

Chapter 8

Policing the Torres Strait

8.1 The committee has discussed in detail the concerns raised by local leaders about the conduct of some visitors from PNG on the islands of the Torres Strait. The committee now looks at how law enforcement agencies in the Torres Strait manage the numerous challenges posed by the remoteness of the region and the free movement provisions of the Treaty. It considers the measures that Australian law enforcement agencies in the Torres Strait are taking to resolve or address concerns about law and order issues in local communities that derive largely from the behaviour of visiting traditional inhabitants. It also looks at the number and distribution of police on the ground, their training and resources. The committee begins by briefly outlining the composition of the police force in the Torres Strait.

Police presence in the Torres Strait

8.2 The policing role in Torres Strait communities is undertaken by combinations of Queensland Police Service (QPS) officers, Queensland Aboriginal and Torres Strait Islander Police (QATSIPs), Police Liaison Officers, and council-employed Community Police Officers.¹ Commissioner Atkinson informed the committee that there were 52 funded police positions employed by Queensland Police in the Torres Strait, made up of 35 police, seven civilians, one pilot, four police liaison officers and five QATSIPs.² The number of police officers was to rise to 54 with two police officers to be stationed at the new police station in Badu.³

8.3 In addition, the Australian Federal Police (AFP) has two members in its office on Thursday Island and a Senior Liaison Officer in Port Moresby.⁴

Queensland Police Service

8.4 The Queensland Government, which provides law enforcement services through the Queensland Police Service (QPS), has principal responsibility for policing the Torres Strait Islands. It retains a police presence on two islands in the Torres Strait—Thursday Island and Horn Island—and has plans to establish a police station on Badu Island. The estimated cost of the station is around \$10 million, which 'will

1 The Allen Consulting Group, *Independent Review of Policing in Indigenous Communities in the Northern Territory: Policing further into remote communities*, Report to the Australian Government and the Northern Territory Government, April 2010, p. 35.

2 *Committee Hansard*, 25 March 2010, p. 11.

3 Robert Atkinson, *Committee Hansard*, 25 March 2010, p. 9.

4 AFP, Additional information, dated 1 April 2010, p. 1.

enhance policing in the northern and western islands'.⁵ The Queensland Government informed the committee:

QPS responds to incidents, mainly connected to offences against the person, firearm regulations, reports of domestic violence and illicit drug trafficking [and] intelligence involving PNG nationals visiting treaty Islands. QPS also conducts operations targeting the interception of boats travelling in the Torres Strait including vessels carrying PNG nationals visiting treaty Islands.⁶

8.5 The outer islands are serviced by visiting police officers who are based on Thursday Island and travel to the outer islands by aircraft or a vessel. According to Queensland's Police Commissioner, 'The police department, via state government funding, have put a quite significant number of resources into the area and are increasing that'.⁷

Community Police Officers

8.6 While Thursday and Horn Islands have a permanent QPS police presence, the remaining island communities are serviced by Community Police Officers (CPOs). There are around 27 of these officers who are employed by the TSIRC.⁸ The majority of them are engaged under the Australian Government's Community Development Employment Project (CDEP) which the committee discusses later in this chapter.⁹

8.7 According to the Queensland Government, CPOs provide 'first-response capability for the QPS and Australian Government agencies'.¹⁰ They are 'the eyes and ears of the north'.¹¹ While their effect has not been formally evaluated, QPS reported that CPOs 'help prevent crime and increase communities' feeling of safety'.¹² TRSA noted, however, that the CPOs perform 'very minimal types of roles to assist' the police and have no powers of arrest.¹³

5 Queensland Government, *Submission 20*, p. 5.

6 Queensland Government, *Submission 20*, p. 7.

7 *Committee Hansard*, 25 March 2010, p. 3.

8 Queensland Government, *Submission 20*, p. 6.

9 *Committee Hansard*, 24 March 2010, p. 17.

10 Queensland Government, *Submission 20*, p. 6.

11 John Toshi Kris, *Committee Hansard*, 24 March 2010, p. 17.

12 Queensland Government, *Submission 20*, p. 6.

13 *Committee Hansard*, 24 March 2010, p. 17 and TSRA, *Submission 18*, p. 15.

Queensland Aboriginal and Torres Strait Islander Police

8.8 On Badu Island, CPOs are employed and trained by the QPS and are known as Queensland Aboriginal and Torres Strait Islander Police (QATSIPs).¹⁴ Commissioner Atkinson informed the committee that five QATSIPs were based on Badu as part of a trial that was commenced some years ago. He stated that Badu was unique in that there was no state police presence together with the QATSIPs.¹⁵

8.9 According to the QPS, QATSIPs 'provide an effective policing presence within the Community' through regular patrols and attending to incidents. They enforce community by-laws/local laws and advise QPS police officers as appropriate and also 'set a good example within the Community'.¹⁶ According to the Commissioner, the QATSIP is 'a work in progress' and the Queensland Government is currently reviewing its role.¹⁷

Police Liaison Officers

8.10 Police Liaison Officers (PLOs) operate in a liaison role without powers. Their task is 'to establish and maintain a positive rapport between multicultural and Indigenous communities' and the QPS. Their 'training and management regime is similar to that' of the QATSIPs. Police Liaison Officers are located on Horn and Thursday Islands.¹⁸

Adequacy of police presence

8.11 Anecdotal evidence obtained during the committee's visit to the region suggested that the police are viewed favourably and seen as responsive and cooperative. Their presence is welcomed in the communities, and local leaders would like to see more police on their islands. Indeed, numerous witnesses complained about the absence of police in their localities. Mr Bedford explained that the 15 outer island communities within the regional council do not have any QPS presence—'that is for a

14 Queensland Police Service, Queensland Aboriginal and Torres Strait Islander Police, <http://www.police.qld.gov.au/programs/community/CulturalAdvisory/qatsip.htm> (accessed 4 June 2010).

15 *Committee Hansard*, 25 March 2010, p. 11.

16 Queensland Police Service, Queensland Aboriginal and Torres Strait Islander Police, <http://www.police.qld.gov.au/programs/community/CulturalAdvisory/qatsip.htm> (accessed 4 June 2010).

17 *Committee Hansard*, 25 March 2010, p. 11.

18 The Allen Consulting Group, *Independent Review of Policing in Indigenous Communities in the Northern Territory: Policing further into remote communities*, Report to the Australian Government and the Northern Territory Government, April 2010, pp. 35–36.

population of over 4,000 people'. He explained that all the police were based on Thursday Island (TI).¹⁹ Similarly, Mayor Gela explained:

There is the state average where one police officer should be present for approximate the 440 people, here we are within the regional council area where we have a population base of approximately 4700 people and we do not have one officer present in any of our communities. We have approximately 20 to 30 officers sitting on TI which is more than a stone's throw away from our communities.²⁰

8.12 The committee heard that the only time some communities have police present is when there is a government delegation visiting an island community. Mr Ned David, Director, Magani Lagaugai, Registered Native Title Body Corporate, referred to the large number of Commonwealth and state officers from Customs or elsewhere on Saibai during the committee's visit. He noted that he had visited 'that place many times myself and I have seen no-one'.²¹

8.13 Mr Kris observed that the lack of a police presence has resulted in a situation where the police service 'is just not delivering services to our community at the moment'.²² TSIRC also spoke of the need for the QPS 'to be present on ground in every community'.²³ In its view, this would enable the police to undertake preventive measures rather than having to react to incidents. Mayor Gela said, a police presence in the communities 'would assist in reassuring my constituents that their safety is being respected'.²⁴

8.14 According to the mayor of the Torres Shire Council, Councillor Stephen, the government was neglecting the Torres Strait region by applying two standards in policing in Australia—one on the mainland and another in the Torres Strait region. He noted:

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

19 Kenny Bedford, *Committee Hansard*, 24 March 2010, pp. 15–16. During another Senate inquiry, TSRA claimed that a range of offences have not been appropriately reported by Community Police Officers, including those relating to child safety and welfare. Senate Select Committee on Regional and Remote Indigenous Communities, *Submission 58*, pp. 15–16.

20 *Committee Hansard*, 18 June 2010, p. 7.

21 *Committee Hansard*, 24 March 2010, p. 34.

22 *Committee Hansard*, 24 March 2010, p. 16.

23 TSIRC, *Submission 9*, p. 2.

24 *Committee Hansard*, 18 June 2010, p. 7.

wrong, that night they will find that something has happened to either their families or their property.²⁵

8.15 He argued strongly that a greater police presence would ensure a safer environment.²⁶ A permanent police presence was considered to be of particular importance to the communities on Saibai and Boigu.²⁷

Costs of providing police presence

8.16 Acknowledging the concern about the lack of police on certain Torres Strait islands, Commissioner Atkinson argued that the QPS presence in the region was 'not too bad', with 52 funded positions and at least two additional police officers on Badu, taking it up to 54 fully-funded positions. He informed the committee that 'the cost of putting state police and the appropriate facilities on every one of the 17 islands will be massive', around \$10 million each, based on the cost of establishing a QPS presence on Badu Island.²⁸ He noted that the cost is high because when relocating an officer, 'we have to provide accommodation, an office, a vehicle and training and, of course, there are all the recurrent costs. So it would be expensive'.²⁹

8.17 The Commissioner made clear that due to the high cost, a state or federal police presence on each of the 17 islands in the Torres Strait was highly unlikely. However, he identified a potential solution to increase the police presence:

My sense of it is that we might move towards having a couple of major centres, maybe at Badu and one of the islands in the eastern group and then try and service the other islands by aircraft and vessel on a regular basis.³⁰

8.18 These observations are consistent with a QPS submission to the recent Queensland Crime and Misconduct Commission. The QPS informed the Commission that it was 'not possible to provide a permanent state police presence on all the Torres Strait islands'. It indicated that it would 'deliver the standard service delivery model through a "geographical cluster" approach, with policing facilities on three islands (Badu, Saibai and Yorke Islands)'. According to the Commission, the QPS provided:

...no timetable for these plans, but senior police told us that the Badu police station is likely to be constructed first, possibly within two to three years, because of the 'problematic' presence of the QATSIP and the larger population of Badu and nearby islands.³¹

25 *Committee Hansard*, 24 March 2010, p. 28.

26 Napua Pedro Stephen, *Committee Hansard*, 24 March 2010, p. 27.

27 TSRA, *Submission 18*, p. 15.

28 *Committee Hansard*, 25 March 2010, p. 9.

29 *Committee Hansard*, 25 March 2010, p. 12.

30 *Committee Hansard*, 25 March 2010, p. 10.

31 Queensland Crime and Misconduct Commission, *Restoring Order: Crime prevention, policing and local justice in Queensland's Indigenous communities*, 2009, p. 166.

8.19 As noted earlier, the outer islands are serviced by visiting police officers who are based on Thursday Island and travel to the outer islands by aircraft or a vessel. Commissioner Atkinson stated that there were no specific plans to increase the availability of boats and hence the capacity of police to move around the region. He said:

In an ideal and perfect world, you would have two large vessels so that you would have a degree of comfort if there was an unscheduled maintenance situation—say, the engine broke unexpectedly—there would be another vessel there. In an emergency, we could call on the federal government resources and they would assist. I think that is clearly going to have to be part of the future.³²

8.20 The Queensland Government informed the committee that the acquisition of a fixed-wing police aircraft based at Horn Island 'provides the capacity to respond to incidents occurring anywhere in the Torres Strait Islands, weather permitting'.³³ The Commissioner explained further that the acquisition of the aircraft was of great benefit to the police force by providing it with the ability to get to an island far quicker than by vessel.³⁴ He noted, however, that 'We have had some recent issues with that because we only have one pilot—again, that is not a criticism. So we need to find a balance'.³⁵

8.21 Some local leaders were of the view that the arrangement of having police officers travel to the outer islands by aircraft or boat was unsatisfactory. Mayor Gela noted:

Hammond Island is only 15 minutes adjacent to Thursday Island. It takes QPS 72 hours to even get to Hammond. You can just imagine how long it would take QPS to get from point A to point B especially if we were talking about Murray Island or Saibai. While I do respect and understand there is a human resource issue and there is a funding issue we cannot put a value on lives or people. I think my people are entitled to that.³⁶

8.22 Councillor Stephen also spoke of the delay in taking action:

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

32 *Committee Hansard*, 25 March 2010, pp. 14–15.

33 Queensland Government, *Submission 20*, p. 5.

34 *Committee Hansard*, 25 March 2010, p. 15.

35 *Committee Hansard*, 25 March 2010, pp. 14–15.

36 *Committee Hansard*, 18 June 2010, p. 7.

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.³⁷

8.23 He disagreed with the notion that millions of dollars need to be spent on a new boat or a plane to go out to the islands. Instead, in his view, a greater police presence on the islands would solve many issues.³⁸

8.24 Another witness questioned the effectiveness of relying on police to fly in from Thursday Island to attend an incident on another island. The committee heard that because the QPS aircraft is recognised and its arrival easily noticed, by the time law enforcement authorities have landed, any illegal activities or persons wishing to avoid them would have long disappeared.

Committee view

8.25 The committee notes the desire of communities in the Torres Strait to have a permanent police presence and understands the importance of having regular police stationed on the outer islands. Even so, the committee acknowledges the significant cost of locating police on each island and considers, like Police Commissioner Atkinson, that this would be economically unsustainable. It supports the Police Commissioner's view of introducing 'island cluster' policing.

8.26 In the following section, the committee looks at CPO powers, employment arrangements and their role.

Community police

8.27 As noted earlier, the islands without a QPS force have community police that provide some assistance to the Queensland Police. Police Commissioner Atkinson informed the committee that CPOs do not have the two key elements that state and federal police have which set them apart from the broader community—the ability to prosecute and the capacity to use force.³⁹ He added:

And they do not have the power to carry the normal range of equipment associated with the use of force, such as handcuffs, capsicum spray, firearms and, in some cases, tasers.⁴⁰

The role and status of community police

8.28 Some witnesses expressed concerns regarding the role of the CPOs and their lack of power which severely curtails their ability to engage in effective enforcement measures. Indeed, one of the strongest arguments put by local communities during the

37 *Committee Hansard*, 24 March 2010, p. 23.

38 *Committee Hansard*, 24 March 2010, p. 23.

39 Robert Atkinson, *Committee Hansard*, 25 March 2010, p. 10.

40 Robert Atkinson, *Committee Hansard*, 25 March 2010, p. 10.

inquiry was in relation to the powers of CPOs. Mayor Gela raised the problem not only of insufficient numbers of police but also the inadequacy of the powers conferred on community police. He said:

On the ground in our local communities we do not have people that are charged with, or invested with, the appropriate powers—being police officers, being members of the departments that are meant to be policing and monitoring this arrangement.⁴¹

8.29 Mr Kris expressed similar concerns and noted, for example—'there is no authority within our police force to apply those services in our community'.⁴² He stated that currently they 'cannot detain anyone, let alone apply a fine to someone who is driving without a licence'. In his mind, these were 'some of the real issues on the ground'.⁴³ In its submission, TSRA explained further that a major problem dealing with crime on the islands, whether related to visiting PNG nationals or otherwise, stemmed from the status and training of CPOs. It noted that island police are 'Community Development Employment Projects (CDEP) Program employees and do not have the training in law enforcement, nor the arrest powers, of the Queensland Police'. It stated that there had been calls for Queensland Police to assess CPOs' understanding of their role and responsibilities and their capacity to provide an appropriate level of service to the communities.⁴⁴

8.30 Councillor Stephen expressed the same concern about the CPOs' lack of authority, indicating that many incidences take place because perpetrators 'know that there is no law and order there'. He stated that requests have been made 'for there to be a special recommendation for [CPOs] to be special constables, to be actually empowered under the Commonwealth and the state police legislation'.⁴⁵ He asked:

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.⁴⁶

8.31 The Torres Shire Council considered that the greater empowerment of local police officers 'is paramount for local Indigenous law enforcement officers within the communities throughout our isolated communities'.⁴⁷

41 *Committee Hansard*, 18 June 2010, p. 5.

42 *Committee Hansard*, 24 March 2010, p. 17.

43 *Committee Hansard*, 24 March 2010, p. 16.

44 TSRA, *Submission 18*, p. 15.

45 *Committee Hansard*, 24 March 2010, p. 23.

46 *Committee Hansard*, 24 March 2010, p. 23.

47 Torres Shire Council, *Submission 19*, p. 9.

8.32 Meeting community expectations is another reason for the desire to increase CPO powers. Mr Wayne See Kee, General Manager of TSRA, observed that 'there is an expectation from community, just like anybody else, to have a level of service and to have security in your community'.⁴⁸ He also drew attention to the need to adapt the service to the unique environment of the Torres Strait region:

...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...we are seeing the same structures being used down south essentially trying to be used here and it does not work.⁴⁹

8.33 According to Mr Bedford, the QPS has acknowledged that the level of service was inadequate and alternative arrangements were being explored to ensure that they 'meet the needs of this unique part of Australia'.⁵⁰ He informed the committee that the TSRA had discussed with the QPS and the Queensland Minister for Police ways to rectify the situation and 'how we can address the inability...of the community police to act on behalf of Queensland Police'.⁵¹

8.34 During the committee's public hearing, options for improving the status of CPOs were discussed with Police Commissioner Atkinson. Committee members asked about a possible range of alternatives that would confer greater authority on CPOs. As an example, one cited having halfway positions 'between a fully trained police officer in the Queensland Police—with all the powers of that—and a community police officer, who has no power'. Along similar lines, another suggested whether consideration could be given to some form of hybrid arrangement that would provide a functioning police presence for local communities but at less cost than having fully sworn officers.⁵²

8.35 The Police Commissioner indicated that the proposal for a halfway position for CPOs needed to be explored further. He recognised the good work of these officers and the potential to increase their skill level, training, ability and competence. Nonetheless, in his view, there was 'a cut-off point'. He noted that with rights comes responsibility and CPOs would need to be equipped, resourced, trained, backed up and all the things that go with it'.⁵³ He explained:

So if you are going to give someone power to take someone into custody then all of the other things must then automatically follow in terms of duty of care and the safety and observation of a person who is taken into custody. There is a significant flow-on in terms of that sort of power. And

48 *Committee Hansard*, 24 March 2010, p. 17.

49 *Committee Hansard*, 24 March 2010, p. 17.

50 *Committee Hansard*, 24 March 2010, p. 16.

51 *Committee Hansard*, 24 March 2010, p. 16.

52 *Committee Hansard*, 25 March 2010, pp. 10 and 12.

53 *Committee Hansard*, 25 March 2010, pp. 10–11.

what if the person resists arrest? What degree of force should be used? For one community police officer on an island of 100 or 200 people, it is difficult.⁵⁴

8.36 He also noted other problems for CPOs due to the uniqueness of the region. He pointed out that while policing can be demanding in any environment, an additional challenge arises in the Torres Strait because of the 'unique culture that exists for each island in terms of its own traditions and values as well as the clans and family groups'. Further:

In that context the clan family thing is very difficult. One of the challenges for community police is the sensitivity of going to someone's home and saying, 'Look, you're having a domestic violence incident here. I'm going to help you and get involved in this because the neighbours have phoned', and the degree of sensitivity on an island in the Torres Strait would be greater than it is in the mainstream Australian community in that regard.⁵⁵

8.37 Councillor Banu could see a potential problem developing from relying on CPOs to police the outer islands. He suggested that any increased powers for CPOs might prompt the QPS to decide not to place commissioned officers in the communities of Saibai and Boigu.⁵⁶

Employment of community police

8.38 Concern was also raised regarding future employment arrangements for CPOs. These positions are funded by a combination of council and CDEP funds.⁵⁷ Originally, CDEP project funding was used to provide employment to Indigenous job seekers. The reforms to the program since 1 July 2009 have changed the CDEP focus to 'building the skills of participants in remote communities to find jobs outside of CDEP'.⁵⁸ The Queensland Government noted that considering this and other changes, 'TSIRC will need to develop a sustainable municipal service delivery model on the basis of available resources'.⁵⁹

54 *Committee Hansard*, 25 March 2010, p. 11.

55 Robert Atkinson, *Committee Hansard*, 25 March 2010, p. 13.

56 Donald Banu, *Committee Hansard*, 24 March 2010, p. 17.

57 Queensland Government, *Submission 20*, p. 6.

58 CDEP helps Indigenous job seekers to gain the skills, training and capabilities needed to find sustainable employment and improves the economic and social well-being of communities. CDEP is one of the key Indigenous employment programs contributing to the Australian Government's aim of halving the gap between Indigenous and non-Indigenous employment within a decade'.
<http://www.fahcsia.gov.au/sa/indigenous/progserv/families/cdep/pages/default.aspx> (accessed 24 May 2010).

59 Queensland Government, *Submission 20*, p. 6.

8.39 Mr Kris pointed out that the Australian Government has 113 and the Queensland Government 309 CDEP-funded positions. He noted that the Australian Government has given some commitment to convert its 113 jobs to equivalent government position, whereas no firm commitment has been given by the Queensland Government regarding its positions.⁶⁰

8.40 Police Commissioner Atkinson shared his colleagues' concerns about CDEP funding for CPOs. He observed that while lack of CDEP funding had been an issue on mainland Queensland, the effect on Torres Strait Islands would be far more significant. He explained that where CDEP funding was withdrawn from mainland communities, the councils no longer employ community police, which was a concern to QPS. Despite having made things more difficult, in his view it would not go 'anywhere near the potential impact', should CDEP funding be withdrawn 'to the point where the islands could not employ their one or two community police officers'.⁶¹ He proposed that the state and Australian Government could identify a future plan on the issue of security in the Torres Strait:

...maybe there is scope in your considerations to look at some unique model, where there could be a local person, employed as a police officer, who is strongly supported not just by the state but by the Commonwealth as well in terms of training, equipment and resourcing.⁶²

8.41 The TSRA considered that changes to policy, including the transition of community police from current CDEP funding arrangements to full-time, permanently secured positions would 'considerably enhance the security of the international border'.⁶³

Review of community police role

8.42 The Queensland Government informed the committee that the 'legislative basis for community police as a function of Indigenous local governments was currently under review'. In addition, the findings and recommendations of the Review of Policing in Indigenous Communities were expected to inform 'the Queensland Government's future approach to policing in Aboriginal and Torres Strait Islander communities in Queensland'.⁶⁴ In this regard, the review has published its report and found:

The notion of policing services being able to be delivered in Indigenous communities through a standard model of sworn police and PLOs is administratively attractive, perhaps. The situation in the outer islands of the Torres Strait, at the very least, demands that community police or QATSIP

60 John Toshi Kris, *Committee Hansard*, 24 March 2010, p. 3.

61 *Committee Hansard*, 25 March 2010, pp. 4 and 9.

62 Robert Atkinson, *Committee Hansard*, 25 March 2010, p. 10.

63 TSRA, *Submission 18*, p. 15.

64 Queensland Government, *Submission 20*, p. 6.

(or some similar role distinct from sworn police or PLOs) will remain a necessity for a substantial length of time, if not permanently.⁶⁵

8.43 It recommended that the capacity of Indigenous people to undertake policing roles in the Torres Strait Islands should continue to be utilised and further developed.⁶⁶ Furthermore, the Commission recommended that the Queensland Government and the QPS commit:

...to supporting a model, which improves on the QATSIP model, for local people in Queensland's Indigenous communities to be appropriately trained and supervised so that they can play an active role in law enforcement and other policing activities in their own communities. The officers should be employed, trained and supported by the QPS. This role:

- should not be limited to the enforcement of by-laws;
- need not automatically exclude all potential applicants who are local people with prior criminal convictions; and
- should be seen as of particular importance in the Torres Strait Islands, where it can be an important supplement to the policing services otherwise provided by the QPS.

Training for local Indigenous people to perform these roles should be designed specifically with Indigenous learning styles in mind.⁶⁷

Committee view

8.44 Considering the perceived lack of police presence and the significant costs of establishing QPS positions in the region, the committee sees an opportunity for governments to make better use of CPO and QATSIP positions. QATSIPs are already trained and employed by QPS. The cost of funding these positions is significantly lower than that of regular QPS officers, and CPOs/QATSIPs are local people as opposed to officers brought in from other parts of Queensland, reducing relocation costs.

8.45 The committee notes and understands the calls for increasing the powers of CPOs. Evidence before the committee showed that CPOs and QATSIPs supplement the gaps in mainstream policing in the outer Torres Strait Islands. They have the support of their local communities and should remain an integral part of law enforcement in the region well into the future. Even so, the committee notes the concerns of local leaders who are calling for their community police to have greater powers so that they can be more effective in promoting law and order. The committee

65 Queensland Crime and Misconduct Commission, *Restoring Order Crime prevention, policing and local justice in Queensland's Indigenous communities*, 2009, p. 166.

66 Queensland Crime and Misconduct Commission, *Restoring Order Crime prevention, policing and local justice in Queensland's Indigenous communities*, 2009, p. 166.

67 Queensland Crime and Misconduct Commission, *Restoring Order Crime prevention, policing and local justice in Queensland's Indigenous communities*, 2009, p. 170.

notes further that while the role of the community police is to maintain public safety by ensuring the preservation of law and order, and prevention and detection of crime on the community, their powers are limited.⁶⁸ It is strongly of the view that community police need to be resourced adequately, trained appropriately and supported by the QPS.

8.46 If community police are to continue to provide an important service to Torres Strait communities, then their capacity to do so is vital to their success. The committee supports the findings of the Crime and Misconduct Commission as they apply to the Torres Strait: that is that the Queensland Government and the QPS commit to supporting a model that improves on the QATSIP model. This means that local people in Indigenous communities in the Torres Strait be 'appropriately trained and supervised so that they can play an active role in law enforcement and other policing activities in their own communities'. Among other things, the officers should be employed, trained and supported by the QPS; their role should not be limited to the enforcement of by-laws; and they should be seen as an important supplement to the policing services otherwise provided by the QPS.

Recommendation 10

8.47 The committee recommends that the Queensland Government consider, as part of its overall review of policing in Indigenous communities, increasing Community Police Officer powers in order to enable them to respond more effectively to incidents in Torres Strait island communities and providing appropriate training and supervision in the use of these powers. The findings of the recent Queensland Crime and Misconduct Commission inquiry provide an ideal starting point.

8.48 The committee also notes the changes to the CDEP program and the concerns raised by Commissioner Atkinson regarding their potential effects in the Torres Strait region should funding be withdrawn. It shares the Commissioner's concerns and urges the state and federal governments to work together to find a solution to this issue so that Torres Strait local councils can continue funding CPO positions.

Police facilities

8.49 During its visit to Saibai, the committee had the opportunity to visit the CPO facility and found it in a very poor state. It was small and while it could be used at peak times by a number of officers, it had only one desk, a couple of chairs and no computer. The air conditioning unit leaked, causing paint to strip off the walls; and the office lacked private facilities and a kitchen. The Queensland Police Commissioner described it as 'just dreadful; no-one should be expected to work in that sort of

68 Queensland Police Service, Queensland Aboriginal and Torres Strait Islander Police, <http://www.police.qld.gov.au/programs/community/CulturalAdvisory/qatsip.htm> (accessed 4 June 2010). Queensland Government, *Submission 20*, p. 5.

accommodation'. He also noted that the general standard of community police accommodation 'is really terrible'.⁶⁹

8.50 While on Saibai, the committee also visited the new Customs and Border Protection office complex, which is a lock-up structure owned by Customs and Immigration. The unit is modern, well-equipped and located next to the designated entry point. It 'is available for use by other agencies', including QPS whose officers use it as their base when on the island. According to Customs, community feedback suggested that there were 'indications of a decreasing local crime rate and minor detections increasing since inception of the facility'. A second one is planned for Boigu in the next few years.⁷⁰

8.51 The Queensland Police Commissioner suggested that community police officers could use such a facility which 'could be available for state and federal agencies to come and use as well'.⁷¹ The Commissioner was hopeful that, given the uniqueness of the location, some sort of joint Australian and state government approach could be taken. He thought the Saibai model, or whatever model evolved, where community police and visiting federal and state authorities could use the same building and office was really interesting and had potential.⁷²

8.52 The Queensland Government proposed that the establishment of similar multi-agency infrastructures on identified islands should be considered. In its view, 'A memorandum of understanding between State and Federal law enforcement agencies would enhance sharing of resources and information'.⁷³

8.53 Police Commissioner Atkinson also referred to shared facilities with the federal police, such as the watch-house on Horn Island and Thursday Island.⁷⁴

69 Robert Atkinson, *Committee Hansard*, 25 March 2010, p. 12.

70 Australian Customs and Border Protection Service, *Submission 14*, p. 5.

71 *Committee Hansard*, 25 March 2010, pp. 11–12.

72 *Committee Hansard*, 25 March 2010, p. 12.

73 Queensland Government, *Submission 20*, p. 6.

74 *Committee Hansard*, 25 March 2010, p. 14.



The committee inspecting the Customs facility on Saibai

Committee view

8.54 In relation to the CPO office facility on Saibai, the committee agrees with the Police Commissioner and considers that the facility should be upgraded as soon as possible, or, alternatively, other suitable office accommodation and equipment should be provided for the officers to undertake their administrative duties. Considering the CPOs' role as 'the eyes and the ears' for a number of Australian and Queensland Government agencies, the committee believes that these agencies could contribute to improving the standard of office accommodation for CPOs.

8.55 The committee also supports the notion of establishing multi-agency infrastructures on other islands and the sharing of these facilities between federal, state and community police.

Federal police and cooperation between agencies

8.56 As the committee has indicated on a number of occasions, the Torres Strait region is exceptional in many respects: its remoteness and island geography; and its proximity to, and the international border it shares with, PNG.⁷⁵ The Queensland

75 Police Commissioner Atkinson, *Committee Hansard*, 25 March 2010, pp. 3–4.

Government informed the committee that criminal matters or complaints in the Torres Strait are investigated and responded to 'with cooperation and collaboration between the QPS, Australian Federal Police (AFP) and PNG authorities as appropriate'.⁷⁶

8.57 In this regard, enforcement agencies in the Torres Strait work together. The committee heard that joint cross-border patrols, undertaken three times a year and led by Customs, have assisted in addressing some of the public order concerns. For example, they have led to the interdiction of prohibited goods and detention of suspected persons, such as over-stayers on traditional passes and unlawful movements under the guise of traditional travel.⁷⁷

8.58 According to Police Commissioner Zuccato, besides policing drug trafficking, gun running and people smuggling, the AFP is present in the region because of the international border. It investigates crimes against the person committed by PNG nationals visiting on either a passport and visa or a traditional visitor pass, and all other criminal activities deemed a priority by the local criminal intelligence management group.⁷⁸ Although, most of the issues in the region are similar to those confronting the police throughout Australia, in the Torres Strait, border security 'is particularly unique to that environment'.⁷⁹

8.59 The Queensland Police Commissioner explained to the committee that the role of state police in border security stems from their responsibility 'to support federal law'. Cooperation between these various law enforcement agencies works both ways. The commissioner noted that in some cases, it was 'very difficult for a state jurisdiction to investigate in PNG' and that state police needed to work closely with the AFP. As an example of this limited jurisdiction, he referred to a kidnapping incident:

We had a situation for a state police jurisdiction where someone was kidnapped and taken into PNG. That is very difficult for a state jurisdiction to investigate in PNG.⁸⁰

8.60 The Police Commissioner observed that the relationship between the AFP and the QPS is 'excellent'.⁸¹ DFAT's Torres Strait Treaty Liaison Officer also noted the good cooperation between DFAT and the police.⁸²

8.61 While there are a number of Australian border control agencies working in the Torres Strait that have responsibility for the region's security, they benefit from the

76 Queensland Government, *Submission 20*, p. 5.

77 Australian Customs and Border Protection Service, *Submission 14*, p. 6.

78 *Committee Hansard*, 18 December 2009, p. 56.

79 Police Commissioner Atkinson, *Committee Hansard*, 25 March 2010, pp. 3–4.

80 *Committee Hansard*, 25 March 2010, p. 14.

81 Police Commissioner Atkinson, *Committee Hansard*, 25 March 2010, p. 14.

82 Brett Young, *Committee Hansard*, 18 December 2009, p. 18.

assistance provided by local groups, including community police, even though they are not formally tasked in that way. The Queensland Government noted the importance of close cooperation between law enforcement agencies and contact with traditional Treaty villages and the Protected Zone communities in order to reduce crime.⁸³ DIAC also acknowledged the important role of the local communities. Mr Stephen Allen explained:

As with all agencies in the region, as with the community as a whole, I think that there is a general understanding that if something comes to someone's attention that they would refer it to the appropriate agencies. So, while they might not be formally tasked in terms of border protection, as community policing officers if they saw something suspicious in nature there would be an obvious hope and expectation that they would report that to Customs and Border Protection or to ourselves or to the AFP.⁸⁴

8.62 The Queensland Government made clear, however, that it was not appropriate for community police to perform a border security role because this function was 'not the responsibility of local governments or their employees' and because they 'do not have the requisite authority or powers, and are insufficiently qualified or trained, to carry out this function'. It was of the view that 'border security would be more appropriately enhanced by a stronger Australian Government presence'.⁸⁵ When questioned, Police Commissioner Atkinson also thought there was 'room for more' AFP presence in the region.⁸⁶ As noted earlier, the Federal Police have only two officers in the region, both based on Thursday Island.

8.63 Considering the contribution that community police could and do make to law and order matters as well as security interests in the region, the committee believes that the AFP should also have a role in working with their Queensland counterparts to support the development of community police.

Recommendation 11

8.64 With regard to matters dealing with visiting PNG nationals, the committee believes that the Australian Government has a direct responsibility. It recommends that the Australian Government should confer with the Queensland Government on how best it, and particularly the AFP, can assist with any law and order issues that arise because of the shared border and the presence of PNG nationals in the Torres Strait.

83 Queensland Government, *Submission 20*, p. 5.

84 Stephen Allen, *Committee Hansard*, 17 December 2009, p. 28.

85 Queensland Government, *Submission 20*, pp. 6–7.

86 Police Commissioner Atkinson, *Committee Hansard*, 25 March 2010, p. 14.

Conclusion

8.65 In this chapter, the committee discussed law and order in the Torres Strait. It noted the concerns of local people regarding the lack of police presence on the outer islands and the support by both police and the communities for increased powers for CPOs. In this regard, the committee noted that CPOs need to be adequately trained and equipped to deal with situations in the island communities. The Queensland Police Commissioner and the committee support the idea of a 'hybrid' police force, whose officers would have increased training and powers close to the arrangement that currently exists for the Queensland Aboriginal and Torres Strait Islander Police (QATSIP). The committee and the QPS also support the idea of policing through 'island clusters' for the purpose of increasing police presence on the islands. The committee made a number of suggestions and recommendations along these lines to the Queensland and Commonwealth governments.

Part II

Conservation, biosecurity and border control

The remoteness of the Torres Strait Islands, the scattered and sparse population across the region, proximity to PNG, and the free movement of traditional inhabitants across the border create difficulties for those responsible for conserving the environment and for administering biosecurity and related matters in the region.

Part II of the report is concerned with the unique environment of the Torres Strait and the particular conservation, biosecurity and border control challenges it creates for the Australian Government.