



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

HOUSE OF REPRESENTATIVES

STANDING COMMITTEE ON ABORIGINAL AND TORRES
STRAIT ISLANDER AFFAIRS

**Reference: Community stores in remote Aboriginal and Torres Strait Islander
communities**

THURSDAY, 5 FEBRUARY 2009

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**HOUSE OF REPRESENTATIVES STANDING
COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS**

Thursday, 5 February 2009

Members: Mr Marles (*Chair*), Mr Laming (*Deputy Chair*), Mr Abbott, Ms Campbell, Mr Katter, Ms Rea, Mr Kelvin Thomson, Mr Trevor, Mr Turnour and Mrs Vale

Members in attendance: Ms Campbell, Mr Laming, Mr Marles, Ms Rea, Mr Turnour and Mrs Vale

Terms of reference for the inquiry:

To inquire into and report on:

The operation of local community stores in remote Aboriginal and Torres Strait Islander communities, with a particular focus on:

- food supply, quality, cost and competition issues;
- the effectiveness of the Outback Stores model, and other private, public and community store models; and
- the impact of these factors on the health and economic outcomes of communities.

WITNESSES

MURPHY, Mr Kevin, Private capacity..... 1

Committee met at 12.21 pm**MURPHY, Mr Kevin, Private capacity**

CHAIR (Mr Marles)—I declare open this public hearing of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry into community stores in remote Aboriginal and Torres Strait Islander communities. I would like to acknowledge the Ngunawal people, the traditional custodians of this land, and pay our respects to their elders—past, present and future. The committee also acknowledges the presence of Aboriginal and Torres Strait Islander people who now reside in this area. This is the first public hearing the committee has undertaken for the inquiry.

We are pleased to have with us the anthropologist Mr Kevin Murphy to discuss with us traditional food sources and trading in the Torres Strait. Welcome. Although the committee does not require you to speak under oath, you should understand that these hearings are formal proceedings of the Commonwealth parliament and that the giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament.

We are interested in your experiences and observations in terms of the Torres Strait and traditional food sources. Obviously this inquiry is in relation to community stores—the economics of them in terms of the cost and also what is being provided within them—so we might ask you some questions about that as well. Would you like to start by making a statement on either of those issues?

Mr Murphy—Ms Cardell gave me a couple of dot points of topics to cover and I have written a few notes, so I can speak to them briefly, if you like.

CHAIR—Thank you.

Mr Murphy—The first topic was traditional food sources—for example, through trade, horticulture, fishing and marine industries—of the remote Indigenous communities in Torres Strait. The first thing I would say about that is that the notion of ‘traditional’ is hotly contested and you need to specify what you mean. When do you mean that ‘traditional’ was in the Torres Strait, because islanders have been adapting to both constraints and opportunities for expanding their food sources since long before colonialism officially arrived in the Torres Strait?

The islands within 60 nautical miles of the mainland were annexed in 1872, and the rest of the islands that are now part of the Australian territory within Torres Strait in 1879. From the 1840s there was fairly intensive interaction going on between islanders and passing Europeans in ships. From the 1860s the pearling industry got started in Torres Strait, so there were up to 500 people, Europeans and Pacific Islanders mostly, in Torres Strait before annexation. Missionaries were also there in 1871, before annexation. So if we take ‘traditional’ back to before this intensive interaction, regardless of when official annexation was—

CHAIR—And you are dating that at about 1840?

Mr Murphy—Yes. Before the 1840s there was not so much of it going on. From 1606, when Torres first went through Torres Strait, up until the 1840s there was very occasional European

traffic but not much. If we take ‘traditional’ to refer to a time before significant European interaction, the first thing to say is that there was a lot of variation between islands, depending on the geomorphology of the particular island. Some islands are very sandy, and gardening is not productive on those places. Other islands are quite fertile. So gardening was more intensive on some islands. Foraging for wild vegetable foods was more common on others. Some islands obtained most of their vegetable food through trade with other islands where gardening was more productive. On all islands there was a mixed subsistence regime, which included both cultivated and wild vegetable food, with a greater emphasis on one or the other depending on the island. There was trade in foodstuffs both between islands within Torres Strait and the islands of Torres Strait and the mainlands, especially the New Guinea mainland.

Back in those days headhunting was fairly common, most particularly along the south coast of New Guinea, but that did not effectively prevent trade. Despite the fact that there was headhunting raiding, there was still a lot of trading going on. The most important items that were traded, as far as islanders were concerned, were the hulls for the canoes that they used to use. Those canoes effectively underwrote the economy in Torres Strait. They allowed trade to occur but the fact that those canoes were traded made it essential for islanders to maintain trading connections with mainland New Guinea. The islanders also depended on those canoes to exploit the marine resources of the strait. There were a variety of objects that islanders traded for canoes, most especially a couple of varieties of shell that were highly valued by Papuans but also dogs’ teeth, human heads, and various other manufactured implements such as harpoons and those sorts of things.

The range of food sources then included cultivated crops—most especially yams, taro, banana, sugar cane, coconuts and a number of other less important foods. There were wild foods, including wild yams, and various fruits and nuts. One particularly important food on some islands was the pods of a particular species of mangrove which, during the hungry time in the middle of the wet season, were processed. It was a very labour intensive process to bleach the poison that is in them. It was similar with cycad nuts. They were highly dependent on seafood—dugongs in the western part, turtles all over, fish, shellfish, prawns, crabs—and various birds and birds’ eggs as well. Many of these foods were traded between islands and between the islands and the mainland of New Guinea, and sago, which is prolific in New Guinea but does not grow in Torres Strait apart from a couple of isolated trees that are not sufficient to use for food, was traded in fairly significant quantities from New Guinea to the islands. Occasionally infant pigs and cassowaries were brought down as well. But, in essence, the islanders were mostly dependent on seafood rather than land based animals.

From the 1840s islanders were still living independently of colonial Australia but there were trading opportunities with Europeans. Europeans wanted turtle shell, fresh vegetable foods for the consumption of their ships’ crews and passengers and a variety of curios, masks and ceremonial objects—bows and arrows and various things that were popular at that time and that are now in museums—while islanders wanted and valued iron, most especially, and also tobacco and the old hard tack ships’ biscuits. The market adapted from that early time, with New Guineans supplying many of the curios that Europeans wanted and getting iron implements in return that islanders had traded for objects that they had received from the Papua New Guineans through to the Europeans.

By the late 1860s there were large numbers of Europeans and Pacific Islanders working in the strait and there was in that period something of a decline in the extent of gardening on a number of islands as islanders went to work in the marine industries. They received rations and trade goods for their labour and also in exchange for the shell that they traded to the pearl shellers. In that early stage the use of those mangrove pods and the cycad nuts pretty much disappeared because it was so labour intensive and, frankly, not very nice food.

Pacification of the New Guinea coast by the turn of the 20th century led to the establishment of a number of villages on the coast by people who had previously been living inland. They had been living inland effectively because of fear of the headhunters. The headhunters used to come from the west along the coast. Those people came back down to the coast to establish villages and in many cases they were also brought down there by Torres Strait Islanders. The islanders sought to bring them down to locate on the coast so that they could more easily trade with the Torres Strait islanders, in particular, garden food that they grew in New Guinea. By that time islanders had much more access to cash and to store goods than Papuans did. The main trade was garden food produced by Papuans for items which were regarded as luxury foods, such as sugar, flour and rice, as well as cloth, iron, garden tools, saucepans, knives and those kinds of things.

CHAIR—Which they had obtained from European traffic?

Mr Murphy—Yes. And by that time there were stores starting to be established. There was a store established at Badu Island in, I think, 1914 or something like that. It was the predecessor of what today is the IBIS chain of stores. It was established by a former missionary. So islanders were travelling to Badu to sell their shell and get store goods. They would take those store good back to their islands and then trade them with Papuans for food. Older Torres Strait Islanders often talk about traditional trade. A lot of the time this is what they are talking about. They are talking about that period after the pacification of the New Guinea coast when there was a lot of garden production by Papua New Guineans going on and they traded with Torres Strait Islanders for these store bought commodities.

At that time there was still gardening on islands, some more than others, of course. There were some islands where previously they had not gardened very much at all, such as Prince of Wales Island, Badu Island and Moa Island, where there was a sedentary village established in the early colonial period, and missionaries encouraged people to garden more than they previously had. So in some places there was a decline in gardening where previously it had been more intensive and in other places there was more gardening going on. Men were working for long periods on boats, but the establishment of those gardens required a huge amount of effort to get the things started and then gradual maintenance over the period of the growth of the crops. So the men's work was to establish the garden and the women's work was to maintain it. Men would establish their gardens and then go and work on the boats for long periods and the women would look after the gardens and they would be harvested at the end of the growing season.

By the early 20th century canoes had largely but not completely been replaced by luggers, cutters and rowing dinghies. From that time islanders were significantly advantaged in their trading position vis a vis Papuans. Islanders had access to the most highly-valued objects, and they no longer needed the canoe hulls that they previously had from Papuans. If we jump forward to today, on many islands people still maintain small gardens but nowhere near sufficient for their own subsistence. Meat, especially dugongs, turtle and fish, are still obtained

by islanders by hunting and fishing but, aside from these, most foods are purchased from the store now. There are some people who maintain somewhat larger gardens but on Saibai, Boigu and Dauan islands at least—and these are the islands that I know best and that are closest to the New Guinea coast—most of the gardening work is done by Papuans who visit the islands as traditional inhabitants under the Torres Strait Treaty.

CHAIR—So who owns them?

Mr Murphy—The islanders.

CHAIR—But they get—

Mr Murphy—They get Papuans to do the work.

Ms REA—When you say ‘visit’, is it daily or weekly? How often do they visit?

Mr Murphy—It varies quite a lot between islands. The islands that are very close to the coast have people coming and going every day.

CHAIR—So is it like their job?

Mr Murphy—They employ them at a daily rate of \$10 a day.

Ms REA—They pay them?

Mr Murphy—Yes.

Mr TURNOUR—I am the federal member up there. It is all effectively illegal under our industrial relations laws—

Mr Murphy—It all slips under the radar as a traditional activity because they have a previous relationship. It is a complicated and a long story. Islanders do not want to pay cash to the Papuans. They would prefer to buy the store goods and give those store goods to the Papuans. Someone will come across and work for a week at a time, stay with a family for a week and do their domestic work and, at the end of that week, they will buy them a drum of petrol, a bag of rice and a bottle of kerosene, and they will go back.

Ms REA—So there are no stores where the Papuans are living?

Mr Murphy—No. There are stores in Daru. Daru is approximately 120 kilometres east along the coast from Saibai and Boigu.

Ms REA—Why has this tradition of paying people rather than learning the skill yourself maintained itself? Is it a cultural thing?

Mr Murphy—There is not a great deal of skill involved. It is a lot of sweat and hard work.

Ms REA—Exactly. So it is just that they do not want to do it; they will pay people who do want to do it. Is that the way it works?

Mr Murphy—Well, people who want the money enough to do it.

Mr LAMING—The traditional form of a full-time—

Ms REA—It is pretty amazing.

Mr Murphy—This is what I was talking about when I said that the relative bargaining position of islanders and Papuans has changed a lot since islanders have had access to welfare money and to store-bought goods.

Mr TURNOUR—It is an interesting issue. I know you spend time in villages over there as well. We are going over in the not-too-distant future. There are a lot of issues, I think, in terms of that border. We have the traditional thing, but there are quite a lot of potential economic benefits that could flow to that Papuan border by looking at what we could do—for example, gardening: allowing more stuff to flow through to some of those outer islands at least in a way that enables Papuans to get some greater return for their hard labour but also lets some food come into those outer islands. I do not know whether that is possible. Similarly, there is crabbing and there are possibly economic opportunities for people to do other things across the border.

Mr Murphy—There have been a couple of ventures where Torres Strait Islanders in some cases have received funding to establish crab ventures, but they were buying crabs that were caught by Papuans and then they would keep them and store them until they had enough to send to market in quantities. Anecdotally, I have been told that they were stopped from doing so because they were purchasing those crabs from Papuans with money, and that was not classified as a traditional activity under the treaty by, I think, Customs.

Mr TURNOUR—Yes. Those are the border issues that may be worth while exploring, because there are potential benefits to the Papuans to get some economic activity as well as the Torres Strait Islanders—

Ms REA—Absolutely, it is a win-win.

Mr TURNOUR—and if it is an administrative issue it is a bit silly.

Mr Murphy—Well, it is an administrative issue. This is one of focuses of my PhD research. I am still enrolled in a PhD at the Australian National University, and I spent 2½ years living in villages on the PNG side of the border for my fieldwork. I am aware of the complexity of the issues that are involved and of some of the unintended consequences of the well-intended provisions in the treaty to allow traditional activities to continue and to define people as traditional inhabitants to give them these special rights. I could talk more about that in a moment, if you like.

CHAIR—Is the same language spoken?

Mr Murphy—No, there are a number of different languages. There are two main language families in the Torres Strait. On the west and the central islands is a western Torres Strait language, Kala Lagau Ya, or Kala Kawaw Ya. It is not spoken very widely in the central islands group, but it is the first language of adults and children in the top western islands and the central western islands of Badu, Mabuiag, Saibai, Dauan, Boigu and Kubin. Kala Lagau Ya and Kala Kawaw Ya are the names of the two language families in the Torres Strait.

CHAIR—And in PNG?

Mr Murphy—In PNG there is another language—there are many languages there. There is a different language. For none of them is either of the Torres Strait languages their first language; they have different indigenous languages.

CHAIR—I suppose the question is, how do they communicate?

Mr Murphy—In English.

CHAIR—Is there Pidgin?

Mr Murphy—There is Torres Strait Creole, which most Papuans can also speak. But many middle-aged Papuans actually speak better English than many of the Torres Strait Islanders. They look down a bit on Torres Strait Creole as an inferior version of English and they prefer to speak in English. But many older Papuans who have worked in Torres Strait in the marine industry can speak either or both of the Torres Strait languages as well. But there are few if any Torres Strait Islanders who speak any of the Papuan languages.

I do not have too much more to say. Garden foods and turtle and dugong have significant status at feasting events and are highly valued by Islanders, but everyday food comes mostly from the store. I would need some evidence to accept the proposition that increasing the supply of healthier foods and unprocessed foods would necessarily lead to a significant increase in consumption of them by Islanders.

CHAIR—Increasing what foods?

Mr Murphy—Garden foods as opposed to processed or precooked foods, or even just white flour, rice and sugar.

CHAIR—But garden foods that originate from mainland Australia or ones that are grown?

Mr Murphy—Either. Fresh food more generally. The second topic was the effect of quarantine restrictions, high fuel costs, water restrictions et cetera on economic and health outcomes. I have to preface this by saying that I have no particular expertise on the relationship between diet and economic and health outcomes so I will speak very briefly to each of those factors.

With respect to water restrictions, I would note that the water supply on the islands is far superior—both more water and better quality water—than what has ever been there before. Certainly there is more and it is better than what is available to Papuans in neighbouring

villages. But islanders now have flushing toilets and washing machines and a whole lot of other mod cons that use a lot of water, so they need a lot more water than they did before.

It is noteworthy, I think, that water has always been a problem in the islands in the dry season, not just in the islands but in the neighbouring villages on the coast. I have drunk some water that looked and tasted more like mud than water in some of those places. They just have a waterhole in the ground and that is all. That is how the islands used to be as well. The wells of the top western islands used to dry out towards the end of the dry season and the islanders would travel to the mainland of New Guinea to the creeks further inland to get fresh water for themselves. So they used to get water from mainland PNG many years ago.

One significant thing is that on Boigu Island in particular—Boigu is a very low and very swampy island—there is one small area of relatively raised ground, which is now where the airstrip is, but it used to be the main gardening area on Boigu. They had to make a choice in the eighties whether they wanted to keep their gardens or get an airstrip, and they chose to get an airstrip. So, even if they wanted to, there is very little ground on Boigu where they could grow their own gardens now.

Fuel costs in Torres Strait are certainly high compared to mainland Australia. As Islanders use dinghies with outboard motors for their own transport and for fishing and hunting, the cost of fuel affects their lifestyle no doubt. It makes hunting and fishing—subsistence as well as commercial fishing—less cost efficient by comparison with purchasing processed food from the store than it is if fuel is cheaper. That is fairly obvious I suppose.

The other effect of high fuel cost is of course the increase in freight cost of everything that is brought to the islands. I cannot give details of the extent of the increase over recent years but I know from my own costs that it has certainly increased a lot. It may be relevant too that there were previously two freight companies that operated barges to the islands and now there is only one—there has been for nearly six or seven years.

Quarantine regulations have restricted the range of foods that can be brought from New Guinea to trade in Torres Strait. Many of the food items that commonly used to be traded are now prohibited. Yams, for example, are allowed to be brought across but they have to be peeled and once they are peeled they have to be consumed fairly quickly.

Ms REA—Yams?

Mr Murphy—They store for a year if they are unpeeled, but now they have to be peeled. With processed sago—sago is the pith of a trunk of a palm tree and it has to be processed to get the flour out of it—once it is processed it is still allowed to be brought across to the islands. But bananas cannot be brought across and nor can taro, sugar cane or any fruits. So some of those items that used to be able to be brought frequently now no longer can be.

Fresh meat cannot be brought across but seafood can. There are magpie geese that fly back and forth between the swamps of Saibai and the mainland of New Guinea. If you shoot one in Saibai you are allowed to eat it but if you shoot it over there you are not allowed to bring it across to eat in the islands.

Quarantine regulations also, as far as I understand, prohibit movement of most vegetable produce between islands within Torres Strait which results in a situation where, for example, the market garden at Badu—there is quite a busy little hydroponic setup with fresh greens and fruits but not so much the basic starchy foods—sells fresh produce to the Badu Island store, but is not able to send produce to Kubin, which is three kilometres away on a neighbouring island, or to any other islands. So they have to continue to bring their fresh produce from Cairns on the barge while things are being grown on Badu.

Ms REA—How can quarantine restrictions operate between islands?

Mr Murphy—There is a quarantine officer on every island and they are supposed to regulate what comes onto each of the islands.

Ms REA—So it is not just anything coming from international places; it is even within the islands themselves?

Mr Murphy—As far as I understand it. You would have to check the regulations, but that is certainly what Islanders tell me the situation is.

Mr TURNOUR—I thought Badu and Kubin were in the same group and you could transfer stuff, but I believe you. But it would be worth while hearing evidence directly from them when we are up there.

Mr Murphy—Do not take my word for it; it is just what I hear anecdotally from Islanders at Kubin and Badu.

Mr TURNOUR—There are different zones within the Torres Strait where you cannot transfer food around.

CHAIR—We did have somebody take us through the federal quarantine stuff.

Mr TURNOUR—But I knew more about it than them, if I remember correctly, because the person was a senior departmental person. I do not know.

CHAIR—There was certainly somebody who fitted that category—where you knew more. But I thought we did get some useful information out of the quarantine people. One of the things that came out of it was that there is state quarantine on which we did not get any information. So it would be good to get that.

Mr LAMING—Could you repeat the name of the island you referred to.

Mr Murphy—Where they have the market garden?

Mr LAMING—Yes.

Mr Murphy—Badu.

Mr TURNOUR—You called it Kubin but it is Moa Island.

Mr Murphy—Moa is the name of the island; Kubin is one of the two villages on Moa.

Mr LAMING—You said there is some form of quarantine restriction between Badu and Moa.

Mr Murphy—Yes, as I understand it. I was there 12 months ago and one of the fellows who had been busy working in the garden in Badu had been asked to come across to Kubin to help establish one there because they were not allowed to bring fresh produce from Badu to Moa.

CHAIR—Having been there, I would like to see what your response is to this: one of the things that got us interested in this was that we did meet a person from Torres Strait in Cairns—he was from the Torres Strait Regional Authority—who raised the issue of quarantine and the kinds of issues that you were talking about, such as how it was affecting trade and also the matter of there being certain animals—I think he said pigs—that could not be had in particular areas. We did speak to quarantine officials here, and we have got a map now of the Commonwealth quarantine status of the various islands in the Torres Strait, and it appears to be much more flexible than his comprehension of how it worked. What we do not know about yet—but we will find out—is the state regime that overlays that.

Mr Murphy—I do not know anything about that. I know that there are quarantine officers on each island who vigorously fulfil their duties. But I do not know about the particular state and Commonwealth regimes.

CHAIR—The question is: are there some myths about this? Are there actually government agents on the ground that you are witnessing enforcing what you described?

Mr Murphy—They are wearing uniforms. There is usually more than one quarantine officer on each island every day.

CHAIR—And they would, for example, be enforcing—

Mr Murphy—Interpreting and enforcing what they understand the regulations to be.

CHAIR—And an example of that would not be trading between Badu and Moa islands?

Mr Murphy—That is what I have been told.

Mr TURNOUR—So we need to investigate that. They are all traditional Islander people so they know what is going on.

Ms REA—The quarantine officers?

Mr Murphy—The quarantine officers are all Islanders.

Mr TURNOUR—Yes, they are all Islanders—all locals.

CHAIR—The other idea that was conveyed to us in terms of how the Commonwealth regime works is that taking stuff north is not a problem; it is taking stuff south.

Mr Murphy—Yes, between the different zones. You have three, or even four, different zones there. You have the zone beyond the Australian zone, Papua New Guinea. Then you come down into the outer island zone, then you come into that special quarantine zone and then into the Australian mainland.

CHAIR—So in a sense quarantine does not care what you do going north.

Mr Murphy—That is right. But, as I said, my understanding from people on the islands is that moving most of these vegetable foods between islands within the Torres Strait Protected Zone is also prohibited.

CHAIR—Right. But in any event, the point you are making in terms of the traditional behaviour of those in the Torres Strait is that trade across the boundaries on that map has been a key part of their livelihood—that is, with the coast of PNG and also the mainland Australian coast.

Mr Murphy—Certainly that is the case; but it is complicated. As Islanders have had access to store-bought, high-prestige, high-calorie-value food, they are not necessarily looking to eat garden produce as frequently as they used to. So it is not a simple matter of quarantine stopping the trading and therefore they are eating more store foods.

CHAIR—Do you think there is an issue with the current diet of Torres Strait Islanders?

Mr Murphy—I am not qualified to speak about that.

Mr TURNOUR—We could get somebody to talk to us about diabetes levels in the Torres Strait.

Mr Murphy—Yes. I think that those sorts of statistics are out there and easily available, but I am not qualified.

CHAIR—No, that is not your area. What I think you have said is that the reliance now on freshly caught seafood is nothing like it used to be.

Mr Murphy—No, it certainly is. If I said that I did not mean to.

CHAIR—Sorry. Maybe I was thinking specifically of dugong and turtle, which might just be for special occasions.

Mr Murphy—No. They are consumed as everyday foods as well.

Ms REA—The comment I picked up on was the fuel costs were possibly making going out fishing more expensive than going to the store.

Mr Murphy—Yes, that is what I was saying. I was also saying that garden foods have high-prestige value at special feasting occasions, but processed foods are the everyday fare.

CHAIR—Right. But seafood is still an everyday staple.

Mr Murphy—It is an everyday staple, and those big animals, dugongs and turtles, are pretty much essential items to be had when feasting as well.

CHAIR—Does that mean every day?

Mr Murphy—They are essential for feasts, and people also eat them on other occasions less frequently.

I have one final thing to say: the border regime more generally—the fact that you have a Third World nation adjacent to a wealthy First World nation—has created a welfare-dependent enclave on the Australian side and an impoverished backwater on the New Guinea side. My own view is that normalisation of the border, establishment of facilities to enable border crossing not only by traditional inhabitants, with all of the complications involved in who is a traditional inhabitant and who is not on the PNG side, would provide opportunities for people on both sides of the border—for Torres Strait Islanders to become more economically independent by engaging in more extensive training and activities with Papuans and for Papuans to improve their own living standards. Of course this has implications for border security, and that is a complex issue that is perhaps not within the purview of this committee. But it is not a simple matter of closing the border as much as possible and increasing border security. The traditional inhabitant provisions do allow limited activity by Papuans to go across the border. They are extremely conscious of the fact that they are impoverished relative to Torres Strait Islanders, and, in their understanding, things have been getting worse over the years. Having a disgruntled and impoverished next-door neighbour is not good for border security, in my understanding.

CHAIR—But when you say ‘normalise the border arrangements’ do you mean effectively having an open border like the one that exists between New South Wales and Queensland?

Mr Murphy—No. That is not a normalised border between two nations. I mean a border post where you can go through Customs and Immigration and cross the border whether you are a Torres Strait Islander or not.

Mr TURNOUR—For example, the Rotary Club on Thursday Island got some rainwater tanks that they wanted to transfer across to the Papuan side. They could get them to Saibai on the barge and then it was a case of getting them across. But they could not do that, because you cannot transfer things across the border; you have to go through a designated port. There are a whole lot of Customs regulations around that. I think they had to come out of Cairns.

Mr Murphy—They can go out of Thursday Island.

Mr TURNOUR—It might have been Thursday Island. But it was pretty much impossible to do what they wanted to do.

Mr Murphy—And extremely expensive.

Mr TURNOUR—And it was extremely expensive, whereas it should be quite simple to do that sort of stuff. That is what you are getting at, I gather.

Mr Murphy—Yes. Tourism is one thing. The tourists going up to the PNG side would all be adventure tourists, but at the moment there are absolutely no tourists whatsoever. I spent 2½ years there and I did not see any tourists except for my mum, my mum's partner and my sister.

Ms REA—You are saying that if something were done around the border it should not use the treaty and that the traditional arrangements are not the most effective way. I guess you cannot actually prescribe a traditional inhabitant—

Mr Murphy—They have in the treaty.

Ms REA—so you would need to do it through Immigration.

Mr Murphy—They have done.

Ms REA—And, therefore, is that quite exclusive?

Mr Murphy—It is open to interpretation as well, so it is contested. It is a hot issue at the moment and has been since about 2000.

Ms REA—So would you use the broader, more Customs and Immigration type provisions?

Mr Murphy—Treat them as normal people who do not have special privileges and who have a right to engage in cross-border activities like everybody else does. The fact that they are in close proximity would mean that people would get up to speed very quickly on what they can and cannot do. By creating this special category of people—that is, traditional inhabitants—you create a special set of rights for some people on the Australian side of the border but also on the Papua New Guinean side. The treaty itself has a very vague definition of a traditional inhabitant. People were left to self-identify as traditional inhabitants and were allowed to come across the border to engage in, again, traditional activities without very tight regulation up until about 2000, when the Australian government asked the Papua New Guinean government to supply a more succinct definition of who the traditional inhabitants are—who are these people we have agreed to allow to come into Australia to engage in these traditional activities? There was a very brief process on the PNG side which resulted in a list of 14 villages being supplied to Australia. So people who previously had been in a longstanding traditional relationship with Torres Strait Islanders were suddenly no longer allowed to come across the border to engage in traditional activities. They have been protesting against that ever since.

I wrote a report that was commissioned by the Torres Strait Regional Authority as a result of an agreement between the TSRA, the Department of Foreign Affairs and the PNG Department of Foreign Affairs on the politics around who is, who should be and why people are not classified as traditional inhabitants in their own understandings and why people are putting forward the case that they should be reclassified as traditional inhabitants. The Australian department of foreign affairs has effectively sent the issue back to PNG and said, 'Come to us with a solid proposal for what you would like to change and we will consider it.' But that has not happened. I wrote that report in about 2004.

One of the results of this issue is that one village was burnt to the ground, one old man had his head cut off and the people were chased from that village because the village that did the burning

had been excluded from the treaty provisions. Where you do not have a store or access to money, the ability to cross into Torres Strait is an extremely valuable resource. A number of incidents built up to the point where everybody rushed in and burnt that village down. It has been re-established only in the last couple of years, but there was a period of about three years when they were chased out.

Mrs VALE—Kevin, you were talking about the border and whether it should be open or closed. Is there a particular border facility that Customs runs, and what island is it located on?

Mr Murphy—There is a normal border facility at the airport at Horn Island, so it can function as an international airport, and there is also a port. On the Papua New Guinea side, there are the same facilities at Daru Island.

Mrs VALE—That is what I wanted to know.

Mr Murphy—On each of the islands there are movement monitoring officers, who are employed by Department of Immigration and Citizenship, and a Customs officer; there is a Department of Foreign Affairs officer on Thursday Island and also the Australian Federal Police. So there is a range of law enforcement and border enforcement agencies both on Thursday Island and on the other islands. Quarantine is also represented on each of the islands.

Mrs VALE—So do people who come from Papua New Guinea have to go through one of these border posts or check in with anyone? Or, is there just not open freedom of movement, where they can come and go even if they are from the particular villages?

Mr Murphy—No. There is a form that they fill out, and each person in the dinghy has to have their name on that form and they take it to the movement monitoring officer at the island. When they arrive at the island, they have to wait at the wharf until the MMO comes down and checks their names and makes sure that they come from a village that is classified as a treaty village. They are then free to go around the islands.

The island council system has changed recently so I am not sure of the details of how it works now but, formerly, the chairman had the authority to make specific regulations in relation to his or her own island. It was normally the case that they would limit those visits to two weeks as a maximum, so after two weeks people would be asked to go back. But often they would have no fuel to get back and things would take longer.

CHAIR—So what you are describing would be what happens on Boigu Island or Saibai Island?

Mr Murphy—And Dauan and Erub and Yam Islands. Another complicating factor is that there are a number of residents on some of these islands—namely, Boigu, Saibai, Badu and Yam Islands, a few at Darnley and a few at Yorke Island—who are ethnically Papuan. They were working in the marine industries of the Torres Strait in the 1970s and, at the time of Papua New Guinea independence, were given an option to return to Papua New Guinea or to stay in Australia. They had to have been resident in the Torres Strait for some period of time. Many of them took the choice to stay in Australia. They became permanent residents, and many of them are now citizens and their children are citizens of Australia. But ethnically they are Papuans, and

they are regarded as such by the Torres Strait Islanders on those islands. At Yam Island almost half the population is regarded as Papuan not Islander, and there is a smaller proportion on the other islands as well.

Mr LAMING—If we were to reform, liberalise or in some way alter these border arrangements, can I make a case that there is an economic benefit for the Torres Strait community? I can make a case, obviously, for Papuans. Economically, can you see how more liberalised movement might benefit the Torres Strait economy?

Mr Murphy—I think it would open up opportunities for Torres Strait Islanders to engage in trade with Papua New Guinea, which they do not have now.

Mr LAMING—So what would be coming into the Torres Strait that would be of significant value?

Mr Murphy—The first thing that I think of is when I see the barge coming up with all of these building materials from Cairns, whereas there are timber mills just across the border. The commercial logging is going on further to the north-east rather than immediately adjacent to those islands, but there are significant forests there. Many of the Papuans have small-scale, walkabout sawmills, as they are called, but they produce good quality timber. So timber is one product that could come down to Torres Strait—at a much reduced cost, I would think, than that which they are currently paying to bring it up from mainland Australia.

Mr LAMING—What about the implications of more Papuans moving into these islands to engage in paid work?

Mr Murphy—If they were going to do that they would have to get a visa to do so, wouldn't they?

Mr TURNOUR—I think the point is that they are working there now. You probably cannot say it but I can: effectively they are getting exploited to a certain extent—

Mr Murphy—There is no doubt about that.

Mr TURNOUR—because they are coming across and trading labour for traditional trade. I have sat on Boigu Island and had a great feast of crabs that were cooked up by Papuans. That is just the way the system works. The school gets cleaned up by Papuans. They just do all the work on those outer islands.

Mr LAMING—So how would it help the Torres Strait Island economy if twice as many Papuans were to begin coming across? I am trying to understand the economic benefits, apart from the material resources. What is the benefit of additional human capital coming from Papua to these islands?

Mr Murphy—I do not know that twice as many Papuans would be coming across. When I say that we should 'normalise the border,' I mean that we should abolish the whole traditional inhabitants provisions that allow people to come to engage in traditional activities. It is just fraught with potential for abuse. The vague nature of the terms that are used to define these

privileges allows for contestation over who should be allowed to do what, and that creates all sorts of political and ethnic tensions on the PNG side as well. Papuans value the ability to come across. It gives them minimal access to those commodities and to cash. They would not be at all pleased with the idea of there no longer being a traditional inhabitant provision. The world has changed in ways not imagined at the time that the treaty was drafted, especially for Torres Strait Islanders. To allow real cross border trade, rather than things loosely defined as traditional activities, would give Papuans the opportunity to go out there and make money by trading across the Torres Strait and it would allow Torres Strait Islanders to do the same across to Papua New Guinea.

Mrs VALE—What is the benefit of maintaining it? Is there any benefit? As you were saying, it is now outdated. Is there any benefit? Can it be argued that there is no benefit to be gained from keeping it?

Mr Murphy—There is certainly a benefit to Islanders of keeping it—

Mrs VALE—They are in control.

Mr Murphy—They are in control. Papuans would say that there is a benefit. Even though they are exploited every time they go across, they prefer the opportunity to be exploited and make \$10 a day rather than be stuck on the other side and not be able to do anything.

Mrs VALE—If you get rid of this particular—

Mr Murphy—The process of doing that would be very difficult and politically contested by both sides, I would imagine.

Mrs VALE—I thought that you were arguing that it is outdated.

Mr Murphy—It was from the moment that it was implemented.

Mrs VALE—But you are not suggesting that it be rescinded.

Mr Murphy—My own view is that would be the best outcome, even though it would be a painful process.

Mrs VALE—It would benefit both parties in the long term. I understand.

CHAIR—To pick up on an earlier question of Danna's which went to the border infrastructure that is there, presumably at the moment there is quite a lot of people going back and forth under this treaty between Boigu, Saibai and the other islands that you have just described. There are no Customs officials. What you do is report in, basically, that you have arrived.

Mr Murphy—There is a Customs official, but when you come to the islands of the Torres Strait you are supposed to report to the movement monitoring officer, who is an Immigration subcontractor—I think that they are a subcontractor, not an employee.

CHAIR—My question is this: were you to normalise the border, are you still imagining that people would be going back and forth from Boigu and Saibai—

Mr Murphy—You would have designated ports.

CHAIR—Does that imply a spend, though, to establish those posts?

Mr Murphy—I do not know. There is significant infrastructure there now. I do not know what the relative costs of establishing fewer but probably more elaborate designated border posts. The fact is, you now have people employed in border control on every island in the protected zone.

Mrs VALE—Is there any activity that is not recorded? There is official activity, where people are monitored and tracked. Is there another world out there where there are a lot of crossings and comings and goings that are not officially recorded?

Mr Murphy—Yes. I cannot quantify how much illegal activity goes on. It is very difficult to do so, for obvious reasons.

Mrs VALE—Is it sort of like a de facto open border?

Mr Murphy—It is not open. Surveillance is intense, so people have to be very secretive. The classic one is guns for drugs. Drugs come south from the highlands of New Guinea down across the border and guns go north up to the southern highlands, where any kind of gun fetches a pretty good price.

Mrs VALE—My goodness.

Mr Murphy—There is intense surveillance. I have seen a little bit of that activity going on, but not very much. The attention that it receives in the media is probably not warranted by the extent of activity that is actually happening there. For one thing, the drugs that are coming down are not regarded as being of very good quality on the Australian side and the guns that are coming north just do not compare in quality to the guns that can be obtained from the arsenal of the PNG police and military.

Mr LAMING—Fairly easily?

Mr Murphy—Yes. There is a little bit of that activity going on, but not much. At the other end of the scale there are things like people secretly going across and getting a boatload of yams that have not been peeled. That sort of stuff goes on too.

CHAIR—Going back to the stores, you are saying that there is a dependence upon traditional foods, such as seafood, but a lesser dependence on vegetable crops. Are you saying that there is high dependence now on food obtained through the stores?

Mr Murphy—Yes, and that is also increasing among some of the Papuan villages on the PNG side.

CHAIR—There is a higher dependence?

Mr Murphy—There is a greater dependence on store-bought foods: rice, flour and sugar in particular.

CHAIR—Store-bought foods from Australia like in the Torres Strait?

Mr Murphy—Mostly, but some also from Daru Island. There is some commercial fishing from Mabaduan, which is a village across from Saibai to the east up to Daru. There is a commercial crayfishery there and so there is some money to be made in fishing for crayfish. There is also the fresh food market in Daru. Daru is a town of 10,000 to 20,000 people—the population fluctuates. There is dugong meat and turtle meat—although dugong is illegal for sale in the markets in Daru—fresh fish and garden produce. There is a bit of money circulating between Daru and the villages as well.

CHAIR—But the sphere of dependence which arises out of the stores in the Torres Strait extends into the coastline of New Guinea?

Mr Murphy—Yes. Some villages—and Mabaduan is a classic one—have hardly any gardens at all. This is a bit of a long story, but they are ethnic Kiwai. They originally come from Kiwai Island in the mouth of the Fly River. Just before the beginning of the colonial era in New Guinea they had started migrating westward along the coast. They came as far as old Mawatta, which is at the mouth of the Binaturi River some 40 or 50 kilometres east of Saibai.

In the early colonial period they moved further and established a village at Mabaduan, displacing people who were previously resident there—perhaps not in that actual village site but in that area. They inserted themselves as middlemen between inland people who were producing garden foods and islanders. They were getting garden foods from inland people and trading it across to islanders; and getting store-bought foods and various other things, trading them back to the inland people and keeping the profits for themselves and living off them.

Mr LAMING—Who were they, which people?

Mr Murphy—Coastal Kiwai. Kiwai is the ethnic language group name.

Mrs VALE—Where did they originally come from?

Mr Murphy—Originally from Kiwai Island in the mouth of the Fly River.

Mrs VALE—The mouth of the Fly River?

Mr Murphy—Yes.

Mrs VALE—Okay, I do not think it is actually on my map. It is further west?

Mr Murphy—East.

Mrs VALE—East, is it? Thanks.

CHAIR—In the event that there were to be the border normalisation that you describe, can you conceive that there would be more Papua New Guinea sourced product put into the Torres Strait Islander stores?

Mr Murphy—It would depend on quarantine regulations as well.

CHAIR—Let us say there was an ability to deal with that.

Mr Murphy—The Papua New Guineans are sufficiently entrepreneurial to take advantage of opportunities to sell garden produce if they were there.

Mr LAMING—You have not given a written submission, have you?

Mr Murphy—No.

Mr LAMING—I think the Chair just touched on a really good question, which is understanding if there were any changes to be made and the hypothetical question of what some of those potential economic benefits are at the village-to-village level. You raised that very interesting point about logging. Would you consider thinking a little bit more about that topic and giving us some additional information, given that that is something of great interest to us? What can you see as benefits from the economic impact of any change to that border that might slightly normalise the arrangements?

Mr Murphy—To either side?

Mr LAMING—Predominantly to our side.

Mr Murphy—The Torres Strait side.

Mr LAMING—It is fairly obvious that in a poor economy this can have obvious benefits flowing the other way. If you can see any way how these two traditional cultures would operate that might give benefits to the TI relationship then that would be of interest to us, if you did choose to give us that.

Mr Murphy—How soon would you need that?

CHAIR—We are not going to report until September.

Mr Murphy—Okay.

Mr TURNOUR—I just want to add I think it would be worthwhile putting in the Papuan stuff. We put a lot of aid into New Guinea, and there are a lot of issues, so I think—

Mr LAMING—Some of the benefits of the treaty.

Mr TURNOUR—Some of the benefits. We spend squillions in New Guinea.

Mr Murphy—There is another aspect which I have not mentioned, and that is the fact that, although it is not explicitly covered in the treaty, many Papuans come down to use the health services on the Torres Strait Islands, and improving the health of Papua New Guineans on the PNG side would reduce the burden on the Australian health facilities that they currently use—let alone the humanitarian concerns.

CHAIR—Good. I think we are done. Kevin, thank you very much; that was fascinating, and we really appreciate your time.

Mrs VALE—Chair, I just have one quick question. Kevin, you say there are a lot of Papua New Guineans who access our medical services. Are there any particular diseases that Australia is concerned about coming from Papua New Guinea?

Mr Murphy—Yes, there are. Tuberculosis is one in particular, and HIV-AIDS. The extent of the infection rate there is high but unknown in the region adjacent to Australia. Just in my own personal experience, I have seen a number of people die of AIDS in those villages.

CHAIR—How do you know?

Mr Murphy—Because they have been tested in Daru and they have come back to the village to die.

CHAIR—Right.

Mr Murphy—But, as far as I know, there have been no confirmed infections in the Torres Strait, which is somewhat surprising. There are also mosquito borne diseases which are already in the Torres Strait but are widespread on the coast of PNG. Malaria comes across the Torres Strait occasionally; it is usually eradicated fairly quickly. But there is dengue and Japanese encephalitis as well.

Mrs VALE—Kevin, is there much intermingling between the two racial groups?

Mr Murphy—I do not know that they are racially distinct.

Mrs VALE—They are not? They are the same—they consider themselves the same?

Mr Murphy—No, they are ethnically distinct, but I do not know that they are racially.

Mrs VALE—Okay, but is there any sort of intercourse between them?

Mr Murphy—There is, of many forms.

Mrs VALE—All right. Thanks.

CHAIR—Okay. Thank you.

Mr LAMING—Thanks very much—fascinating.

Resolved (on motion by **Mr Turnour**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Committee adjourned at 1.17 pm