to hear from you.

**Mr David**—Essentially, it is not dissimilar to a number of other institutes that exist. It does a very focused type of business in policy and research development. I think it can assist a great deal in how it builds cases around certain issues. At present, that is significant gap. We continually rely on outside expertise, and I think it is high time we had an entity of sorts that does that on our behalf and that is run by us and, more importantly, owned by us. Thank you.

**Mr Nona**—I am the deputy chair of the Mura Badulgal native title body corporate on Badu Island. Chair, I thank you for this opportunity. I first want to acknowledge the Kaurareg nation for allowing me to speak for their traditional country.

Briefly, my issue is in regard to the abuse and misuse of power and possession by authorities under the banner of the Torres Strait Treaty. Since 1984, when the state Community Services Act was implemented, we have seen a number of cases where illegal Papua New Guineans have penetrated our communities. In 2005, 100 houses were issued to the Badu community for Aboriginal and Torres Strait Islanders—the residents of Badu. But what we have seen is the misuse of power and possession by political leaders who have allowed PNG nationals to access ATSI housing when the legislation caters for only Aboriginal and Torres Strait Islanders.

We have a great concern about this on Badu. We have raised this concern with the local Torres Strait Islander regional council and talked to them about the mess that we are in. It is important that the Senate investigates how and why the bureaucracy allowed these decisions to be made, because ATSI housing is specifically targeted to Aboriginal and Torres Strait Islanders. The bucket of funding that goes from the Commonwealth to the state is quarantined for Aboriginal and Torres Strait Islanders only. There is a mainstream budget that allocates for all Australians, but in the Torres Strait this situation has been an ongoing issue. It seems to me that there is a political will to allow this to happen so that people can remain in their positions in the elections.

Kevin Rudd made a commitment in 2008 to close the gap. I put forward to the Senate today that that policy must be carried out in our communities. Why are my people on Badu in a situation of absolute homelessness? We are now experiencing overcrowdedness and people are moving away from our communities due to the fact that life is not prosperous anymore.

We are Australians. We are Queenslanders. Where is the democracy? Democracy applies where it protects the freedom, the liberty and the intellectual property right of people. It is important that the Senate takes on board that the treaty was established to protect us. Article 10 section 3 of the treaty clearly identifies that it is ‘to protect our way of life and livelihood’. Why has this happened to our communities? I cannot speak for other communities, but I have a document here that was presented by a lawyer who works for the justice department. I hope that you take it on board. He has given expression to the concerns about corruption in the Torres Strait. Thank you.

**CHAIR**—If you wish to make that document available to the committee, you could send it in as a submission, provided you have the authority of the author of the document to do so. If you can secure that authority, then you are most welcome to send it into the committee if you choose to do so.

**Mr Stephen**—I am the chair of our registered native title body for Stephen Island. My totems are whale, porpoise and snake. I would like to firstly welcome the Senate to the Torres Strait and acknowledge God, elders past and present, traditional property owners in the region and distinguished guests.

In my talk to you this morning I would like to refer the committee to a media release dated 12 February 2008. It is in reference to the extension of the Torres Strait mining moratorium. This agreement between the two governments has an effect on the Torres Strait Treaty. I would like to highlight to the committee here that traditional owners and/or traditional inhabitants, as we are known in this treaty, had no prior and informed consent in terms of negotiating for the tenure of this moratorium. I would like to refer the committee to article 10, clause 3, in the Torres Strait Treaty. That clause clearly states that the treaty's purpose is to acknowledge, protect and preserve our traditional ways of life and livelihood. In terms of this extension of the mining moratorium, I believe that traditional owners and traditional inhabitants should have a say in the review in terms of the tenure of this moratorium.

I would like to refer the committee to the Declaration on the Rights of Indigenous People. I think the minister, on behalf of the Australian government, did not actually acknowledge that this extension to this moratorium must include consultation with the traditional owners and traditional inhabitants in this region. In the media release it says that Minister Smith and his counterpart from the PNG government, Minister Abal, have exchanged letters to extend the moratorium on mining and drilling in the Torres Strait for an indefinite period. I think that traditional owners and traditional inhabitants in this region should have a say in this extension of this mining moratorium. Thank you.

**CHAIR**—Can I just clarify, Mr Stephen? The point you are making is that this moratorium was extended apparently without consultation?

**Mr Stephen**—Without consultation.

**CHAIR**—Am I to understand that you oppose the continuation of the moratorium?

**Mr Stephen**—Yes. I would like to dispute and oppose the indefinite extension of the moratorium. I think the government should come back to traditional owners in the Torres Strait and negotiate.

**CHAIR**—Thank you. We will move on. Do either of you wish to make a statement?

**Mr Cook**—Yes, I do. Good morning. I am a Tagai tech construction teacher. I am here with our Year 11 construction Certificate II pathway students. I fear for the young warriors, the young men of our region. My first point is just to reinforce what we have heard about policing and giving our local enforcers the authority to press charges. I just want to reinforce what Mayor Pedro was saying about getting the PLOs qualified to press charges. They know our young ones are hanging around until late. It would help if the PLOs had that authority. Before the industrial revolution the different ages worked together, but since then the young men do not have to go and work with their fathers and learn from them, as was our cultural practice. I fear that, because now the authority has been taken away from the PLOs. These PLOs are uncles in our traditional practice, but now they cannot play their roles as uncles as well as enforcers, because they have

no authority and so they cannot help our young ones. And that puts pressure on parents. They lack the knowledge of the interests of kids of that age.

Kids at that age are vulnerable and I have found that out from running the league teams. I am president of the local junior rugby league and also the men's league, and I have found people from 14 to 16 or 17 are not turning up, because they are out spending their time somewhere else and their parents do not know where they are. That was my first point: we would like to see the local enforcers here. I just want to reinforce what has been said earlier, with the police: give them the authority, because they know who is under-age and they could tackle it from there, just to accelerate this process, because our fathers and our mothers do not know how to teach this generation today. Kids are just hanging around in pubs, and local enforcers know who is under-age but they cannot do anything and they lose the role they had of uncle in our traditional practices. We need to reinforce our police system, to help our young warriors, the young men of this region.

My second point is this. TAFE offers a cultural awareness course for non-Indigenous teachers who come in. I said earlier that we probably need to get locals qualified. Maybe we could make it compulsory for non-Indigenous teachers to go through a cultural awareness course so that they could start building up a relationship, because I have found, through my teaching, that that relationship stops after Friday; it does not exist on weekends. But up here we have cultural practices that we can see are beneficial for our young warriors in the Torres Strait and our future leaders and so forth. So if we could somehow make it policy that it is compulsory for non-Indigenous teachers to go through a cultural awareness course, I think that would help accelerate understanding in our classrooms and build up our men and encourage our parents to apply their cultural practices from before the industrial revolution.

**Mrs Natanielu**—Good morning. I am a widow. I am seeking justice with maritime safety because of my husband, who passed away. I have two issues: (1) maritime safety and (2) grandparents. I am also a grandmother, and the first thing I would like is a grandparents' association. Down on the mainland Aboriginal people saw the Stolen Generation. They came at gunpoint and took all their children. We did not. I do not care what people say here, but when these young men and young ladies have these children, they know where to go: they give them back to their family. I am struggling with my two grandchildren since my husband died. I would like to see something put in place. I have been to the department of communities and the Department of Health and Ageing to help me start a grandparents association. It is everywhere on the mainland but not in the Torres Strait, and grandparents have been the backbone of all their children's children. I would like to see in place a place where grandparents can go, where someone can come in professionally to look after the children and do things for them so we can go out and do our things.

With maritime safety I will be quick. I am seeking justice for my husband because, again, it goes back to government. In 2002, he went up to Boigu. They closed the airstrip on Boigu. He was running the boat. For 26 years he looked after this harbour. No justice has been done here, and I am seeking justice. With maritime safety every other department that goes up there, because it is near the New Guinea coastline, gets immunised. He did not get immunised; they just said, 'Go up and do it.' All he thought about was his people: 'They're my people up there.' And he went and did the job. When he was up there, at that time in 2002 the two governments of Australia and PNG—I have documents on it—were screening for Japanese encephalitis, malaria,

dengue fever and lymphatic filariasis. Lymphatic filariasis is what they call black elephant foot. That is what my husband got. A mosquito bit him I went with him in 2008 to five specialists who said, 'Nothing can be done; he'll be wearing stockings all his life.' I have had nothing come back from them. It is something big taken from me, and I am looking for justice because I need to live and need some sort of money from maritime safety to compensate me or buy something for me to keep going. I cannot live like that. That is all I am going to say today.

**CHAIR**—Who was your husband employed by?

**Mrs Natanielu**—Maritime safety.

**CHAIR**—Thank you for your contributions.

**Senator BOYCE**—Mr Cook, you talked about cultural awareness courses run at TAFE. Are they run by Thursday Islander teachers?

**Mr Cook**—I believe it is through the linguist. The teacher is a local.

**Senator BOYCE**—But it is taught here on TI?

**Mr Cook**—It is taught on campus, yes. It is right through mainstream, because the TAFEs from Rockhampton right up to the Strait all come together, as you may be aware, under one statutory declaration. It is also delivered in Aboriginal communities, but it is not compulsory yet.

**Senator BOYCE**—The page 1 story in the local paper which came out yesterday was about the use of marijuana in the Torres Strait being around 20 per cent. That is bad enough, though they were saying it was not as high as initially reported. Can you tell us your knowledge of the use of marijuana and alcohol by young people? What sorts of things should be done to assist here?

**Mr Cook**—I believe the father-son relationships and the uncle-nephew relationships need more focus. Our young ones are spending more time in their own age group and they crave mentoring from older guys in order to learn different and better ways. You cannot beat their peer group; all the 17-year-olds will make plans and go. We are trying to develop a different mentality through activities where the fathers are involved more often. I am trying to set the atmosphere with the junior rugby league where it is not about football but about the process of getting these uncles down there to mentor other kids as well. In that way the kids look forward to something and other parents and mentors of our own kind say the same information but in different ways. These kids are learning to accept diverse information and are adapting to it rather than looking at the colour first and saying, 'You are not from here.' They receive it, learn from it and grasp it. Most of the stuff we put on our kids, they have not grasped it yet. We are trying to clothe them in how we want to see them at the end of the day, in year 12 or at the end of their apprenticeship. What do they really want? We could step in like we suggested. The police liaison officers know the community. They get in there and charge these little ones so that the parents get the bill and it makes them start to be more effective in their roles as parents.

**Senator BOYCE**—You coach rugby league at the weekend, I understand. Are there enough sports and activities for young people?

**Mr Cook**—There are a lot of sports but no career pathways for these sports apart from rugby league, which I established in the last two years. We have things in concrete so that every year they go to state level, which is to bypass irrelevant games just to fit the program. Schools have done rugby league programs and this is about giving a person an opportunity. There is a career path from day one in rugby league. It is about changing the ways. It is not just about the sport; it is about getting the integration of parents and different age groups and about coming together and learning from one another. In turn people become more independent and make better decisions when they are around different age groups. When they are in their own age group they tend to go with the flow and the peer pressure.

**Senator BOYCE**—Can you give us some figures? You talked about PNG nationals being put into houses that should have been for local people on Badu. How many times has that happened?

**Mr Nona**—As I stated, since 1984, if you follow the paper trail, you will find that this has been an ongoing issue. In Badu we have more than 30 houses that are now currently occupied by PNG nationals.

**Senator BOYCE**—Out of how many houses is that?

**Mr Nona**—Thirty houses.

**Senator BOYCE**—How many houses are there on Badu?

**Mr Nona**—There are more than 100 houses.

**Senator BOYCE**—So it is a big percentage?

**Mr Nona**—Yes. The Queensland government passed legislation that caters for Aboriginal and Torres Strait Islanders. Because of our status we are reserved communities. We are a different category to the mainstream. If you are Australian, there is a mainstream process that you are entitled to. Why has this been allowed to happen? The specifics need to be investigated. Sir Julius Chan, ex-Prime Minister of Papua New Guinea, made it clear: this is not the misuse of finance, this is the misuse of power and position. We elect people to speak on our behalf and to advance the progress of our lives. If you are democratically elected, it is your duty of care to make sure that you abide by the law and to make sure that you carry out the task required of you.

**Senator BOYCE**—Who is the decision maker in terms of who gets a house on Badu? Who decides?

**Mr Nona**—The councils, the local authorities, make the decisions. The treaty stipulates when it was signed on 18 December 1978 between Malcolm Fraser and Michael Somare it is to protect us. Article 10, section 3, is a clear picture of the purpose of the treaty, our way of life and livelihood. How can we go and protect asylum seekers and invest elsewhere and yet in our own backyard there is abuse happening to Indigenous people? I can speak only for my community on Badu. The political will to protect us should be there. There is a moral will to protect us. Why is it not there? Why has it been allowed to that extent that my people have to evacuate from their own community? They have native title rights to that island yet decisions are made in this manner. This is supposed to be a democratic country. Unless we are saying Kevin Rudd is a liar,

Kevin Rudd falsely stood up there and said to the world, 'I apologise.' Kevin Rudd has said that by 2030 we should be closing the gap. We need Anna Bligh's regime to be at Badu and we need Anna Bligh to find the exit strategy to solve this problem. This problem cannot be taken on board by the people, the constituency, on Badu. It needs to be dealt with by the hierarchies in Brisbane and Canberra.

**CHAIR**—You have something to say on the subject, Reverend Bon?

**Rev. Bon**—Yes. What I am going to say is based on the structure of elders. We have talked to you about the structure of policing and people coming into our islands. We need to have a firm structure and our structure is culturally based on elders, paramount elders, tribal elders. We are the strength of our community and we need to work in partnership with the government. When people come here we are to look at the situation and make decisions. If anything needs to happen here, the elders are the ones. On policing, for example, we have young people running around with no sense of responsibility but if they listen to elders and the elder structure is good, and we as elders are looking at structuring it, that would help. I have written to Anna Bligh to get the concept of the strength of elders here. So all of this can be regulated properly and we can proceed properly if there is a structure that is paramount just like the government. In our cultural initiative we understand how elders can provide that.

**CHAIR**—We are going to have to round this session up because we have got to hear from our next witnesses. May I on behalf of the committee thank you all for coming forward and giving us the benefit of your views on these things. It has opened up some issues which will be important to the committee's inquiry. We are grateful to you for coming along this morning and giving us your time. Please remain and speak to the Hansard reporter because she has a couple of questions she needs to sort out with you before you leave. Thank you for coming; we appreciate it.

[11.51 am]

**ARLIDGE, Mr Ashley Brett, President, Queensland Rock Lobster Association**

**MOORE, Mr Benjamin, Private capacity**

**MOORE, Dr Raymond, Private capacity**

**CHAIR**—I welcome Mr Arlidge, from the Queensland Rock Lobster Association, and your colleagues. I thank you for persevering in difficult conditions and for coming along to the hearing this morning. Do you have anything to say about the capacity in which you appear today?

**Mr Arlidge**—I am President of the Queensland Rock Lobster Association, which represents the interests of the Australian commercial tropical rock lobster industry and its stakeholders. Hereafter I will refer to that as TRL. We will use the acronym rather than the long name. I am also general manager of the Cairns lobster business MG Kailis Pty Ltd, and both QRLA and MG Kailis Group have provided submissions to this inquiry.

**Dr Moore**—I am a local rock lobster fisherman. I have been living in the Torres Strait since 1970. I operate a business here with my wife and my son Benjamin. We are operating a rock lobster fishing business out of Thursday Island and we are a multicultural family, so we represent quite a number of fishermen in that situation living in the Torres Strait.

**Mr Moore**—I am just a local fisherman.

**CHAIR**—We have a submission from the association which is numbered No. 7. It is a public document. Do you wish to make any amendments to it?

**Mr Arlidge**—No. Can I make a couple of comments about it?

**CHAIR**—I will invite you to make an opening statement in a moment. I am certainly happy for you to do that. But the last thing I have to ask is whether you have seen the opening statement that has been circulated to you by the committee secretariat. You do not have any queries about that, do you?

**Mr Arlidge**—No.

**CHAIR**—Thank you. We would be very happy to hear an opening statement from you.

**Mr Arlidge**—The focus of this submission is quite specific. The main term of reference addressed is management of fisheries and, in particular, management of the Torres Strait TRL fishery. The QRLA submission sets out the importance of this fishery to the economy of the Torres Strait region and community and then addresses a number of inquiry terms of reference.

At this point, when we come to the terms of reference, the submission attempts to capture and express some of the anger and frustration felt by many commercial industry stakeholders and operators at the lack of progress in fishery management in recent years. Progress on the new management plan and quota system, which commenced in 2005, has been stalled completely since 2007. There is still no certainty for industry stakeholders. Many unnecessary and outdated impediments to modern efficient fishing operations are still with us, and they particularly target and affect the commercial TVH sector. The need for a cooperative, all-of-industry approach is clear, but at present constructive discussion and negotiation is still not happening. That is an issue for the industry.

The MG Kailis submission, first of all, gives a brief outline of the MG Kailis group's investment and involvement in this fishery since 1994. It then touches on the industry submission and suggests a way forward:

Although we support and recognise the importance of consultation and consensus building, we also believe that this consultation should be used to inform decision making and not frustrate it. Resolute decision making is required from government that has been lacking in the past. A key stumbling block has been the failure to separate and address issues relating to Indigenous aspirations from the implementation of good quality fisheries management that maximises the value of the fishery to both the local and broader Australian community.

**CHAIR**—Thank you. I will open up, and then my colleagues will have some questions for you, I think. I would like to pick up that quote you have just given from the Kailis submission, where you make this reference to separating and addressing issues relating to Indigenous aspirations. I would be grateful if you would expand on that problem as you see it.

**Mr Arlidge**—Quite rightly, Indigenous people in the Torres Strait are concerned about their rights in the fishery. A lot of work has been done, including a buyout of 50 per cent of the non-Islander commercial industry in 2007, to try to increase the traditional inhabitants' share of the fishery. However, since 2007, when 50 per cent of the effort of the non-Islander fishery was removed—because the TIB sector represented by TSRA felt that they did not reach the target that was their goal—they have not cooperated further in the consultative process and development of the fisheries management plan.

This is the main reason why progress has been stalled. For the TVH commercial sector and for the industry in general—namely, the companies and exporters and service industries that depend on the industry—one of the results of that has been that production has been much curtailed, and so it has affected all the businesses involved. There are still a number of contentious input controls on operators—for example, a 30 per cent reduction in fishing entitlements each season and moon based closures, which cut fishing time by a further 25 per cent—which, as addressed in the QRLA submission and Ray's submission, were originally there for precautionary reasons to protect the fishery stocks. After 2007 they were no longer necessary. The fishing effort that remained was nowhere near sufficient to catch the nominal total allowable catch for the fishery. However, because the consultation process has broken down and there has been no further progress in the management plan, all of these input controls remain, so operators and the larger industry, which depends on the supply—the catch provided by those fishers—is strongly affected by the lesser production of the fishery.



Industry have argued since that time that there is no need anymore for these remaining input controls and they should be removed. However, despite the fact that industry has put that case each year—season 2008, 2009, 2010—they have been reimposed each season. The commercial industry and the TVH operators really feel this is unfair and inequitable. I guess you could say that there has been a veto given to the TIB sector on the removal of them. Basically, some of our more upset members believe that whatever the TIB sector asks for will be provided. This is one of the burning issues that quite a few fishers are very unhappy about.

**CHAIR**—Is it your evidence that you have consistently made representations to engage in consultations but you have been unable to engage the authority in relation to these matters?

**Mr Arlidge**—In our submission we also comment on the fisheries management structure. The system itself is very unwieldy and very difficult to deal with. There are many agencies and they themselves have communication problems and different points of view. So it is not as simple as that. The actual fisheries management regime in Torres Strait is difficult to deal with as well, and that is what we have to work with. We have to approach the various PZJA agencies, communicate with them and try to get some traction on what we believe is the way things should go. It is very difficult.

**Senator KROGER**—How many locals do you employ in the industry? How many are engaged in the fishing industry?

**Mr Arlidge**—In the entire Torres Strait lobster industry?

**Senator KROGER**—Yes. I just want to get an idea of what were talking about, the size and its economic impact.

**Mr Arlidge**—In our submission, where we give the introduction to it, we say that the industry is worth \$12 million to \$20 million for the entire Torres Strait. That includes the Papua New Guinea side as well—it is really one complex that involves three fisheries. All that is set out in there. The gross value of the product is \$12 million to \$20 million.

**CHAIR**—Is that the value at the present time or is that the potential of the fishery?

**Mr Arlidge**—That is the value at the present time of the whole Torres Strait fishery, which is Papua New Guinea—

**Senator KROGER**—That is the wholesale price?

**Mr Arlidge**—Yes, the gross value of product to the fishermen. It varies, obviously, because of a whole lot of market forces. It depends on the price; on how many people take; on how much is live lobster as opposed to lobster tail, because you get a much better return for live lobster. Another one of the gripes of the commercial industry is that all these archaic input controls we have actually impedes development of the live fishery, which would deliver much more value to everyone—to the whole industry, from top to bottom.

To get back to your question on the number of people, there are about 400 traditional inhabitant boat licences but only a small percentage of those are actually full-time commercial fishermen. I am not sure of that percentage. A rough figure would be—10 per cent?

**Mr Moore**—Fully utilised?

**Mr Arlidge**—Yes.

**Mr Moore**—Ten to 20 per cent would be pretty serious fishermen.

**Senator KROGER**—Fishermen that exercise those licences full time?

**Mr Arlidge**—That are serious fishermen who exercise them a lot of the time. There are a lot of constraints to working with small boats; you cannot get too far away if the weather is not good. So 10 to 20 per cent—

**Senator KROGER**—They endeavour to.

**Mr Arlidge**—Yes, they endeavour to. Then you have the TVH sector, which is the commercial industry, which is not part of the community commercial fishing industry. These TVH stakeholders are the ones who are managed much more, if you like, and are subject to these constraints of the 30 per cent reduction, for example. There are 13 licences remaining after the buyback and the number of dories—I should explain something to you. The Tropical Rock Lobster Fishery is quite different to other lobster fisheries in Australia. Other lobster fisheries use pots, which they drop down with baits, and then they have a couple of people on a boat who catch the lobsters. In this fishery it is much more labour intensive. If you have a primary vessel, it goes fishing and it tows a number of tenders or dories, and each one of those dories requires two operators: a diver who dives and catches the lobster, and a driver who drives the dory. So in the TVH sector there are 13 licences, with the total number of dories remaining being maybe—some of them have different entitlements, so some might have five dories and some might have two or one—33 or 34.

**Senator KROGER**—And they are not traditional inhabitants who own them?

**Mr Arlidge**—In fact, as Ray pointed out, quite a few of them employ traditional inhabitants.

**Senator KROGER**—Okay.

**Mr Arlidge**—‘TVH’ stands for ‘transferable vessel holder’. Those are transferable, they have a commercial value and they nominally have a quota attached to them, although the quota management system has not come into practice yet. If there are, say, 33 dories, which each require two people, that is 60-odd people, some of whom are traditional inhabitants and some of whom are not. After the buyback, the TVH operators’ share of the fishery of the Australian zone of the Torres Strait is approximately 46 per cent, and the traditional inhabitant entitlement is about 54 per cent. They would be the nominal quota holdings, if the quota system were in operation—but it has not happened yet due to lack of progress on the management plan.

But then, further within the industry, you have other service providers. For example, we somehow have to get all this live lobster to Cairns to export it overseas—because, as we also point out, it is almost a totally export oriented fishery—so there are service providers who fly planes which carry lobster and there are buying and processing facilities on this island and on Badu who employ more people. Then, for example, we have a number of Torres Strait Islanders, traditional inhabitants, currently employed by MG Kailis in Cairns. There are another 15 or so people there, and other exporters also employ more people. So the whole complex includes a considerable number of people, and its value, depending on prices, seasonal catching and so on, is \$12 million to \$20 million per annum. If a much larger percentage were taken as live, you would find that that value would increase.

**Senator FERGUSON**—Dr Moore, I am interested in your submission, because I think you raised a lot of issues. I noticed that in the section where you deal with specific problems with management you say:

... we have lost faith in the management agencies.

I presume the lead management agency is AFMA?

**Dr Moore**—Yes.

**Senator FERGUSON**—What other agencies are you talking about when you say you have lost faith in the management agencies?

**Dr Moore**—It is jointly managed by Queensland and the Commonwealth, so you have AFMA for the Commonwealth and the Department of Primary Industries and Fisheries for Queensland. They are the two main management agencies who together work for the Protected Zone Joint Authority. Why I said I lost faith is that, when we thought we had a problem with the resource, they asked us to bring in some specific management regulations which impinged on just our section of the fishery, and we said, ‘Okay, we’re quite happy to accept these as an interim measure,’ but they removed a lot of the latent effort from the fisheries. They were trying to remove all the unutilised licences so that there could not be an increase in the effort from the non-Islander sector.

**Senator FERGUSON**—Sorry to interrupt, but are they the unused licences outside of the local islander sector—the non-Indigenous licences?

**Dr Moore**—Yes. You have to realise that in 1986 we stopped issuing licences to non-islanders. From one year after ratification of the treaty in 1985, there were no more licences issued to non-islanders. But we still continued issuing licences to the community sector—and still are today. We are still issuing licences as we sit here. Any islander can get a licence to run a dinghy or a 20-metre boat if they want. There is no cap on this fishery. The only cap is on the non-islanders, and that was capped back in 1986. There have been no new licences issued since then. But, even with that cap on the non-islander licences, there was still quite a lot of unutilised effort in that some licences were not being utilised or some licences were underutilised in terms of the number of days that the holders fished. So the government said, ‘We want to remove the latent efforts so that they cannot be taken out.’

In the interim, to stop an increase in effort, they asked us to wear a 30 per cent reduction in our effort. They said, 'If you want to operate, it will be cut back by 30 per cent, so, if you operate three dories off your boat, you can only operate two until we sort out this latent effort problem.' The other measure they brought in was a moon based closure which would bring in a closure for seven days every month, again, to reduce the potential effort. This was just an interim measure while we got rid of the latent efforts. In 2005 the latent effort was removed. For all of those people who could not verify that they fished to a certain level, the licences were cancelled.

**Senator FERGUSON**—With no compensation?

**Dr Moore**—There was no compensation, no. That was done in 2005. It was across several fisheries, so it was on tropical rock lobsters, line fishery and mackerel. In my case, because I was mainly a rock lobster fisherman, I lost my line licence and my mackerel licence, even though I had utilised them but not to the level that they required. So I lost two licences and kept my rock lobster licence. In 2005 they removed the latent efforts, so we assumed that we would get back the 30 per cent that had been removed and that they would remove the moon based closure—that did not happen.

**Senator FERGUSON**—Have AFMA given a reason why it did not happen?

**Dr Moore**—They did not actually say it in these words, but it was: 'We have three types of people fishing in this fishery. We have Papua New Guineans, we have community fishermen and we have non-community fisherman. The non-community fishermen are the only ones that we can use as a political football, so you are the ones we are going to penalise. We cannot touch Papua New Guinea and we cannot touch the community fishermen, so you are the ones who will be penalised.' That is the fairly simple answer to it. So in 2005 the latent effort was removed and in 2007 they removed 50 per cent of the non-Islander efforts via buyback, costing about \$10 million. We got back about half of the active non-islander effort. So we removed all the latent effort, which was very significant, and we removed 50 per cent of the active effort, yet still they have not given us back the interim reduction. We said, 'We did it in good faith; we accepted that reduction on the basis that from the management point of view you thought the stocks were in danger. It turned out that in fact they were not; it was just a natural cycle of several bad years, and immediately after that we in fact had several record years showing that it was not in fact a total downturn in the fisheries; it was a natural cycle. So why I say that we lost faith in the management agency is that we did what we thought we should do in good faith but they did not come back and keep their part of the bargain.

**Senator FERGUSON**—In your submission you also talk about the requirement for non-Islander dinghies to be manned by a Torres Strait Islander. Further, you go on to say that community fishing dinghies do not require masters so that you have a bizarre situation where non-Islanders legally require masters but cannot obtain them and Islanders do not require masters but can obtain them. I cannot quite understand that.

**Dr Moore**—Let me explain that, because I think this is a good example of why we say that our sector of the fishery is having unfair management regulations put on it. Let me just explain that—

**Senator FERGUSON**—Is this by AFMA or Queensland fisheries?

**Dr Moore**—The final decision is by the PZJA. When we ratified the treaty in 1985 and we brought in the Torres Strait Fisheries Act in 1986, under Commonwealth law there is no such thing as primary vessels and tenders. They are all fishing vessels. So they said: ‘You have got three tenders working off your primary, but in fact they are four vessels. Under law you have to have a master in charge of every vessel, so we will make you have to have a master in charge of every dinghy.’ To get around that, they said, ‘We will just give you a thing called a Torres Strait master fisherman’s licence.’ So if you pay \$20 you can have a licence. There are no qualifications so you do not have to know how to drive a dinghy and you do not have to know what the sea looks like. You do not have to have ever been in the Torres Strait. It is a case of paying \$20 and here is your licence, and the computer looks nice now because it says that you now have a licence to drive a vessel.

At that time, the community sector did not have individual licenses; the community had a licence. So Yam Island had a licence, Badu had a licence and all the people in that community fished under that island’s licence. It was not until 1999 when the TIB, the Traditional Inhabitant Boat licence, was brought in. So it was quite a long while after the actual Torres Strait Treaty was ratified. When they brought that in they said, ‘Right, now every Islander will also need a licence to run a dinghy or a boat, but we do not need you to have a masters in that; it is not a requirement for you.’ We thought that was a bit strange. Then immediately after that they said, ‘We are now going to stop issuing master licenses to the non-Islander sector.’ They were continuing to issue them to the Islander sector, who did not need them, but they would not issue them to the non-Islander sector, who did need them. The reason they gave for that was that that would make sure that Islanders had to be employed in operations. So they were saying, ‘You need this licence but you cannot get it, but these people can get it so you’re going to have to use some of those.’ That was the concept. So suddenly this licence, which was meant to be about being in charge of a dinghy, became a political angle, if you like, for employing more Islanders. That would not be a bad concept if you could get people to work, but it is extremely hard to find people who want employment. Nobody really wants to work out at sea. Everyone is quite happy working for Centrelink or wherever.

So we have a situation with my son Benjamin, who works with me, and he is trying to take over the fishing operation. He will take over my operation and he could work as an Islander. He has a TIB licence. Now, when he jumps in his dinghy as a TIB he does not need a master fisherman. When he is on the boat when we are working together, he has to have a master fisherman—because he is working under my licence, which is a transferable licence,. He will be able to tell you that last year I said: ‘Okay. I’m jumping off the boat. I’m getting a bit long in the tooth and I should be slowing down a bit. You take the boat out.’ I hold one of the masters and he has got one. He is okay; he has got a master’s because he is an Islander and he can get one. He has now got to find another master to replace me and, quite honestly, in two voyages last year he could not go to sea because he could not find someone with a master fisherman wanting to work.

**Senator BOYCE**—Have you got one now, Mr Moore? Have you found someone?

**Mr Moore**—Yes, I do. He is an old schoolmate of mine who is an Islander but who actually grew up down south. He has been on with me for the last few months, which is probably one of the longest crews that I have. Last year I went through a whole list, whether it be of relatives or friends I went to school with. They all think that going out to sea is just a couple of hours of work and you come back and you have made a lot of money.

**Senator BOYCE**—A bit of a holiday!

**Mr Moore**—Yes, pretty much. When you come back you only tell them the good stories, so they think it is an easy life. They do not realise it is actually a lot of hard work and they are not willing to put the effort in once they get out there and see how many hours you have to put in. They do not want to do it. When we first started skippering at the end of 2008 I took the boat out for the first time. It was only for two trips which was the last month or so of the season. Even then just for such a short time it was almost impossible to find crew. The guys that do want to work cannot get master fisherman's—

**Mr Moore**—There are quite a number of Papua New Guineans, especially the younger guys of the families who moved here who are willing to work quite often. Some are but a lot are not eligible to get master fisherman's licences. The dilemma is that I could retire and say to my son, 'Okay, you take the boat, get a TIB licence and work as an Islander.' He could do that. To run a proper operation and invest in it, if you go along with the Islander sector which now has 430-odd licences and is still issuing them, you are going to get to the stage where you have a huge number of licences divided into quota. Where would the security be for an Islander to start an operation and to invest half a million dollars, say, in a boat and run a proper operation? Whereas if you have a TVH licence, which is a transferable licence, you own that part of your quota and you can invest and start a business based on that. The dilemma we have on the Islander side is: how will those individual islanders be able to set up their own business and operate it? Where is the security of their licence and quota in the future? We think there are going to be some problems with this. That is why we think that, in our case, my wife and I who own the licence will pass our licence on to our son and he will then have a secure business that he will be able to operate. If he goes with the Islander way, I do not think he will have because there is no security in investing in a proper business.

**Senator KROGER**—When you talked about taking a couple of trips—how long is a trip? How many days does a round trip take?

**Mr Moore**—It depends. When we were doing lobster tails it could be anywhere between two weeks and a month but now we have turned to more live lobster fishing. It could be anywhere between four and 10 days really. With live lobsters you are doing a lot of quick turnarounds. We have only been out a week on this last trip. It depends on what is around but probably no longer than about 12 or 13 days when you are doing it live.

**Senator KROGER**—When you are doing the tails, do you freeze them when you are going out for a month?

**Mr Moore**—Yes.

**Senator KROGER**—Thank you.

**CHAIR**—I have one question because we have to wind up. You have referred to the PZJA as the authority that makes decisions about these things but that consists of various agencies. Do you have a view as to which of these agencies is the one that is causing the essential problem? Is there some kind of common view across all of these agencies or does one of them take a lead in dealing with this?

**Mr Arlidge**—Obviously, we could only give you personal opinions. In actual fact the operational agencies, which are AFMA and Queensland Fisheries, do their best. Take Queensland Fisheries for example. The lobster fishery that we have on the east coast of Queensland is a modern, live lobster fishery with a comanagement type of arrangement and with a small working group, which Ray and I both sit on and which manages the whole fishery at very low cost.

**CHAIR**—So that works?

**Mr Arlidge**—That works perfectly. Once we had this new kind of more comanagement style quota fishery all of the issues just disappeared almost overnight. We had a lot of squabbles in the last year before it happened and then once it happened suddenly it was okay. Going back to your question, AFMA and Queensland Fisheries actually try to do their best. They provide advice to the PZJA. From our point of view, the stumbling block is DAFF, the policy arm of federal fisheries. Generally, that is where things get mired and nothing happens or AFMA and DAFF disagree with each other. That is why we mention in the QRLA submission that the system is dysfunctional—so, yes, DAFF.

**CHAIR**—Is it that DAFF just do not have clear policy guidelines in place or is that they do have guidelines which are being poorly administered? Have you identified what you think to be the essence of the problem within DAFF?

**Mr Arlidge**—No. I went to a meeting prior to the commencement of the season—not this season, which started on 1 February, but the previous season—with DAFF and Minister Burke in Canberra to ask ‘Please, can we have some help with these ongoing issues’—namely the ones Ray has been talking about, being the moon based closures and the 30 per cent reduction, which impede production and are just not necessary any longer—and I tried to ask questions to understand the policy background as to why these decisions were being taken. Quite honestly, I was stonewalled and they were not really answered.

**CHAIR**—We are going to have to wind it up there. You have all given us plenty of food for thought and perhaps something we can ask DAFF about a little later on behalf of the community. May I thank you for coming along today and providing evidence to the committee, particularly in the adverse circumstances in which you, Mr Arlidge, have had to travel. It has been extremely helpful. Hansard may have some questions for you so please wait a minute or so until they have satisfied any concerns that they might have. May I conclude this hearing by thanking all who have participated this morning and given us their time. It has been extremely valuable. I particularly thank the regional authority for making their premises available and for providing, unexpectedly, such a fine morning tea.

**Senator KROGER**—Absolutely.

**CHAIR**—We had not anticipated it but we are all extremely appreciative, so thank you for doing that. We will be taking evidence in Brisbane tomorrow, assuming a safe journey there, and we will be considering all of the evidence and all of the information that we have gathered during our period of stay here in the Torres Strait. I say thank you to all who have been involved. We very much appreciate the assistance that you have given to the committee.

**Committee adjourned at 12.28 pm**