

# Chapter 1

## Introduction and conduct of inquiry

### Referral of inquiry

1.1 On 14 September 2009, the Senate referred matters relating to the Torres Strait to the Senate Foreign Affairs, Defence and Trade References Committee for inquiry and report by 26 February 2010. On 25 February, the Senate granted an extension of the reporting date to 13 May and on 12 May to 2 September 2010.<sup>1</sup>

1.2 On 19 July 2010, the Governor-General prorogued the 42<sup>nd</sup> Parliament and dissolved the House of Representatives. After due consideration, the committee tabled an interim report on 20 August informing the Senate that it would require additional time to consider and prepare its final report for presentation in the 43<sup>rd</sup> Parliament.

### Terms of reference

1.3 Under the terms of reference, the committee was to inquire into 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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1 *Journals of the Senate*, 12 May 2010, p. 3461.

## **Conduct of inquiry**

1.4 The committee advertised its inquiry on its website and in *The Australian*, *Brisbane Courier Mail* and *Torres News* calling for submissions to be lodged by 30 October 2009. The committee also wrote directly to a range of people and organisations inviting written submissions. These included federal government departments and agencies, academics, research and strategic studies institutes, non-government organisations, local councils in the region, the Queensland Government, and the governments of Indonesia and Papua New Guinea (PNG) through their representatives in Australia.

1.5 The committee received 32 submissions which are listed at Appendix 1. The committee held public hearings in Canberra, Brisbane and Thursday Island in the Torres Strait. A list of the hearings, together with the names of witnesses who appeared, is at Appendix 2.

1.6 During the inquiry, the committee also received additional information and answers to questions taken on notice. This documentation is listed at Appendix 3 and is available on the committee's website.

## **Visit to the Torres Strait**

1.7 The committee visited the Torres Strait between 21 March and 23 March 2010. It inspected Horn Island airport and the nearby detention centre for illegal fishers, and the hospital and the Army unit on Thursday Island. Members went on board and inspected the Customs vessel, *CORIO BAY*. They travelled to the two most northern islands where they met and held formal discussions with traditional leaders from the region. On Saibai, committee members inspected the local health clinic, the Customs facility and a designated entry and exit point for traditional inhabitants from PNG. They observed the landing of four dinghies from PNG carrying a number of PNG nationals who were visiting the island to trade.

1.8 While on the island, the committee took the opportunity to host a lunch for local leaders and to converse with them informally about their concerns. On the invitation of local leaders, the committee also toured the flood-prone areas to gain an appreciation of the damage being done through erosion and sea water inundation. The committee then flew to Boigu where Councillor Donald Banu and his colleagues briefed members on a range of matters. Afterwards, members walked through the village to the shoreline to inspect the designated entry and exit point.

1.9 As part of its public hearings on Thursday Island, the committee held an open forum to which it invited local people to participate. The committee found its visit to the region invaluable. Both the formal and informal conversations with residents of the Torres Strait provided committee members with a much better understanding of the challenges facing the region and of the hopes and expectations of the people who live and work there.



*Committee members visiting the detention centre for illegal fishers, Horn Island*



*Hospital on Thursday Island*





*Committee members inspect Army unit on Thursday Island*



*The committee on arrival at Saibai airstrip*

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## Related inquiries

1.10 A number of parliamentary committees have reported recently on matters relating to the Torres Strait. Although not concerned solely with the Torres Strait, they gave extensive consideration to this region. In October 2009, the House of Representatives Standing Committee on Climate Change, Environment and the Arts tabled its report, *Managing our coastal zone in a changing climate*. This report made a few recommendations specific to the Torres Strait (see Appendix 4).

1.11 In November 2009, the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs tabled a report *Inquiry into remote Aboriginal and Torres Strait community stores*. Finally, the House of Representatives Standing Committee on Health and Ageing received submissions and held a Round Table Forum on regional health issues common to Australia and the South Pacific. It gave a significant amount of attention to the Torres Strait. Indeed, as part of its visit to the region, the committee spent some time meeting communities on the Australian and PNG side of the border. It tabled a report in March 2010 and made numerous recommendations particularly in relation to Australian assistance toward improving PNG's health system (see Appendix 4).

## Scope of inquiry

1.12 Primarily concerned with foreign affairs, defence and trade matters, the committee considered domestic matters in the Torres Strait in the context of the Torres Strait Treaty (the Treaty) and Australia's relations with its near neighbours (see Appendix 5 for text of the Treaty). It took a strong interest in the movement of people, animals and goods through the straits and in border control. It also looked closely at the way in which Australia and PNG work together to implement the provisions of the Treaty.

## Structure of report

1.13 The report is divided into the following main sections:

- Overview—general description of the Torres Strait, its people, geography, history and key features, the function and purpose of the Treaty, and the different layers of government operating in the region;
- Part I—free movement of people and the challenges that this creates for the health, welfare and security of local communities;
- Part II—the natural resources and eco-system of the region, conservation, biosecurity and sustainable development;
- Part III—Australia's national security from the point of view of criminal activity in the straits—illegal fishing, transnational crime, people smuggling—and socio-economic trends in the region that may create difficulties for border security in the Torres Strait; and
- Part IV—governance in the Torres Strait.

1.14 Each section in the report is accompanied by an analysis of the effectiveness of the measures that Australia takes to ensure that the objectives of the Treaty are realised.

### **Acknowledgments**

1.15 The committee thanks all those who contributed to the inquiry by making submissions, providing additional information or appearing before it to give evidence. The committee also wishes to express its gratitude to the government and local officials who helped the committee plan and arrange its visit to the Torres Strait and for their support throughout the committee's time in the region.

1.16 It especially acknowledges the warm welcome it received from the people of the Torres Strait and appreciates their efforts in bringing their concerns for the region to the committee's notice.

# **Part I**

## **Overview of the Treaty**