

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

Question No. 42

Senator Boyce asked the following question at the hearing on 14 February 2012:

Senator BOYCE: My question is: with Papua New Guineans arriving by whatever method—but mostly it is by boat—in the Torres Strait at Saibai or Boigu who appear ill, what is going to happen now that the clinics no longer operate?

Mr Carmody: I think that will require us to get information not only from our own people but from those involved in the clinics, so unfortunately I do not think we can help you this evening.

...

Ms Grant: ... The person in charge of the small, open vessel should be required to advise that there is a communicable disease on board, but in the unique situation of the Torres Strait I think it would be best if we described whether pratique operates in the same way in the Torres Strait as it does in the rest of Australia. I would rather not give you false information now.

...

Senator BOYCE: Would you know if there are Quarantine agents in the Torres Strait?

Ms Grant: I need to take that on notice, but I understand we do have colleagues there. The border is managed in the Torres Strait with the usual agencies that you see at the border on the mainland. Customs, Quarantine and Immigration were all present in the Torres Strait.

Senator BOYCE: Could you perhaps provide on notice a copy of the memorandum of understanding or whatever it is you have for how you operate the services there, and provide me with information as to what is now going to happen with Papua New Guineans arriving in the Torres Strait who appear unwell.

Ms Grant: We will certainly take that on notice.

The answer to the honourable senator's question is as follows:

Papua New Guinea (PNG) citizens may visit islands in the Torres Strait consistent with the Treaty between Australia and the Independent State of Papua New Guinea. The Department of Foreign Affairs and Trade (DFAT) manage the Treaty. The movement of people is managed by the Department of Immigration and Citizenship (DIAC) via Movement Monitoring officers located on the outer islands. Department of Agriculture, Fisheries and Forestry (DAFF) Bio security officers are represented on all inhabited islands to facilitate the quarantine clearance of goods imported by traditional visitors. Australian Customs and Border Protection Service officers are based on Thursday Island and conduct border clearance responsibilities on arriving goods and vessels on other islands based on intelligence and risk assessment. Additionally four locally engaged staff on outer islands assist Customs and Border Protection in a community engagement and intelligence role.

On arrival at one of the designated landing places for Australian communities PNG travellers are met by DIAC Movement Monitoring Officers who establish the validity of the travel under the Torres Strait Treaty. DAFF Bio security officers inspect any goods the travellers bring into Australia that may present a quarantine risk. Customs and Border Protection officers conduct further examinations for goods that may be subject to border controls or permits.

Education programs conducted by DFAT officials advise travellers they are not to travel to Australia to seek medical attention. A pamphlet 'Guidelines for Traditional Visitors Travelling Under the Torres Strait Treaty' is widely distributed to visitors and community members in the Straits (attached).

Queensland Health operate clinics on all inhabited islands in the Torres Strait with Boigu and Saibai Island clinics being the two that traditionally treat the largest number of PNG villagers.

These clinics will remain open and our advice is that they will continue to provide treatment for traditional travellers. The specialist visits to conduct tuberculosis clinics will cease and patients who present with tuberculosis symptoms will be referred back to PNG health professionals under an AusAid program. The process for transferring patient responsibility to PNG is being assisted by the border agencies through a Facilitated Cross Border Movement process for health professionals.

Traditional Fishing

- Traditional fishing means "the taking, by traditional inhabitants for their own or their dependants' consumption or for use in the course of other traditional activities, of the living natural resources of the sea, seabed, estuaries and coastal tidal areas, including dugong and turtle" (Article 11 of the Treaty).
- Torres Strait may have community management plans in place for turtle and dugong. Traditional visitors must comply with these plans, and should contact community leaders, local Native Title Body representatives or the local Island Division of the Torres Strait Island Regional Council for information before hunting turtle and dugong in a new location.
- Nets must not be used to take dugong.
- Bag limits apply for tropical rock lobster (crayfish) of three per person or six per boat.

Biosecurity and Quarantine

- Your belongings will be checked on entry to Australia to prevent exotic pests and diseases coming into the Torres Strait.
- Do not bring live animals including birds, live plants, fresh fruit and vegetables, meat, feathers, eggs and other animal products into the Torres Strait.
- Trade may be restricted for: kundu drums made from monitor lizard (goanna) or python skin, woven fibre articles containing Cuscus fur, beads made of seeds, wood carvings, and giant clam and queen conch shells. These items may be protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), therefore permits are required for movement between countries.

Endangered Species

- The Treaty gives Australia and PNG the right to implement measures regarding flora and fauna which are or might become threatened with extinction or which is protected under international law (Article 14 of the Treaty). PNG and Australia have signed an international agreement, the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), which regulates international trade to ensure it does not endanger wildlife.
- Dugong and turtle are among the species covered under CITES. This means you are not permitted to take or trade dugong or turtle specimens and their products (dugong or turtle meat, dugong bone or tusk, or turtle shell) across the border. Not from PNG into Australia. Not from Australia into PNG. If you do bring dugong or turtle products (including carvings) into the Torres Strait from PNG these items can be seized by Australian authorities.

Contacts:

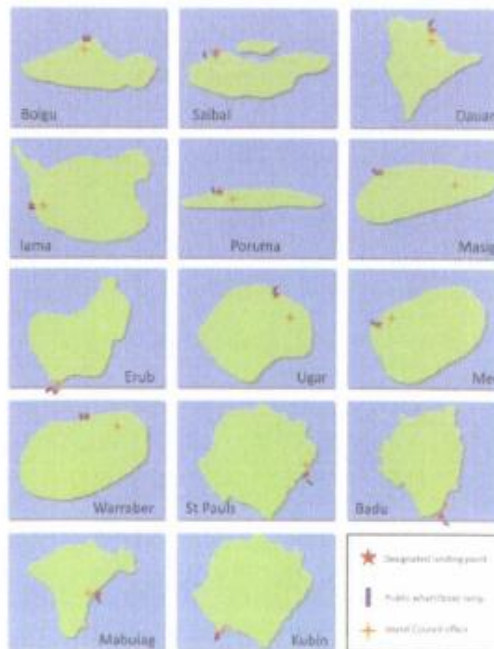
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Designated Landing Places for Australian Communities



GUIDELINES FOR TRADITIONAL VISITORS TRAVELLING UNDER THE TORRES STRAIT TREATY

The Torres Strait Treaty sets the boundary between Australia and PNG and established the Torres Strait Protected Zone to protect the traditional way of life of Torres Strait Islanders and the coastal people of PNG who live adjacent to the Torres Strait. The Protected Zone also protects the land and sea environment of the Torres Strait.

The Treaty allows free movement (without passports or visas) between Australia and Papua New Guinea for traditional activities in the Protected Zone and nearby areas.

PNG traditional inhabitants come from Bula, Mari, Jera!, Tais, Bilei, Sigabadau, Mabadauan, Old Mawatta, Ture Ture, Kadawa, Katakarama and Sui (the 13 PNG Treaty Villages). They can make traditional visits (free movement without passports) into the Protected Zone. PNG traditional inhabitants can travel south into Australia as far as the degrees 30 minutes South latitude (near Number One Reef).

Australian traditional inhabitants come from Badu, Boigu, Poruma (Coconut Island), Erub (Darnley Island), Dauan, Kubin, St Pauls, Mabui Mer (Murray Island), Saibai, Ugar (Stephen Island), Warraber (Sue Island), Iama (Yam Island) and Masig (Yorke Island). They can make traditional visits to the PNG Treaty Villages and travel north as far as the 9 degree South latitude (just north of Daru).

While on a traditional visit you must:

- obey national laws and local laws and customs
- land your boat only at the proper place and report to authorities before entering the community
- respect the traditional way of life – do not disrespect communities, littering, getting drunk, being noisy, or using betel nut (buai) in public places



