



COMMONWEALTH OF AUSTRALIA

JOINT STANDING COMMITTEE ON TREATIES

Reference: Australia-Indonesia Maritime Delimitation Treaty

CHRISTMAS ISLAND

Thursday, 9 October 1997

OFFICIAL HANSARD REPORT

CANBERRA

JOINT STANDING COMMITTEE ON TREATIES

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Mr McClelland (Deputy Chairman)

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Senator Coonan
Senator Cooney
Senator Murphy
Senator Neal
Senator O'Chee

Mr Adams
Mr Bartlett
Mr Laurie Ferguson
Mr Hardgrave
Ms Jeanes
Mr Tony Smith
Mr Truss

For inquiry into and report on:

Australia-Indonesia Maritime Delimitation Treaty.

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JOINT STANDING COMMITTEE ON TREATIES

Australia-Indonesia Maritime Delimitation Treaty

CHRISTMAS ISLAND

Thursday, 9 October 1997

Present

Mr Taylor (Chairman)

Senator Coonan

Mr Adams

Mr Hardgrave

Mr Tony Smith

The committee met at 2.19 p.m.

Mr Taylor took the chair.

MABERLY, Mr Paul Anthony, Chief Executive Officer, Shire of Christmas Island, PO Box 863, Christmas Island, Indian Ocean 6798

SMOLDERS, Mr Andrew Godefridus, Shire President, Shire of Christmas Island, PO Box 104, Christmas Island, Indian Ocean 6798

CHAIRMAN—We do apologise for being late. They took us to the wrong venue. This public hearing is the fifth hearing conducted by this committee into the Australia-Indonesia Maritime Delimitation Treaty. This treaty is of particular significance to both countries. It is water-breaking stuff—I am reluctant to say groundbreaking—and, as we found out in Darwin, there are one or two things that need to be discussed.

Public hearings have already been held in Canberra, where evidence was taken from the line departments at the federal level involved in the negotiation of this treaty. In Perth we took evidence from the Solicitor-General of Western Australia, the Western Australian government, and interested individuals, and yesterday in Darwin we also spoke to government representatives and interested individuals. I should say that the committee views visits such as today's, when we come to regional centres and territory areas like this, as very important. We view these hearings as an opportunity for us to hear directly what people would like to say on a collective and individual basis, and that, of course, is part of the new treaty making process established by the present Howard government in the middle of last year.

Although this treaty was signed in Perth in March by Alexander Downer and Ali Alatas, of course it will not be ratified until such time as this committee hears all the evidence and all the arguments and makes the appropriate recommendations to the parliament. As you would know, the treaty making constitutional power lies with the executive—in other words, the cabinet—and we have assurances that no treaty will be ratified in advance of any recommendations from this committee.

This particular treaty is coming up to the 100th since we were established in the middle of last year. We have 15 sitting days in which to report back to the parliament, although, where we cannot achieve that, the foreign minister has indicated to the committee that he would not move ahead unilaterally and ratify until such time, as I said before, as we have recommended. We hope to have our last public hearing on 20 October 1997 in Canberra just to wrap up, as it turns out, quite a few issues with some of the line departments.

This afternoon we are happy to hear from the Christmas Island Shire, the Christmas Island Workers Union, and Parks Australia, and, on that last one, I am particularly pleased and I thank Julian Barry for his indulgence on that. I think that it would have been an important omission had that not taken place. We will hear from the Chamber of Commerce, the Federal Police and, of course, if there are any other individuals who would like to speak to us on this issue, we are happy to meet and to

discuss the issues with them.

I welcome Andrew and the Shire Council and I invite you to make an opening statement. Are you going to speak to that note that you gave me before, or is that something that you want tabled?

Mr Smolders—With your permission, the format of the Shire of Christmas Island's submission today will follow the following procedure. Firstly, I have two questions that I would like to ask the committee. Secondly, I would like to read the submission formally for the record and for the benefit of the committee—that is our original submission.

CHAIRMAN—Okay. First of all let me go back to your written submission No. 6 dated 18 September. I need to ask you about that. Are there any errors, or omissions, or editorial changes to that particular submission?

Mr Smolders—No, there are not.

CHAIRMAN—This is a copy of a speaking note, an opening statement that you want to make—is that what you are saying?

Mr Smolders—No. I will just follow on a little bit. Following the reading of our submission, I would like to elaborate on some key points myself. The document that you have before you is an elaboration of some general points by our chief executive officer, and that was because of the doubts as to whether Parks Australia were going to make a submission today.

CHAIRMAN—Okay. Please go ahead.

Mr Smolders—Thank you very much for being here today on Christmas Island. I formally welcome you to Christmas Island and I certainly appreciate the time that you have taken to come over here and listen to some of the community viewpoints on this particular treaty, viewpoints which our community hold very close to our hearts.

Firstly, I would like to ask two questions of the committee, the first being in relation to the treaty that was entered into in February 1997. Mr Chairman, you did mention that it has not been ratified by parliament. My question is: what status is that treaty at at the moment and how is it binding on the governments of Australia and the Republic of Indonesia? My second question relates to the specifics of that treaty. What is the impetus for defining the Indonesian exclusive economic zone as being 38.75 nautical miles north of Christmas Island?

CHAIRMAN—Okay. Are you going to make an opening statement, as well, before you read in this—

Mr Smolders—No. I will just be going straight into my submission.

CHAIRMAN—All right. Just let me cover the two points you raised. At this point in time this particular treaty has no legal status whatsoever. There are two levels of signature to any treaty, convention, protocol, or whatever you want to call it. The first one, which is what happened in March in Perth between Alexander Downer and Ali Alatas, is a signature which indicates on the part of both countries that it has a moral and ethical value. That is the first step. But the more important step is ratification.

Ratification is the process whereby a convention becomes legally binding in international law. That is where this committee comes into the process. When, as happened with this, as appropriate after the first signature, a national interest analysis is prepared which is done in conjunction with all interested authorities, whether they be state governments, local governments, non-government organisations, or individuals, and a national interest analysis, or NIA, is tabled with the treaty, my committee then is tasked under a joint resolution of both the House of Representatives and the Senate to report back to the parliament within 15 sitting days—and I emphasise ‘sitting days’ because depending on the sitting patterns, it could mean anything out to three months. As it has turned out most of them have been very short fused.

We then have hearings, as we are having today. We collect all the facts and then we make the appropriate recommendation to the parliament and the parliament will debate it in whatever fashion we are given time to do that. The treaty making power, of course, does not lie with the parliament. The treaty making power, under section 61 of the constitution, lies with the executive. So it is a cabinet decision. But it would be a brave cabinet that would go ahead against a recommendation of this committee.

We are in the early stages, but on Monday week I table the 10th report of this committee within 12 months of it being formed. It is probably the most heavily worked committee in the parliament and it is also, I think, without being too parochial, the most productive.

Mr HARDGRAVE—Hear, hear!

CHAIRMAN—I thought you might say that. It certainly is the most interesting and the most diverse. We might be dealing here today, as we are, with a maritime delimitation treaty whereas a few months ago we might have been, as we were, dealing with a double taxation agreement with Vietnam. So it is very wide range. We have the expertise in the committee to cover most of these areas very well, but it is dependent on people like yourselves giving us the appropriate input. That is why this morning, behind the scenes, I was quietly insistent that Parks Australia appear. We will come back to this later, but that was because if the anecdotal evidence or comment that we were hearing as we were driving around had been left off the *Hansard* record, it would have been incomplete. So we want to hear it, warts and all.

To answer your first question, at this point in time it has no legal status, and will not until such time as that second signature. That would be done some time after we report to the parliament, and we make lots of recommendations. We might say, 'Yes, ratify;' we might recommend we ratify, but we might say certain things which we will come onto later—and I suspect we will—in relation to Christmas Island, the WA side and the Northern Territory side.

On the second point, in terms of the rationale for the 38.75 nautical miles, the rationale for that is discussions between the two countries. It is a compromise position, which of course we can discuss today. You will undoubtedly have a view as to why perhaps that is not appropriate. As you would know, that decision has been reached after a long gestation period, but we need to see whether it is appropriate. If there is something militating against it, no doubt you will tell us and we will make the judgments in making the appropriate recommendations to the parliament and therefore the executive.

Does that clarify the first two, before you start?

Mr Smolders—It certainly does. In relation to the first question, would it therefore be a fair comment to say that the treaty has no international legally binding status for either government until it is ratified by cabinet?

CHAIRMAN—Absolutely; and then there is normally a period after the formal ratification before it might come into effect. It could be one month, it could be three months, it could be six months, depending on what they agree. I should say also that in this case it is subject to ratification by the Indonesian parliament, because they have different procedures; and we understand that, because of the upcoming Indonesian elections, it perhaps may not be ratified by the Indonesian parliament until about the middle of next year. So there is a little time, but that is why it is important that we get everything on the public record. Please go ahead.

Mr Smolders—Without any further ado, Mr Chairman, I will go forward and read the submission from the Shire of Christmas Island. I understand members of the committee have received a copy of this prior to today's forum. I hope you will just bear with me as I read through it.

Item 1 is general background. Christmas Island is located in the Indian Ocean approximately 360 kilometres south-west of Java, Indonesia, and approximately 2,630 kilometres north-west of Perth, Australia. It lies on the edge of the Java Trench and represents the north-west end of a series of undersea rises known as the Vening Meinesz sea mounts, which range from Ninety-East Ridge and include the Cocos (Keeling) Islands.

Christmas Island was uninhabited prior to being discovered in 1643 by Captain William Miners. Christmas Island was annexed by Great Britain in—

CHAIRMAN—Andrew, sorry, let me interrupt. You may have misunderstood me. There is no requirement for you to do that, because it has already been accepted as introduced into evidence. That letter of yours of 18 September enclosing all of this has already been incorporated in the evidence. It is already in our papers, we have all studied everything that is in that, and we are cognisant of the areas that are covered in that. What we really need from you today in an opening statement is any amplifying comments and any additional comments you want to make; otherwise we will be here all day. It is already formally introduced into the evidence. Are you happy with that?

Mr Smolders—Yes. On that note, then, I would like to elaborate on a couple of the particular issues that the Shire of Christmas Island had in relation to the treaty. As mentioned in our submission, those issues relate to fisheries research and immigration issues—particularly in relation to fisheries issues on Christmas Island.

The northern coastline is really our most important part as far as the oceanography side of Christmas Island is concerned. The northern coast of Christmas Island represents the only accessible place for boating activities throughout most of the year. It was also subject back in 1983 to some severe effects from what was speculatively labelled an El Nino.

If you will permit me, Mr Chairman, I will quote a part of a marine biological survey of Christmas Island that was carried out between 17 June and 8 July 1986 by Dr Gerald Allen of the Western Australian Museum. In item III on page 10 of that report, headed ‘Conservation of reef resources’, he goes on to say:

Perhaps the biggest asset of Christmas island as far as reef conservation is concerned is the extremely rugged coast and its general inaccessibility. In actual fact, because of prevailing wind and swell, it is very difficult to fish or dive around 70% of the coastline. An obvious alternative for reef conservation planning is to create a system of zoning with the goal of satisfying all user needs without depletion of resources. One of my first thoughts in contemplating such a scheme was that it would be an excellent idea to extend the present National Park boundary seaward to encompass the offshore reefs, thus taking advantage of the protective infrastructure already in place. However, after examining the coastline first hand I have come to the conclusion that this measure is totally unnecessary as there are ample natural protective zones in the form of almost wholly inaccessible areas. The area adjacent to the National Park is mainly inaccessible and likely to remain so as is the majority of the eastern and southern coasts. In some measure these ‘naturally protected’ zones probably serve as replenishment areas for other parts of the island, although there is still much to learn about the local migrations of the larger transient reef species (trevallys are the best example). Other fishes are more territorial, for example the Maori Wrasse . . . and if fished out of a particular area, must rely on recruitment of larvae from oceanic currents.

A major area of environmental concern is the present status of Christmas Island’s coral resources. Although of no direct commercial value the living corals form an integral and vital part of the overall reef community, providing food and shelter for numerous organisms and contributing to the overall stability of the reef habitat. During the 1978 visit I was generally impressed with the abundance and variety of both soft and hard corals. I was therefore surprised to find widespread

evidence of a massive coral kill during the present survey eight years later. Although I am not a coral expert it was obvious that widespread destruction has occurred. Formerly there existed a rich mantle of live coral that was entirely exposed at low spring tides on the western side of Flying Fish Cove. Now all that remains is pulverised rubble. My first impression was that a cyclonic storm was probably responsible. However, subsequent dives at numerous locations between the Cove and North-west Point revealed wholesale destruction of live corals at all depths. Although specialists have been consulted I have not yet received a satisfactory explanation to account for this phenomenon. Several island residents who are divers are of the opinion that the die-off occurred rather suddenly, over a few weeks during March 1983, when exceptionally calm doldrum conditions prevailed.

Unfortunately weather conditions did not permit me to survey all surrounding reefs, but certainly those on the approximately 20km northern shoreline have been severely affected. I would conservatively estimate that perhaps 80% of the hard corals and 90% of the soft corals have died. The most obviously affected types are the plate-forming and branching *Acropora* corals.

It is difficult to assess the impact of the coral die-back on the overall ecology of the reef. In shallow areas, such as that described above in Flying Fish Cove, the corals have been reduced to rubble by strong wave action and the former habitat has been completely obliterated. In deeper water the coral skeletons are intact and continue to provide habitat for a variety of fishes and other organisms that are generally found on living coral reefs. However, it was noted that some specialized coral feeders such as the butterflyfish . . . and the leatherjacket . . . that were observed in 1978 were no longer present.

Despite this widespread destruction, which could well be a 'normal' cyclical phenomenon, I have no reason to doubt that the corals will eventually recover. Given sufficient time dead reefs will regenerate. For example, sections of the Great Barrier Reef that were devastated by Crown of Thorns starfish plagues 15-20 years ago are once again thriving and are strong testimony to the resilient quality of the coral reef environment.

The tiny larvae of corals and most fishes are able to survive in the pelagic realm for extended periods, in some cases up to several months. During this phase of the life-cycle they are transported by winds and currents to regions that may be hundreds of kilometres from their place of origin. Therefore even though corals in many parts of Christmas Island are now dead, recruitment of larvae from surrounding regions over the next few decades will serve to repopulate the reefs. Similarly, fishes that may become locally extinct either by natural events or human interference have an excellent chance of becoming established once again through the process of larval recruitment.

I read you that quote from this report to provide the committee with a little bit of a background as to the fragility and the dependence of our northern coastline as far as the community is concerned. It would also have other tourism aspects as well, given that it is the only point of access for any boating activities. The ratification of this treaty to 38.75 nautical miles north of Christmas Island will have, in my opinion, severe consequences as far as recruitment of larvae for the coral die-off which occurred back in 1983 is concerned. The status of the northern coastline is still severely fragile as far as soft and hard corals are concerned. That was the issue that I wanted to highlight to the committee this afternoon in so far as conservation on the northern coastline is concerned.

To elaborate a little bit more on the issue of immigration, we have had, over the last couple of years, quite a number of illegal vessels coming from Indonesian waters and leaving their cargo of people on Christmas Island at opportune times throughout the night. It is my belief, and the shire's belief, that the ratification of this treaty to define the Indonesian exclusive economic zone at 38.75 nautical miles will exacerbate this situation.

Those were the only two issues that I wanted to develop further with the committee today. Without further ado I will hand over to our chief executive officer who would like to elaborate on some other general points because of the doubts as to whether Parks Australia are going to make a presentation today.

CHAIRMAN—Are you going to cover the five points that you have provided?

Mr Maberly—That is correct.

CHAIRMAN—Before you do that, could I have a motion that this be submission No. 15?

Resolved (on motion by Mr Tony Smith):

That this document be received as submission No. 15.

CHAIRMAN—Away you go.

Mr Maberly—Do you want me to read the whole lot?

CHAIRMAN—No. We can read the five points. Just run through each of the five, highlight the difficulties and raise the issues.

Mr Maberly—Fair enough then, Mr Chairman. The first item expands on the president's submission. Given the doubt over whether Parks Australia will be putting a submission in, these obviously should be covered during the hearings.

The first one deals with the conservation of wildlife. I have noted that the protection of wildlife endemic to the island, particularly Abbott's booby and the frigatebird, both of which are declared endangered species, is of paramount importance. The new proposed reduced seabed boundary creates problems for researchers in determining the feeding area of these birds. The question that I ask is: will the treaty therefore include reciprocal rights for scientific research teams operating across the seabed boundary?

I think the introduction on point two is pretty obvious so I will go straight into the question. What measures are included in the treaty to reduce pollution from Indonesian fishing vessels and will the Indonesian government be prepared to contribute towards the

cleaning up of pollution attributed to them?

The third point is the threat of overfishing. Again, I have detailed some facts and figures in there, ending up with the question: what measures are in place to protect against overfishing by Indonesian vessels and the accompanying pollution that this generates? I might digress here: we spoke with officers from the naval patrol boat *Dubbo* recently and obviously it is only anecdotal evidence but there seems to be increased activity to our north. If we are looking at 38.75 nautical miles, which is a reduction of the border, there is the potential for this activity to increase even further.

No 4 is a statement related to economic costs. Reducing the boundary does not provide a great deal of room for growth to Christmas Island's fledgling fishing industry. The economic consequences for local operators as well as the island's economy as a whole must therefore be considered.

The fifth point I have here is one that is certainly a concern to council over a range of issues, but it is particularly of concern in important international issues such as this treaty. Council was dismayed at its last meeting—that is, its September ordinary meeting—to realise that this treaty had been signed earlier this year with no consultation with the local community or interest groups.

This council, although very young by mainland standards, has developed a good reputation in terms of consultation with the community on important matters. Council would therefore welcome the opportunity of developing, with the Commonwealth, a consultation process with respect to future issues which have a direct effect upon the island. I am aware from some of your opening talk and some of the comments that you raised there that you will be taking that back. I am sure that council will be comforted by the fact that the treaty will not be ratified without cabinet seriously looking at the recommendations of this committee.

In conclusion, Mr Chairman, it is important that, before this treaty is ratified, the concerns stated in all submissions are carefully considered. This treaty must not only be fair to both parties, but, importantly, be seen not to disadvantage the Australian position. The Australian government has an enviable reputation with respect to the environment. With this reduced boundary, our government cannot be assured that its high standards will be maintained beyond its borders. It is of paramount importance that the interests of Christmas Island's unique environment and its fledgling economy are protected from any actions which could prove detrimental. The Australian government has a duty to ensure that this is done by the ratification of a balanced treaty which protects the rights and interests of each party.

Obviously, in light of your opening statements, some of that need not have been said and some of the statements may be viewed as motherhood statements. But I believe that it is important, as the president said, that we air these views, which are held quite

close to the community's heart. Thank you.

CHAIRMAN—Thank you very much. We welcome submission 15. Point 5, on the lack of consultation, is something that, I have to say to you, emerged very strongly yesterday in Darwin. The national interest analysis that I referred to in the opening comments is supposed to have been developed as a result of in-depth consultation. All of us are very critical of what has not taken place in this particular one—I can assure you of that—and that will form a large part of what we have to say on this treaty. It is unacceptable, as I indicated in Darwin yesterday, for an NIA to be produced where it does not take account of the fact—and these were the words I used—that consultation is not just a word, it is a process, and hopefully an effective process.

You have just reiterated what was said in Darwin yesterday. It concerns us all. The government should be concerned about it, and we will make quite sure in the report that that point is made. From that, some of these issues and questions that you ask could perhaps have been clarified. For example, in Darwin yesterday, with the exception of the Free East Timor Movement, there was no objection to ratification of the treaty. They do not have the 38.75 nautical mile issue that you have. But, that said, where there were continuing concerns was in the implementation of the whole thing.

The senior official in Darwin of the Australian Fisheries Management Authority indicated to us on the record in the afternoon, when we got them back as a result of worry and concern about the whole thing, that it had the prospect to get out of hand, whether it be in terms of fishing or of pollution. We had in front of us examples of the polluting nature of what is going on just in the waters to the north and coming down into the Territory area, and this morning we saw the effect of that in one particular spot.

We will take up all of those points in the report; I can assure you of that. The 38.75 nautical mile issue is a more difficult one and we will take some further questions on that. But, whichever way you go, you can argue that there are going to be a few problems. If you come back from the median point, which is what has happened, to the 38.75, some people who do not live on Christmas Island will say, 'What is in 40 kilometres?' The median point was about 90, I think, so you have come back by 30-odd kilometres, roughly. Some people would say, 'Well what's wrong with that?' But, at the same time, we heard this morning of the prospect of long-liners getting further and further south, and of by-catch arrangements, whether they be for albatrosses, boobies or whatever. These are the sorts of issues that we needed to get on the record and that we will get on the record in more detail from Parks Australia.

Mr ADAMS—In relation to illegal immigrants, there have been some people land on the island. Can you give me any background on that—the amount of people or when the last load of people arrived here?

Mr Maberly—I have been on Christmas Island for three years. Just after I arrived

we had what is considered the largest illegal immigrant landing. I cannot give you the numbers offhand; I can take that on notice. But it was not only the large number of people: it was the length of time that those people were detained in a community facility—the sports hall. It is a matter of record that the department of immigration still owes the council money for rent on that building. We have chased up the department for the last 2½ years.

There was an impasse where the immigrants stayed there week after week. We were given assurances that they would be moved to a more suitable detention area but nothing eventuated. We set a weekly rent of \$700 from the initial point; that was to cover cleaning, insurance and various other costs. After it became evident that the Commonwealth government was not making too much of a move, council resolved to increase the rent to \$20,000 per week. Not surprisingly, action was taken within a week and a half. The immigrants moved over to Western Australia and another detention centre, and the facility was returned to the community. It is an indoor facility, and this was during the wet season and we had been deprived of it for many weeks.

We later credited the \$20,000—it was obviously a political ploy to have the immigrants removed—but we insisted that the \$700 per week was a fair charge. There is disagreement by the department of immigration on that—or that is what we understand because they have not paid the bill. But from that there was an agreement, if you like, on the length of time that illegal immigrants would remain on the island. I must say that, in the main, they are moved to a more appropriate centre relatively quickly—it is usually a day or so now. We still have an ongoing problem with the department of immigration because the facility that we use—the indoor sports hall, or the settlement sports hall as it is locally known—is a Commonwealth owned facility, but council has the care and control of the sports hall.

Therefore, and it probably gets back to the chairman's comments, we have the moral and ethical rights of a signed treaty to charge a rent, although it has not been ratified. We understand that the Commonwealth is moving towards vesting or granting that facility in freehold and, hopefully, that will remove any doubts that we have with the immigration officials. Certainly, it is of concern that our borders are so close to another country where, if the illegal immigrants are not coming from that country, they may be given some relief by citizens from that country.

Senator COONAN—I want to take up a little bit the commercial fishing possibilities of the island. However, before that I want to place on record the appreciation that we all have for your hospitality this morning, both the council and the parks people, because it gave us an appreciation of both conservation issues and problems for the natural environment. I am very interested in the reference to the impact that the 38.7 nautical miles might have on the development of resources for this island and particularly for commercial fishing. I understand there are six licensees. Is that right?

Mr Smolders—I am one of those six commercial fishing permit holders. They were issued back in 1992. To give you a little bit of the background on the industry at the moment, it is still in its infancy. There are three commercial permit holders who have an ability to catch and export yellowfin tuna up to 12 nautical miles from Christmas Island.

The other fisheries issue, in so far as a 38.75 nautical barrier is concerned, is to do with the southern bluefin tuna. It has been identified that the southern bluefin tuna spawning ground is between 7 degrees south and 20 degrees south and mainly east of 100 degrees east. Christmas Island lies at about 102 degrees east and approximately 10 degrees south, which is smack bang in the middle of what has been identified as the southern bluefin tuna spawning ground. My opinion would be that the impetus for the push to get more than 90 nautical miles closer to Christmas Island would be, obviously, to source the southern bluefin tuna spawning grounds.

Senator COONAN—You said that commercial fishing here is still in its infancy but can you see any measurable impact, or is it a speculative impact at this stage, on the ability for commercial exploitation for licence holders from Christmas Island?

Mr Smolders—I certainly expect an impact in years to come. Because it is in its infancy we are still going through discussions with Australian Fisheries Management Authority personnel as to the parameters in which we will work in in years to come. The Fisheries Management Authority people have controlled the waters surrounding Christmas Island up to the Australian exclusive economic zone, and to the north of us that lies only 38.75 nautical miles. Discussions initially are on the export of yellowfin tuna whose spawning ground is not yet identified but is known to be close to Christmas Island.

Mr HARDGRAVE—Mr Smolders, I guess you feel pretty vulnerable here on Christmas Island?

Mr Smolders—Very vulnerable. That is a very fair comment.

Mr HARDGRAVE—Obviously, you need more resources here. The case you have put to us, both written and also verbally today, is that you are in a unique position to monitor a lot of things for the rest of Australia. Is that a fair comment?

Mr Smolders—That would certainly be a fair comment.

Mr HARDGRAVE—So on the question of migration, on the question of smuggling, on the question of fishing activities and on the question of southern bluefin tuna, Christmas Island has a very important role to play?

Mr Smolders—Christmas Island and Cocos Island represent the north-western boundary of mainland Australia. In times gone by we have had some monitoring from mainland Australia through Coastwatch, specifically for illegal immigrants and illegal

fishers. However, the ratification of this treaty, and if it was to the defined 38.7 nautical miles north of Christmas Island, would require a lot more monitoring and a lot more regulation from the mainland as far as fisheries are concerned and as far as illegal immigrants are concerned.

Mr HARDGRAVE—So you are saying bringing a line closer between here and Indonesia is potentially going to cost us more, that we are going to generate more and more problems.

Mr Smolders—It is certainly my opinion that it would be imperative to increase the amount of resources spent on monitoring and regulating now, threefold, fourfold or fivefold, to ensure that you have got the same degree of control that you had in years gone by.

Mr HARDGRAVE—Do you have a feel for just how much knowledge there might be in the minds of those who make decisions in Canberra, in the minds of those who have helped draw this treaty up, about exactly what is going on in this region?

Mr Smolders—They have absolutely none. This forum here, where you have come to visit us, represents the closest thing that we have had so far to senators and members coming to see, on the ground, what the ramifications may be of the ratification of this treaty.

Mr HARDGRAVE—So this treaty is probably a mirror reverse of reality?

Mr Smolders—Yes, to a certain extent. What we would like to see is the defining point being closer to half way between our country and the country north of us. We certainly see no reason why there has been an exception in so far as the Indonesian economic exclusion boundary is 38.7 nautical miles north of Christmas Island.

I guess if through international discussion that point has been reached because Australia has achieved something on the north coast of Australia, then it is a raw deal. From an Australian to an Australian, it is a raw deal. From a Christmas Islander to an Australian, it is a real tragedy for us here on Christmas Island.

Mr HARDGRAVE—Indonesia is very important to this island's economy, isn't it?

Mr Smolders—It certainly is. However, there is an ad hoc approach by the Indonesian government to Christmas Island. An example of that is the fact that we still do not have landing rights to Jakarta airport, which we previously did have. That was an important source of finance for the casino up here. It highlights the possibilities of the Indonesian government in so far as allowing ships, vessels or aircraft to travel through their zone before they reach Christmas Island. In a nutshell, it certainly worries a lot of Christmas Islanders in so far as being in contact with mainland Australia is concerned. A

lot of our commercial vessels travel to Singapore and all of our supplies come from Singapore and South-East Asian countries.

Mr HARDGRAVE—You do not really want to brown-off Indonesia in the process before us today?

Mr Smolders—No.

CHAIRMAN—Let me go back to the consultation process. When was the first time that you were aware of this treaty?

Mr Smolders—The first time I was aware of the treaty was when Lieutenant Craig contacted me by telephone, which was about two or three weeks ago.

CHAIRMAN—You are saying there has been no consultation with your shire whatsoever either from the Western Australian government or from the Commonwealth government?

Mr Smolders—Absolutely not.

CHAIRMAN—That is absolutely unbelievable.

Mr HARDGRAVE—That is a disgrace.

Mr TONY SMITH—As a committee, we have been told by the Department of Foreign Affairs that the interests of the states and territories were represented throughout the negotiations by the Solicitor-General of Western Australia, who was a member of the Australian delegation. Therefore, are you saying to us that that is a complete misrepresentation as far as Christmas Island is concerned?

Mr Maberly—The treaty has never formally or, as the president has just pointed out, informally been before council. If I could just speak a little on that consultation. The chairman made the point before that it is not only a word, it is a process; and that process needs to be well defined. Too often on Christmas Island, as in other small remote areas of Australia, people are said to be consulted without any formality being attached to it. The council cannot be consulted unless a letter is written to council and that is placed before the elected members of council. It is no good walking past the supermarket saying, 'This is what is going to happen,' or, 'We need a water connection there,' or, 'The treaty is there.' It is important that there be a clear understanding of what we are talking about with consultation. But in this one here, as the president has pointed out, we were totally unaware. There may have been people on the island who were aware of the treaty, but I have no information on that.

CHAIRMAN—Tony Smith's question is a very fundamental and a very important

one. What we really need to know is: has there been no communication, written or oral, between the Western Australian government or the Commonwealth and the shire?

Mr Maberly—That is correct.

Mr TONY SMITH—If you had been part of this so-called negotiation and had been able to give input to the Western Australian Solicitor-General, would you have had a lot to say about the setting of the boundary at the position that has been proposed

Mr Smolders—I would hope so, yes. Just to qualify my earlier statement, the first I heard about the treaty would have been about two or three months ago from Senator Dee Margetts from Western Australia, who was up here on a holiday at the time. From my discussions with her I knew that it had been entered into in February. I was absolutely unaware of any consultation mechanism from the shire on the treaty. The first I heard of a consultation mechanism being put into place was, again, through Lieutenant-Colonel Craig Evans.

Mr TONY SMITH—I would have thought, given the geographical location of Christmas Island, that you are the people here who are most affected by the setting of this boundary line and have an absolutely vital interest in its proximity to your coastline. Do you agree?

Mr Smolders—I totally agree with you. We would probably be the closest in proximity to the Indonesian exclusive economic zone, from where we are here all the way east to the Timor Sea.

Mr TONY SMITH—Given what has happened, do you feel that the process really is flawed because of its failure to engage you in the process of consultation? In other words, do you feel that it is arguable that the boundary that has been proposed is really open to serious question and further negotiation, given that you have not been involved?

Mr Smolders—I certainly do.

Mr TONY SMITH—In relation to the point your CEO made about the fledgling fishing industry, I get the impression from some informal discussions I had this morning that you are not trying to overstate the case; that you have not got this enormously booming fishing industry that is going to take off and so forth. Are you saying—and correct me if I am wrong—that you have the potential to have a good fishing industry and one that can produce economic benefits for the island if these licences can be fully exploited?

Mr Smolders—Yes, economic benefits to the island and export dollars for Australia. But I am also talking about the mainland Australian fishery, which includes the southern bluefin tuna fishery. Predominantly, the spawning ground surrounding Christmas

Island is for the southern bluefin tuna. They then make their way down the north-west coast of Australia to South Australia, and that is where you have the very large South Australian poling industry for southern bluefin tuna. So it not only has massive ramifications for our infant fishery on Christmas Island but also for the mainland Australia fishery.

Mr TONY SMITH—Given what you have said, your point 5 is very diplomatically couched in terms of the consultation process. You have probably enlarged on it already in answer to some of the questions we have asked.

Mr Smolders—Certainly. We come here not necessarily flabbergasted because history has shown on Christmas Island that, due to our geographical location from mainland Australia, we do get left out of a lot of consultation processes which have an effect on our future on Christmas Island. However, in particular with this one, because of its geographic location in so far as Christmas Island is concerned, you would imagine that we would have been the first people to be consulted before further discussions with the Indonesian government.

CHAIRMAN—There is one other word that you have not mentioned, in terms of the importance of this island, and that is ‘strategic’. There is a very strong strategic importance to this island, as indeed there is with Cocos. I do not think we should underestimate or underwrite that too much either. Of course there are commercial considerations, but it is an important strategic asset as well.

Mr Smolders—Following on from that, in our submission we did mention the Java Trench. The sentiments are that the Java Trench is an important part of the Indian Ocean, not only for fisheries and for immigration issues but also, as you say, for strategic issues and for defence issues as well.

Mr HARDGRAVE—Given that Andrew is experienced in fishing in these waters, what is at 38.75 nautical miles off the coast?

Mr Smolders—Why is it?

Mr HARDGRAVE—What is there?

Mr Smolders—What is there?

Mr HARDGRAVE—Yes. Is there anything there at all? There is nothing in the seabed. As I understand it, there is no change in the seabed topography; there is nothing at all.

Mr Smolders—There are lots of southern bluefin tuna spawning. As far as the topography of the ocean floor is concerned, you are almost reaching the edge of the Java

Trench. At around 40 nautical miles you are beginning to get into where the topography drops below and the label 'the Java Trench' begins. So between here and there—

CHAIRMAN—You would not be aware of this, but our third report was a very substantial report on a bilateral between Australia and Japan in terms of southern bluefin tuna.

Mr Smolders—That is right.

CHAIRMAN—It was a very extensive report and we are well aware, in this committee, of the importance of this whole area as a spawning area for SBT. The Indonesians are not members of the commission and, at this stage, are not indicating they want to be members of the commission because they would then have to comply with catches, and you would know better than most about that. So there is that dimension to it as well. You have raised a very important issue, quite apart from its direct impact on Christmas Island, in relation to Australia's national resource.

Mr Smolders—Fishery.

CHAIRMAN—As you know it swings right around the south and up the east coast, but it starts in the Indian Ocean.

Mr Smolders—The other point to note is that on the local commercial fishing permits there is a requirement for them not to catch any southern bluefin tuna because of, supposedly, the effects on the industry down south. So they are specifically excluded from our commercial fishing permits.

CHAIRMAN—You have probably flabbergasted this committee more than we really expected by what you have said. Rather than hold you any further, we would ask you to retire and we will get the Christmas Island workers to come on next. We may recall you once we have gone through a few more questions. Could you stand by and we will see how we go.

Mr Smolders—Thank you very much.

[3.15 p.m.]

MOCKERIDGE, Mr Anthony Jeffrey, Acting General Secretary, Union of Christmas Island Workers, Poon Saan Road, Poon Saan, Christmas Island, Indian Ocean 6798

CHAIRMAN—Welcome. We have received and resolved, yesterday in Darwin, to accept your written submission dated 7 October 1997. Do you have any amendments, either of fact or editorial, to make to the written submission at this stage?

Mr Mockeridge—No, Mr Chairman. I will simply address the points contained within my submission.

CHAIRMAN—Would you like to make a short opening statement?

Mr Mockeridge—Thank you, Mr Chairman and members of the committee. I would just like to precis the remarks made by the shire president, Mr Smolders, in that the submission obviously came very late and the reason for that is simply that we were not aware of the inquiry, or indeed of the treaty, until a couple of weeks ago. Prior to that, the only advice of the treaty had been informal advice that I received from the shire president after he had had a conversation with Senator Margetts. At that stage there was no mention of an inquiry, or indeed of the details of the treaty, and it was not until approximately 2½ weeks ago that there was any advice given of an inquiry, or of the details of the treaty.

As I said, to summarise those remarks of the shire president, we were absolutely shocked to realise that a treaty had been entered into so close to the border of Christmas Island—and indeed to do with the border of Christmas Island—with absolutely no community consultation whatsoever.

The treaty itself has some serious implications for Christmas Island—indeed, for the rest of Australia—and I am really quite at a loss as to understand why we were not given the opportunity at the time, before the treaty was signed, to make comment and to have some input into the process.

CHAIRMAN—Thank you. What this committee does in inquiries like this is to place advertisements in the national press. This one was in the *West Australian* on 30 August. Do you get the *West Australian* here on the island?

Mr Mockeridge—We occasionally get deliveries of the *West Australian*. When I say occasionally—

CHAIRMAN—This was a weekend. We always put it in the weekend one.

Mr Mockeridge—We do not get them every weekend; it depends on the whim of the Ansett freight carrier as to whether the newspapers are actually delivered or not. When

they are delivered—very few of them are delivered; I am not sure exactly how many, but possibly 20 or 30—I believe they sell for about \$7 each, and they are not circulated very widely.

CHAIRMAN—How soon after 30 August was Mr Smolders contacted? That was the first contact. It was two or three weeks after that, and that was the first time you became aware when Andrew Smolders—

Mr Mockeridge—Yes.

CHAIRMAN—That is unbelievable, it really is.

Mr ADAMS—Let me congratulate the union on a very good submission. The Union of Christmas Island Workers has been well regarded for a long time for the work they have done in representing the local people. Basically, the submission speaks for itself. Your general concerns about immigration and the pollution issues, which we saw this morning along the beaches, all come together with this. You ask many questions that I cannot certainly answer—and I do not think the committee can—but we will certainly take them on board. There are no questions out of that that I wish to ask, Mr Chairman.

Senator COONAN—The issue I want to take up from your submission is to do with the air link, the Indonesian air route. Could you give the committee some background on what happened? Was there something that precipitated the issue or do you just have dark suspicions as to what it is all about? Obviously it is a critical issue in terms of some of the commercial activities that the island is able to undertake.

Mr Mockeridge—I can't give you any specific reasons for the dropping of the air link between Indonesia and Christmas Island because I do not believe there is anything from the Indonesian government to anybody on Christmas Island setting out the reasons for it. I can only give you the popular scuttlebutt, if you like, as to why it is not occurring.

Senator COONAN—Often it is the most accurate.

Mr Mockeridge—Yes, that is true. The sources that I get it from are very close to the business community and the political community in Indonesia. It seems that the Indonesian government is unwilling to allow flights to come to Christmas Island because of the casino here on the island—I addressed this in the submission. The Indonesian government was very happy to see the building of the casino and the development of the resort as an Australian-Indonesian joint venture but, somewhere along the way, the wheels must have fallen off, and it is now saying that it will not allow flights from Indonesia to Christmas Island as the casino encourages gambling and the vices that surround that particular activity.

I believe that there was a lot of talk prior to the Indonesian elections that, once the

election was over, the flights would resume. It was simply a political ploy, which we are all quite used to in Australia, for various things leading up to elections where governments and parties do specific things to attract the voter or to reassure the public that they have their confidence and that sort of thing. However, the elections have come and gone and certainly the flights have not been restored.

This is causing obviously great concern to the union because our members are the ones affected in the front line: they lose their opportunity to work, and the employer has a great loss of income and has to look at the cost of running the business and of employing people when there are no real business levels coming into the place. I believe there have been representations made from both the resort and other members of the Christmas Island business community, and there has been no resolution that I know of to the problem.

The only thing that I can take from all of that is that the Indonesian government is somehow trying to represent itself to its people as being a government that will not allow the vice of gambling, which they see as being a bad thing for their people, to be available to them at such a short distance. Yet this seems to go against the very reason that they were so eager to set up the resort in the first place. It is only a 45-minute flight from Jakarta and a very near neighbour of Indonesia and, as such, should be treated with a great deal of friendship and a great deal of co-commercial development.

Senator COONAN—Do you fear that this treaty might allow some further territorial aggrandisement—if that is the right description—on the part of Indonesia, or what is the real concern about the treaty from the union's point of view?

Mr Mockeridge—The union has several concerns, not the least of which are the environmental concerns but I think they have been addressed quite adequately by the shire and I am sure the parks will address those same concerns. The union certainly has the industrial concerns at heart. Those concerns take the form of there being more ability on the part of the Indonesian government to interfere with the industrial activities on Christmas Island, plus the ability to interfere with the shipping to Christmas Island which is our lifeline. Without shipping there is no life on Christmas Island. We do not have the ability here to subsist ourselves, and that in the past has produced quite a cargo cult mentality that still exists in some ways. People will say 'We get all our stuff from the mainland or from Singapore' and that sort of thing, so perhaps there has not been the vigour and energy in trying to develop primary and secondary industries here. However, the population is quite small and that would be a very difficult thing to do. Yes, there is a fear that there will be, firstly, further interference in the industrial activity on the island and, secondly but equally as importantly, interference with the ability to bring goods into and out of Christmas Island.

CHAIRMAN—Mr Mockeridge, we thank you and your union members for this submission. It goes over the same sort of ground as the shire one did, but in a little more detail. They are all very valid points. I go back to what I said in opening. The treaty

making power lies with the executive, and the government can make whatever treaties it wants to, at least in the initial phase with the signature; and that is what has happened with this. What is really at issue here is the lack of consultation prior to the preparation of the national interest analysis—which, as Tony Smith has indicated, said quite clearly that the level of consultation had taken place. It has not taken place, and that is the thing that concerns us, and we will make those points quite strongly.

I am amazed that some of these things have been allowed to develop. Actually on the file, Andrew—just so that you are aware—you were faxed on 29 August that this was going on, but that was the first time, as far as we were concerned, that you were aware of it as well. So it is not very long ago and it is unacceptable for it to have taken the form that it has.

Mr HARDGRAVE—Mr Mockeridge, what sort of impact does the treaty, in the way it is outlined and has been presented, have on workers and residents on Christmas Island? Is it a kick in the teeth?

Mr Mockeridge—It is certainly seen as a further example of ignorance about Christmas Island. Processes such as this—where the impact on the island is fairly obvious in that the border itself is very close to the island and is now even closer—give the community the idea that decisions will be made without any regard to citizens of Christmas Island being citizens of Australia. Simply, decisions will be made on our behalf and, after the decision has been made, we will then be told, ‘This is the situation.’ That is the first part of it.

The second part is that the issues that I have raised in the submission are very real issues to the people of Christmas Island, and they are issues that have been ongoing for some time, particularly the industrial issue—which I must highlight, as we are an industrial organisation—where the consultative process may have been part of a solution to a problem that has been going on for over 12 months and has cost millions of dollars and the loss of quite a number of jobs.

When you are talking about treaties, you are talking about links between countries, and this is a link between two countries that was formed some years ago and has now been broken, for reasons unknown to us. Yes, it will have a major effect on the island.

Mr HARDGRAVE—I have one other question, and it relates to a fact of history, that the Union of Christmas Island Workers has shown itself not afraid to take a very proactive role in ensuring the survival and growth of the island. Do you maintain confidence about Christmas Island’s potential? I put it to the shire chairman before that this is more or less the epicentre of a number of very important commercial and, as the chairman said, strategic activities for the rest of Australia. Does the union see another avenue where it might be able to promote Christmas Island’s worth and importance on the Australia mainland?

Mr Mockeridge—Absolutely. The union has not for one minute lost confidence in the ability of the island's community to continue to operate in a very proactive fashion. I would like to go on the record as saying that the Union of Christmas Island Workers has worked very closely with the Indonesian owners of the resort in solving some of their recent problems and the problems that they are still having. We are still working with the same people to try and get over those problems. We have never adopted the approach that, because somebody has come from another country and wants to invest in our island, we should work against them. Far from it: we have shown our capability and our willingness to work with them and we will continue to do so.

Mr TONY SMITH—Mr Mockeridge, I also wish to compliment you on your submission. It is a very good one. Do you believe that the majority of your members would be opposed to a change in the status quo as far as the boundary line is concerned?

Mr Mockeridge—I am not sure whether 'opposed' is the right word. It is more that they want clarification, in that they need to have all the issues explained and to have input into what those issues mean for life on Christmas Island and, indeed, for Australia as a whole. I believe that most people who have lived here for a long time have a very clear view of their position in the world, both geographically and socially; and they would simply see the process of consultation as being important. To give a direct answer to your question, I think that the consultation process would first of all have to occur in order to see if that were the case.

CHAIRMAN—As there are no further questions, could you wait, because we might also have to recall you, if that is convenient? Thank you very much for your evidence.

[3.32 p.m.]

BARRY, Mr Julian Titus, Programs Director, Parks Australia (North), GPO Box 1260, Darwin, Northern Territory 0801

HART, Mr Roger Ian, Project Officer, Parks Australia (North), PO Box ZZZ, Christmas Island, Indian Ocean 6798

MEEK, Mr Paul Douglas, Natural Resources Manager, Environment Australia, Parks Australia (North), PO Box ZZZ, Christmas Island, Indian Ocean 6798

MURRAY, Mr David John, Government Conservator, Parks Australia (North), PO Box ZZZ, Christmas Island, Indian Ocean 6798

RUMPF, Dr Holger Julius, Project Officer, Natural Resources Department, Environment Australia, Biodiversity Group, Parks Australia (North), PO Box ZZZ, Christmas Island, Indian Ocean 6798

CHAIRMAN—Welcome, gentlemen. I am very pleased you are appearing before us this afternoon. It took a little bit of getting here this morning, but we got here. Do you want to make an opening statement?

Mr Barry—Thank you, Mr Chairman. I would firstly like to apologise to you and the members of the committee and to the community that we have not formally prepared a submission. Our reasons for that are the fact that this particular matter has come fairly late to our attention, as I think you will appreciate, and that we are expected to make submissions of an appropriate nature through our minister. Our minister, as you know, is an extremely busy person, both as party leader in the Senate and as Minister for the Environment, and we did not feel that we had time to do that, so what we sought to do instead was show you around this morning and take the opportunity to talk informally with you and then perhaps to get questions on notice. As it has transpired, we are here today and so we would like to do our best and perhaps prepare a submission later on and clear that through our minister and give you something formally as well.

I would like to touch briefly on three areas that we would like to talk to you about today. The first area involves issues of cooperative research, management and environmental issues, and I will shortly hand over to David to lead on that with his team from here on the island.

I thought also I should bring to your attention a couple of anomalies that are created by the treaty, and I will very briefly talk about those. They are extremely complicated. As I have indicated to you, I have only been in my present position for four weeks and prior to that I spent a few years in Central Australia where this treaty was somewhat out of my area. Therefore, I will just speak very briefly about those anomalies.

The first anomaly involves access to Australian waters by Indonesian traditional fishermen, granted by the 1974 MOU with Indonesia, which incorporates a 12-nautical mile zone around the vicinity of the Ashmore Reef national nature reserve. Under the particular treaty that your committee is looking into, this MOU would be anomalous because your treaty will generate a 24-nautical mile zone around this particular reef. I thought I would bring that to your attention. A particular problem will be that the traditional fishermen will believe that they have the rights into an area which will now be excluded by the treaty. I hope I can take on notice any questions you have about the intricacies of that.

The second anomaly is that the treaty will create overlap areas where parts of the seabed become Australian and the water column above it becomes Indonesian. Obviously, that is a difficult situation. I hope I will not get any questions on those two anomalies at the moment, but I do welcome questions on notice which I can respond to in the fullness of time.

Mr Murray—Mr Chairman, I want to thank you and the committee members for allowing us the opportunity to show you around Christmas Island this morning. Hopefully, you have gained an impression which you may not have gained otherwise. It was also good that you had the opportunity to see some first-hand evidence on Greta beach where there are some of the concerns that all of Christmas Island has, not just Parks Australia. It is worth noting that there was fishing tackle in some of the pollution that we saw this morning. We do not need to go into the details of that but it is quite clear to all concerned that drifting and floating sea tackle is a real problem for conservation.

There is one further point that I did want to talk about before I speak about some of the conservation issues. We were mildly surprised about the manner in which the treaty was brought to our attention, meaning to the attention of Parks Australia on Christmas Island. We only found out about it at the same time as Mr Smolders found out about it. He had been advised by Senator Margetts. She happened to be here on the island and drew it to our attention.

We felt that was a bit of a concern because at this late stage of the treaty's development, it seems that any ability which we might have, or wish to have, to enter into some sort of reciprocal research arrangements with the Indonesian authorities may be greatly diminished. Perhaps it would have been better if at the beginning of the treaty's development we had the capacity to deal with them or to negotiate some sort of research arrangements.

Some of the specific concerns that we have I will leave to my colleagues but they involve the impact of increased fishing by the Indonesians on pelagic and migratory fish species, long-line impacts on seabirds, and oil spills from undetermined sources. We perhaps omitted to mention that or draw that to your attention this morning. In fact, Greta beach has been subject to oil spills. We are not pointing the finger at the Indonesians, it

could be a natural occurrence, but it is worth noting that we do have oil spills occur around Christmas Island and we have not on some occasions been able to determine the sources for that oil pollution.

Also mentioned previously by Andrew Smolders is the concern about the spawning grounds for the southern bluefin tuna. Those matters will be addressed by my colleagues. However, the point that I really wanted to stress to the committee was that we really do need to have something in place, some instrument or mechanism, by which there is collaborative research which can be carried out by ourselves for the waters between here and Indonesia. There has been at least one incident which we are aware of where there were problems with access for research purposes and we would not want to see that continue. If that sort of thing were to continue then our capacity to conserve and protect the fauna on and around Christmas Island would be greatly diminished.

Dr Rumpff—I will just highlight the Abbott's booby bird problem. The Abbott's booby is now endemic to Christmas Island. It used to occur on other islands in the Indian Ocean but it has become extinct there due to alteration or destruction of native habitat. Its biology as far as the land side, the terrestrial side is concerned, is extremely well researched. However, we have very little information on its feeding biology and its general distribution within the Indian Ocean when it is not breeding and in the time between fledging and first breeding attempt, which maybe up to eight years.

Generally, our concern is based on these knowledge gaps. At a recent scientific forum on the conservation of this species held in Canberra, all participants agreed to look at this aspect of the biology of this species very urgently. Here we come to the same concern as might have been expressed before. We, as researchers, whether it is us or whether it is by contractual research agreements, need to have access into those areas. On the other hand, the bird needs to remain as safe as possible as it is feeding, and its food resources need to be as safe as possible. A plethora of problems need to be worked on.

Certainly, and this is just a scenario, the reduction of Australian water mass due to the changes that will come about as a result of the treaty could mean that the feeding grounds of Abbott's booby may not be protected. They are protected now because they are in Australian waters but they may not be protected by Australians if the treaty were to be ratified. That is an extreme scenario.

CHAIRMAN—We will come back to that.

Mr Meek—Further to that, decreasing that area north of the island is also decreasing research opportunities, as has been elaborated by my colleagues. The CSIRO does have a vessel, the *Franklin*, which does a lot of work in that area. That work not only relates to observational stuff regarding seabird ecology, but also to sea surface temperature monitoring which directly relates to the breeding success and the ecology and the protection of Abbott's booby. Also, it undertakes research on El Nino events, which

helps us to understand more about our climate.

The other issue that is worth raising is in this report. It is a fairly recent report prepared by the Australian Antarctic Division and is looking at the effects of long-line fishing on albatross. It raises concern for all of our seabirds, not only the endangered CI frigatebird and Abbott's booby but also for tropic birds and other boobies that may forage in this new area.

The report has some fairly stark figures, and I will take a few minutes to give you some of the facts. These relate to albatross but it does have similar implications about which we have no real understanding for Abbott's booby. Long-lining is identified as a major cause of mortality for between 12 to 14 species of albatross. There is a death rate of 0.4 birds per 1,000 hooks placed by long-line fishermen, and bear in mind that 50 million to 100 million hooks are used per annum in long-line fishing in the southern areas.

The report adds that in the southern bluefin tuna industry alone, two to three per cent mortality of the wandering albatross occurs, and that is one of Australia's most endangered birds. The report finds 14 to 16 per cent of immature wandering albatross, over a six-year study, were killed by long-line fishing activities.

Of course, there are other factors, like driftnetting, which can have impacts on large numbers of animals. According to one survey they quote, in 1990 42 million wildlife specimens were collected that were killed by illegal driftnetting. I will just reiterate, this was a report done on albatross, but it does raise some serious questions for increasing the area where Indonesian fishing activities can take place, bearing in mind that they do use long-line fishing in that area.

CHAIRMAN—Thank you. Roger, do you have anything?

Mr Hart—I merely wish to underline my colleague's attempts to stress the need to conserve our marine fauna by suggesting that we need to retain as Australian territorial waters part of the Australian economic zone north of Christmas Island.

CHAIRMAN—Okay. Just before I invite some of my colleagues to ask some questions, let me just make some comments about some of the points. We are well aware of Ashmore Reef. We overflew it yesterday afternoon at about 300 feet and we sprung somebody.

Mr HARDGRAVE—I think you just dropped the pilot in it.

CHAIRMAN—I am not sure what they were doing, but there were a 50-footer and a number of Geminis, so I suspect it might have been trochus, or something. They were very anxious once the Falcon 900 swooped down at about 300 feet and did a couple of runs over the top. No doubt that has been reported to the appropriate authorities.

We will be looking at the 12 to 24 problem in terms of Ashmore. I cannot say what we will come up with, but the bottom line in this treaty is a degree of flexibility, particularly for indigenous traditional fishermen. Maybe we can build a bit into that flexibility in terms of our report. I cannot say any more than that.

With regard to the water column and the seabed, yes, this is a very unusual treaty. As I said before, it is a 'waterbreaking' treaty. It raises a problem which you have raised today and which was raised in Darwin yesterday—and let me just cover that first.

Whilst most people tend to agree that we should ratify, as I said before, irrespective of the argument in terms of Christmas Island about the 38.7 nautical miles, the question of implementation of this treaty is what is at issue. It has the potential to be a disaster. We really need some sort of mechanism. The sorts of things that you have implied here today were implied yesterday. You will have to leave it to this committee to develop something that—I cannot go into it because we do not know yet; we have not discussed it—will reflect the very point that you make about the need for ongoing coordination and cooperation, both with state and territory governments and, indeed, with the Indonesians to make sure that these resources are managed appropriately and that pollution is kept down, et cetera. I can assure you that we will pick that up in the report.

In terms of the booby, Holger, what is the basic problem? We had a lot to say about this and the albatross and we will send you a copy of our report no. 3, because we have taken pages to go into albatross and by-catch mitigation procedures. Some of the photographs in that particular report on the albatross are pretty horrific. But are you saying that by bringing the booby south it is increasing the potential for Indonesian long-liners and, therefore, by-catch? Is that what you are saying?

Mr Rumpff—That is one of the aspects, yes. That is the birds' point of view. Our point of view, as having an obligation to research technology towards its conservation, is our access. A revised or amended treaty would open these doors. It could be very productive to keep this in mind and have reciprocal exchanges between us and Indonesian researchers and have hand-in-hand research on the distribution of the species while they are at sea and on the feeding grounds.

CHAIRMAN—I will be very candid with you. It is a personal view and we will need to discuss all these issues in committee, of course. It seems to me that after such a long gestation period in developing these boundaries the way they have—apart from us, as a committee, saying to the parliament that we recommend that they do not ratify, particularly in relation to that boundary with Christmas Island—it is going to be very difficult to change at this late stage. But what is important, if that cannot be done—and I am not saying it cannot—is that we need to make sure that we include in our report the sort of thing that you are suggesting we need, that is, cooperation and consultation with and between Australian and Indonesian authorities to make sure that the resources are managed appropriately. That is the point that you are making, isn't it?

Dr Rumpff—That is fine, yes.

Mr Meek—I would like to elaborate on that further. A pertinent point is that by increasing the area that Indonesian fishermen can actually fish, there is also the potential to increase the competition with our seabirds and, in particular, the Abbott's booby which Holger alluded to. We will be undertaking a survey to determine exactly what the foraging range and destinations of the Abbott's booby are so that we are in a better position to understand the ecology of this bird and identify what the threatening processes are. If we are going to increase the waters—and it sounds as if it is too late anyway—it does increase the likelihood that we have increased the pressure on this endangered bird.

CHAIRMAN—Okay. We will certainly take that on board. In terms of albatross, some of the information that you have got there, I suspect, is already in our report No. 3—and once I have tabled it on Monday week, we will send you a copy of that. We will also send you a copy of our report No. 10, the latest report, which gets into CITES—as I indicated to you in the four-wheel drive this morning. I cannot go into the detail, but there is quite a lot in there about the listing of certain species of albatross under CITES and the appropriate commitment to meet the protocols, et cetera, of CITES. So we will send Parks Australia copies of both of those so that you know exactly what we have recommended. Indeed, the government has not responded yet to report no. 3. It is a very difficult one and we will wait and see. We will give you both of those.

Mr TONY SMITH—What beach was that that we looked at with the pollution?

Mr Meek—Greta beach.

Mr TONY SMITH—Right. Can you give us, first of all, any indication as to where this stuff has come from? Are you able to say with absolute certainty what the source is of some, or all, of this stuff? Secondly, can you outline what we saw for the record, and how often you see it?

Mr Murray—I think that all of us would probably like to respond in part to that question. It is probably not absolutely and categorically possible to attribute the source of that product without material. Looking at labels and other information that is still legible on some of the material, and looking at the style and design of some of the fishing and fisheries gear that we saw there, some people—if not ourselves—could attribute the source of that material. We cannot categorically say, but I certainly believe that a lot of it does emanate from Indonesia.

Senator COONAN—It is not local? It is not stuff that is thrown around by people who live on Christmas Island?

Mr Murray—No. I think that we can categorically and absolutely say that that is not the case. It certainly is drift material. In terms of frequency of sightings, that material

is virtually continuously there. I would defer to long-term members of the island community who might clarify that.

Dr Rumpff—I will reiterate what I said this morning. There have been voluntary clean-ups in the past of this beach—for example, in preparation for a David Attenborough documentary—and it seems that only a few weeks later the rubbish loading of that beach has again reached saturation point. It reaches an equilibrium and it cannot take any more rubbish—each tide will bring as much in as it will take out—so what you have seen today is the average load of floating matter that gets washed ashore.

Mr Meek—It is also worth adding that, as we alluded to this morning, earlier this year we had oil spills at both Dolly beach and Greta beach. We were fortunate in getting a lot of the community and other organisations involved in massive clean-ups to remove the toxic substance. We never really did a total count, because it is quite exhausting work, but we would have burnt at least 100 bags on each occasion and we did that on three occasions. There are people in the group behind us here who can also comment on that. But within three to four weeks, as Holger said, we had the same pollution levels back again. As I pointed out when we went down the steps today, there is still evidence of the oil spills which took place months ago.

Mr TONY SMITH—Do we know the source of those oil spills?

Mr Meek—The EPA did take some specimens, but we have not heard anything back from AMSA at this stage. One spill of unknown source was the spill that took place at Exmouth. That was never actually sourced, nor was it determined where that spill went to. It is quite possible that was one of the sources for our pollution here, but we have no concrete evidence of that.

Mr HARDGRAVE—Just to play devil's advocate: that rubbish we saw on Greta beach could have floated a thousand kilometres before it got there, couldn't it? It could have literally come from anywhere. Whether there is a 38.75 or a 90.00 nautical mile boundary means nothing as far as that rubbish is concerned.

Dr Rumpff—Yes, you are correct. The closest neighbour is Indonesia, but if we look at the map more closely, in conjunction with the prevailing sea currents which undergo a yearly change in pattern, we find it could have come from the Malaysian peninsula. It is unlikely it would come from Borneo, since the Indonesian archipelago is in between. I think there is little exchange between the two water bodies. It could, as the current reversed, come from in between Australia and Indonesia. It could originate from as far away as the Philippines, or it could come from India. You are right, once floating matter hits the ocean it can travel thousands and thousands of kilometres, so it is difficult to determine the origin.

Mr HARDGRAVE—But you are more than a little certain that having the

boundary moved closer to Christmas Island is going to create a greater potential problem as far as this rubbish is concerned.

Dr Rumpff—It is probably unlikely that a line on the map of an ocean would change that problem.

Mr HARDGRAVE—On the question of research into Abbott's booby, the Christmas Island frigatebird and so forth: is there any research on these sorts of migratory birds taking place in Indonesia as far as you are aware?

Dr Rumpff—As far as we are aware, no; the reason being that this is the only terrestrial breeding site that is left for this bird in the world. However, as we stressed before, it would be very good to have closer cooperation with Indonesian scientists and to further try to evaluate whether this is in fact correct. I originally tried to summarise the research, which is virtually impossible because it consists of millions of data. We have concentrated on being able to hand over to you, for your reference, the best condensed articles and some other articles that you could read up without us wasting everyone's time and going through the details.

Coming back to your question, yes, hypothetically it would be good to join up with our Indonesian colleagues and evaluate and bring light into these dark areas or fill these gaps of our knowledge.

Mr HARDGRAVE—That would perhaps be a worthwhile adjunct to any sort of treaty arrangement on this general area, would it not?

Dr Rumpff—Yes. Internally we have discussed for several months now how to best approach a twinning proposal between us and an Indonesian national park—and, preferably, an organisation that has an interest in seabird biology.

Mr HARDGRAVE—So you are very confident that the work and effort that has gone into Christmas Island and the waters around Christmas Island proves the point that it is a good thing this area is in Australian control, by comparison to others, because we are very good at managing, protecting and preserving our natural resources.

CHAIRMAN—Who is going to say yes?

Senator COONAN—They might say no.

Mr Murray—Yes.

Dr Rumpff—There is widespread head nodding.

Senator COONAN—I want to ask a couple of questions. I wanted to ask Mr

Meek if he could put on the record the difficulties that he can describe in the breeding cycle of the turtles with the pollution on Greta beach.

Mr Meek—This morning I was alluding to unsuccessful breeding attempts due to pollution of both Greta and Dolly beaches. There have been repeated observations by individuals on the island that turtles actually do come ashore and do make attempts to nest on both beaches, but we believe that because of the depth of pollution and the surface pollution most of those efforts are unsuccessful, because they cannot dig through the substrate and successfully lay eggs.

Senator COONAN—Thank you. There is another area I wanted to explore. Whilst I think all of us appreciate the very good sense of cooperation with Indonesia on research and various other ecological matters, there was mention of at least one problem with access for research. What incident was that?

Dr Rumpff—That is the last *Franklin* voyage. We had a contractual arrangement with one of the biologists on board, who was going to record any sighting of any bird specimen that could be at home on Christmas Island. During that voyage the CSIRO ship *Franklin* was stopped north-west of Christmas Island, at the border of the economic zone. It was intercepted and sent further south.

Senator COONAN—When was that?

Dr Rumpff—That was last year, in July.

Senator COONAN—And was there any follow-up after that incident? Were there any complaints made or discussions had as to the unfortunate incident?

Dr Rumpff—We would hope so. Our part in that expedition was only minute, so we would assume that the CSIRO people would have done, through the government—through Foreign Affairs, maybe. But this is what I assume: I do not know.

Mr Meek—The issue about that one is that at the moment we know nothing about the foraging behaviour of Abbott's booby. That sort of work is all we had at that stage, or have now, to get any indication as to where they go when they leave the island. Getting access to those areas potentially increases the observations that we could have recorded on the feeding behaviour of Abbott's booby and other species, so it was pretty important.

Senator COONAN—All right. My last question was: apart from the Abbott's booby, are there any other research activities that you can pinpoint that might be affected by this boundary? Are there any research activities or any pressures on the fragility of the area that will be exacerbated by the boundary coming closer?

Mr Murray—We believe that that is not a very good example for our ability to

conduct research in the area. It certainly made us conscious after that incident that perhaps we might not be able to do the sorts of work that we would like to do. There is any amount of research on different fauna, sea surface temperatures et cetera that does need to be undertaken, but as far as we are concerned that has put a question mark over it. We have certainly had to re-think what we may or may not be able to do.

Mr ADAMS—Isn't there some suggestion that the Abbott's booby will go 300 kilometres offshore to feed?

Dr Rumpff—We do not know. As we said before, the records of sightings of Abbott's booby at sea are very scanty. In fact, there are probably only five taken all together and some of them are dubious. There is one paper of which we will be able to give you a copy later today—just a short publication—which says:

On 2 May 1994, at 18.06 hours, while travelling on a Buginese schooner in the Banda Sea, east Indonesia, a booby was seen perched on a floating log.

It turned out to be an Abbott's booby. There are the coordinates. That is one sighting. There is another one and there are alleged ones further east. This is south of Ambon. We have Nelson and seabird experts who are very familiar with seabirds and the sulids—this family in general—and have done a lot of work on Abbott's booby, plus our locally gathered data. They point strongly to the fact that from Christmas Island the birds head north-west. It is a mystery. As I said, the terrestrial aspect, the breeding aspect, the mortality on land, the susceptibility to the wind turbulence—all this is very well researched, but accessing the birds' foraging areas, feeding areas, or simply where they stay or how far they travel is very difficult. One either has to be there or has to attach transmitters to the birds which can be located by satellite. The strategy and tactics of this are very complicated. We have talked about it and thought about it and had preliminary figures. It is very difficult and very expensive but we need to do it to add on to the knowledge that we have of the bird on land.

Mr ADAMS—Is there any evidence of them diving for baits behind long-liners and being caught in that or other fishing processes?

Dr Rumpff—I remember one several years ago. I do not remember who reported it but it was one of the local fishermen who go around the island not far from shore. They trawl, pulling a lure behind the boat, and commonly the local seabirds which are plunge divers like the boobies and those which skim fish off the surface like the frigates are attracted to those lures. Sometimes that ends in a fatal accident for the bird because the bird actually catches the lure and suffers lethal injuries.

On one occasion—coming back to your question—it was reported that an Abbott's booby was involved in such an accident. It would have been a fledgling practising fishing and plunge diving in the vicinity of the island before it moved off into these unknown

areas. In fact, deducing from the behaviour of other boobies, the closest relatives of this bird, one can safely assume that they do that—that they are attracted to a bait that could be dangerous because it is on hooks.

Mr ADAMS—Did Parks Australia North put a submission to its department for this treaty?

Mr Barry—We have not. We have done some background work and we are on our way to preparing a submission.

Mr ADAMS—That is for this committee, but I am interested in the consultation. We have heard that there has not been very much consultation. I am interested in whether there was any consultation with Parks Australia North when the treaty was being negotiated.

Mr Barry—I do not believe there has been any.

Mr ADAMS—There is some concern within the treaty in relation to pollution. If we end up with some oil rigs 37 kilometres out there and there is a major disaster—I guess you have not got around to reading the treaty. I guess you will be the people that draw up the plans if there are 30,000 or 40,000 tonnes of oil floating towards Christmas Island. Do you have any plans or have you thought about that at all?

Mr Murray—With the Australian Maritime Safety Authority there are plans under way to develop some oil spill contingency plans, but I do not believe they are in place as yet. We do not have prime carriage of those on the island; another part of the portfolio has, as does the council, the maritime authorities, the police and so forth, but we would be involved in it. But we take the point that that is a serious concern. The small oil spills that we had this year were of great concern to us.

CHAIRMAN—Thank you very much, gentlemen. On behalf of all the committee, thank you for appearing this morning. It was very valuable; it opened up lots of doors which maybe some people might not have wanted us to open, but we are going to open them anyhow. As well as taking matters on notice and producing a submission, which we would like as quickly as possible, could we ask for a series of photographs to be taken of Greta beach and sent to the secretariat? They are handy in terms of our reports—a picture is better than a thousand words with some of these things, as we found out very starkly with the albatross in our report No. 3.

[4.13 p.m.]

DAWSON, Mr Russell Stephen, President, Christmas Island Chamber of Commerce, PO Box 510, Christmas Island, Indian Ocean, Western Australia 6798

CHAIRMAN—Welcome. We will formally accept the submission from the Christmas Island Chamber of Commerce, dated 9 October, as submission No. 16 and the submission from Dr Walley, dated 9 October, as submission No. 17.

Resolved (on motion by Mr Hardgrave):

That the above submissions be accepted.

CHAIRMAN—Mr Dawson, would you like to make a short opening statement? What is in your submission has been reflected all afternoon, but please go ahead.

Mr Dawson—Thank you, Mr Chairman. Generally speaking, a lot of what is in the submission has been brought up, but there are a few little points that I would like to expand on for your information. Our concern as a chamber of commerce is obviously the effect that this treaty will have on the business community, whether it be immediate or on the long-term viability of some of the businesses. The obvious one is the fishing industry—and I make a declaration that I am an owner-operator of a charter business, so I am reasonably informed as to the activities on the water and I spent five or six years involved in recreational and commercial fishing management strategies, with the Western Australian government, prior to moving here five years ago.

As has been outlined, there are important breeding grounds offshore here for tuna. The local fishing industry is in its infancy stage. It is surviving at the moment on supplying the local market. They have been looking very closely at the export market and, in that light, we are in a unique position here in that we are very close to the lucrative South-East Asian market, which has a high demand for sashimi grade fish. With the frequency of flights out at the moment and, hopefully, in the future and with the proximity of these fishing grounds to the island, you could speculate that the freshest possible fish could be delivered to those markets. I doubt that anyone in the region would be able to deliver, as fresh, the quantity of fish that may be able to be brought out of here.

It is a very lucrative and very sought-after market. From the research that has been done to date there has been a demand already. The problem has been that the fishery needs to be researched and developed a bit. The big problem has been flights. Basically, we need to be able to get fish off the island on a regular basis in a fresh condition. That has been addressed. We are looking down the road at having a regular flight service—hopefully, it seems to be locked in for about three years—and if, by some remote chance, we can get the Indonesian government to agree to having flights in and out of there, that will also increase the possibilities of shipping fish off the island.

There is very little opportunity on this island to create an export industry. The two we have at the moment are phosphate and tourism. If we can add another one, you would class this type of fishery as a high grade, low impact fishery. It is a high value fish and it would be a low impact fishery in terms of the number of fish that would be coming out of here as far as the overall population of the fish in the area is concerned.

By moving the EEZ boundary closer to the island, what we have the possibility of doing is restricting the development of those fisheries. At the moment, they can fish within 12 nautical miles. If it was viable and possible to fish areas outside that, I can tell you that local operators here would certainly be negotiating with the authorities to fish outside that area, base themselves here and create what could possibly be a very lucrative export industry. There has already been interest from a party based on the mainland to purchase property and set up such an industry here—the people were here very recently and looked at it. If this boundary comes closer it is going to restrict the area that they are going to be able to operate in.

Operating vessels in these waters can be quite hazardous—and that has nothing to do with the weather; it is to do with the people that are on the water. It might sound like something out of a Jules Verne book but there are pirates that operate in close proximity to here. It is a real threat. We have had state ships that have had attempted boardings by pirate vessels within 200 nautical miles of this island, so you are talking about pretty rough country. A concern is that that door is going to be opened wider and these people are going to be operating closer to our waters. No doubt any self-respecting fisherman would stay as far away from them as possible, so not only are you creating a border that is closer, but that artificial border, from just staying away a bit from their area, is going to be reduced quite considerably.

Research possibilities in the area have been touched on before. There are obvious problems there with research in the tuna fisheries, which are very vital to other areas of Australia. Also, it is quite clear that Australian management of these resources is very strict and, generally speaking, quite effective. On the other hand, as I have stated in the submission, the Indonesian fishing methods and regulation are not based on the sustainability of any fishery. That is a fairly broad statement but, from observations that are fairly first-hand, is fairly accurate. So I believe that there are possible long-term effects as far as research and access into the area are concerned. This is a fledgling industry, and the main concern is that moving this boundary is going to restrict development. It is not going to cut anyone short now, but down the track it could make things a lot more difficult for developing this area for a fishery to the north. There are also the concerns about the breeding grounds.

I have mentioned immigration issues in the submission. This does affect people on the water—the fishermen, recreational and commercial. They have been involved in illegal immigrant arrivals in the past and, because it is such an important community issue, I think it is our place to mention it. In very recent times, the immigrants who have been

arriving have been from areas outside South-East Asia, but they have been coming in through other countries in close proximity to Indonesia and then basically hiring an Indonesian fishing boat—it appears so, anyway—and getting dropped off on our shores.

I am sure that the Federal Police will be expanding on that, but it is fairly obvious that you are not only opening the door a little wider but also putting out a welcome mat, and that will no doubt create a very nice nocturnal export industry for the commercial fishermen of Indonesia. I might add that the commercial fishermen we are talking about in Indonesia are basically living on the poverty line. They have got nothing to lose by carrying out illegal activities in Australian waters. That is very obvious from the situation closer to the mainland. They have nothing to lose whatsoever.

It is imperative that our boundaries be kept at a level internationally agreed upon for most situations like this: fifty-fifty sounds pretty good to me, and it is a fairly logical position. What we do not want is to introduce some form of situation here where we really are inviting these people to fish actively very close to our waters and participate in illegal activities. To be offered a sum of money to bring in illegal immigrants is something that these guys would jump at and, if it means being able to travel a shorter distance to be able to get back in their own waters, it will be an even more attractive proposition for them.

Our recommendation through the chamber is that the EEZ point be at least equidistant from Java and Christmas Island. That obviously is something that is up for negotiation, but we firmly believe that the proposed point is too close—for the reasons already outlined. You will also find that, if that point is defined and ratified, the community of Christmas Island will be putting their hand up and asking for a greater deal of surveillance in that area, so as to restrict the amount of illegal activities in that zone. That is worthy of thought: you can see how vulnerable we are, and that is something that needs to be considered.

On a closing note, I make a plea to your commonsense: our waters need to be protected for a great many reasons, and the health of the ocean's resources and our wellbeing are basically in your hands, and we hope that you will respect those facts when making your decisions.

CHAIRMAN—Thank you very much. On a point of clarification, is the sashimi just southern bluefin, or is it yellowfin as well?

Mr Dawson—No. Yellowfin tuna probably is not the highest grade of tuna. The most sought after fish would be bigeye tuna—

CHAIRMAN—Bigeye?

Mr Dawson—Bigeye, which are found offshore here. To develop that fishery, we would need to be fishing a little further offshore. That is why I brought up the topic of the

12 nautical miles: we could possibly find that there is a viable fishery for bigeye in that area, but you may find that, further out from there, there will be waters which are bigeye habitat. The local fishermen have been restricted from taking the southern bluefin, but the biggest attraction here is yellowfin tuna and bigeye tuna. At the moment, bigeye tuna have not been targeted, because they are working a little further offshore; but, as the fishery develops, you might find bigger vessels coming in and starting to look a little more closely at that fishery.

CHAIRMAN—There is no quota for bigeye or yellowfin, is there?

Mr Dawson—At this stage, for the three licence or permit holders on the island, there is no quota on that. I guess it is a self-policing situation: seasonal, size of vessels, number of—

CHAIRMAN—But you run SBT into the quota?

Mr Dawson—Yes.

CHAIRMAN—You have covered most of the points that have been covered before.

Mr ADAMS—Is there any fish-processing on the island at the moment?

Mr Dawson—At this stage, no—not for export. Processing is restricted to on board the vessel, but the recent interest from within Australia involved setting up a processing works here.

Mr ADAMS—Can I go and buy a fish to eat for tea tonight, or do you not have a local fish market?

Mr Dawson—Not a local fish market as such.

Mr ADAMS—I get really appalled when I come to an island and I am surrounded by ocean and find that I cannot buy a fish.

Mr Dawson—Basically, the way it works at the moment is that you can ring the fishermen and buy direct from them.

Mr ADAMS—I did not see a sign up anywhere.

Mr Dawson—Perhaps they did not catch any fish today.

CHAIRMAN—On the topic of quick carriage to Singapore and maybe even to Japan, is the NJS 146 capable of carrying that sort of frozen stuff quickly?

Mr Dawson—For the outbound freight, most definitely, because outbound freight is limited only to passenger baggage. The freight capacity in the 146 is very limited, but the majority of the freight carried would be inbound. Outbound freight capacity is good, and I am sure that it is the sort of industry that an airline would also welcome because it would get regular outbound freight.

CHAIRMAN—What sort of money do you get? For southern bluefin tuna, you get \$20,000 for one. What sort of money can you get for a bigeye or yellowfin?

Mr Dawson—It varies greatly, depending on the quality of the fish, obviously—and that has a lot to do with the operator—and on the size of the fish. Sashimi grade fish can sell for anything from \$10 per kilo to \$110 per kilo. Suffice it to say that it is what is classed as a low impact, very high yielding fishery.

Senator COONAN—Could you give me a ballpark figure as to the level of investment on the island at the moment—leave aside the potential, for the moment—in commercial fishing activities? It would be very low, by the sound of it.

Mr Dawson—It would be under half a million dollars. It would be between \$250,000 and \$450,000, I would say.

Senator COONAN—Have you got any idea of what the potential would be, if there is the investment that you have referred to?

Mr Dawson—What would be required, if we were to develop an offshore fishery for sashimi grade tuna, would be a vessel capable of fishing offshore here in fairly rugged conditions.

Senator COONAN—And processing here?

Mr Dawson—You could be looking at processing on board: that is a possibility. Processing on board may be a more economical way to go, due to the fact that property and development on the island is a little restricted. You would be looking there, I would say, to fish offshore at 10 nautical miles out. You would have to be looking at a vessel of 10 metres plus, with a reasonable fuel carrying capacity: it would take a minimum of a quarter of million dollars to get an efficient vessel to fish that sort of water.

Mr HARDGRAVE—I would suggest that that would be the minimum.

Mr Dawson—Very much so. For the sort of vessel that you would need, if you had the outgoing market and the outgoing freight service market stitched up and you had the fishery fairly well pinpointed, it would be nothing to spend \$1 million on a vessel. There is no doubt about that. This is probably second only to the rock lobster industry in Western Australia. Sashimi grade tuna is probably the most lucrative fishery world-wide.

The lesser-known fish are billfish, marlin and sailfish but they would not be targeted here. The sashimi grade tuna would be the specific species.

Mr ADAMS—Are you aware of the concerns about the decline in the numbers in different parts of the world or around Australia?

Mr Dawson—Yes. Once again, the decline in numbers is something that we need to be concerned about, in that we are giving over another area, which has been quite clearly defined as a very important breeding ground, to a country that is not prepared to sign an agreement to say that it will fish it economically and in an ecologically sound way.

Mr ADAMS—Good point.

CHAIRMAN—Mr Dawson, thank you very much indeed.

Resolved (on motion by Mr Adams):

That the committee accept as exhibits all the publications provided by Parks Australia (North).

[4.29 p.m.]

SPENCE, Superintendent Philip Martin, Officer in Charge, Australian Federal Police, Christmas Island, Indian Ocean 6798

CHAIRMAN—Welcome. Do you have an opening statement?

Supt Spence—As for so many others, the information I had about this happening was limited, and so I have not prepared for you a formal submission. In fact, that would be quite unique in my situation: it would normally be the department that would handle the matter through our commissioner to our minister. But, given that you are here, the opportunity is one that should not be missed, and the department agrees.

CHAIRMAN—A very wise department.

Mr ADAMS—The second department today.

Supt Spence—I have been instructed ‘not to make ridiculous political comments’!

Mr HARDGRAVE—Leave that to this side of the table! That is our job!

Supt Spence—The area that we can provide information—

CHAIRMAN—Who is your new minister? Senator Vanstone, isn’t it?

Supt Spence—No. You have put me on the spot now. In our area here, the police on Christmas Island have 26 delegations to work outside what would be perceived to be our normal working duties at home. One of these delegations includes the immigration task, and it is perhaps with that hat on that I can give you the best input from our point of view on this treaty. I have prepared a short background statement that I will outline to you.

In 1996, approximately 486 people came to Christmas Island without passports or visas, having travelled thousands of sea miles. All these people were of Chinese background, most having travelled from ports in Behai in China. This type of travelling has not recurred this year. What has occurred this year is a trade of a different and perhaps more sinister type. On 23 March this year an Indonesian fishing vessel, the *Mandiri 5*, was located in Flying Fish Cove. On board were 14 people, of whom five were the Indonesian crew and the remaining nine were all Iraqi nationals who were seeking to make a home in Australia. None of these people had passports or visas.

The boat was in very poor condition and, on arrival in the cove, it was taking on water and had to be frequently pumped out to prevent it from sinking. The boat was completely infested with cockroaches, leeches, ticks and some bugs previously not seen

here. The crew and passengers were processed by the AFP at Christmas Island prior to being removed to Port Hedland. All of the crew were returned to Indonesia, and one of the crew has since returned to the island on a number of different trips, and I will go into his activities a little further.

On 25 July, a routine police patrol located 15 persons who were walking down the road near Buck House. There were nine Iraqis, four Algerians, one Bangladeshi and one Sudanese, and they had arrived at some time during the night. On this occasion the illegal entrants had been placed in a large rubber duckie type of boat approximately 20 kilometres offshore. The boat which was used to take the illegals to this location was, once again, an Indonesian fishing boat. The crew member involved in the first incident this year was also involved in this matter.

The rubber duckie was equipped with an outboard motor and fuel. The illegals were pointed in the direction of the lights and were cast off. Some time later the outboard motor failed. The illegals managed to row themselves to shore without oars to the cove. When located, they were exhausted and suffering from numerous abrasions after having landed on the rocks. Had the sea conditions been anything but calm, the potential for disaster cannot be ignored.

On 4 September this year an Indonesian fishing vessel, KM *Star Jaya*, approached the Christmas Island resort. Three members of the crew—including the captain, who was the person previously referred to—left the ship and went to the resort reception. Police attended the area of the lagoon at 3 a.m. The boat was being held off the rocks by the sole remaining crew member engaging the engine intermittently. On board at the time were 17 Afghans, four Algerians, three Iraqis and one Sudanese. Amongst this group were seven children, one elderly female and another woman who was eight months pregnant. The seas were rough, and several times the boat almost ran aground. The remaining crew member had joined this boat just for this voyage: he had no other experience on the handling of this vessel. There were only 12 life vests on board and all of these were tied up below decks.

The harbourmaster, Captain McGovern, put to sea on one of the island barges. The *Star Jaya* was then escorted towards the cove. On the way to the cove, the boat broke down and commenced taking on water at a quicker rate than it had been earlier. It was towed by Captain McGovern to the cove, where all personnel were immediately evacuated for fear of the boat sinking. The boat had to be constantly pumped out to prevent it from sinking in the cove. On this occasion, the tragedy was only avoided by the skill of Captain McGovern and the quick action of attending police. Had the boat struck the rocks north of the resort, I have no doubt there would have been extensive loss of life. Had it sunk at sea, we may never have known of the intended arrival of the crew and its cargo of illegals. One wonders if we know of all the boats which have set out to join us here on Christmas Island.

Police know without a question of a doubt that there is an organised route from Asia to Christmas Island. People seeking illegal entry to Australia are paying anything from \$US3,000 to \$US8,000 to travel along this perilous route. We further believe that this industry is growing. The captain, who was the crewman the first time this year, identified by police for his efforts throughout the time, is currently under arrest and is on the island here. At this time he is being charged with 32 immigration and criminal charges and is facing, if convicted, a very extensive prison term. This will be the first prosecution of its type undertaken by any section in Australia.

From interviewing him and other crew members, it is known that one of the things that causes concern and difficulty for these missions is the fear of Coastwatch and being identified too close to Christmas Island. If the proposed EEZ allowing fishing to occur within 38 nautical miles of Christmas Island occurs, the trade in human suffering will, far from being discouraged or hindered, be greatly assisted. It is my belief that this will result, perhaps sooner rather than later, in a tragedy of vast proportions.

CHAIRMAN—Thank you.

Mr HARDGRAVE—You have set out a very strong case. From so much of what we have heard today, the vulnerability of this place is quite something but, when you start to talk about an organised trade of very poor, desperate human beings, it is very sobering. If this 38.75 becomes a fact of life, what sort of additional resources are you going to need here?

Supt Spence—Political comment: remember what the boss said.

Mr HARDGRAVE—I want a practical comment. You have got experience, you are on the ground and you have laid out a very convincing argument to us. I just wondered if you had a view on what sort of additional resources were needed.

Supt Spence—I do have a definite view. If it grows at the rate that we believe that it is capable of growing at, then our manpower could possibly be doubled if not trebled and we would still not have enough resources on the ground to be able to cope with the potential of this situation.

Mr HARDGRAVE—Without giving anything operational away, how regular are the patrols of waters now with a 90 nautical mile limit?

Supt Spence—The big thing is that Coastwatch comes at various times and there is nothing strict and absolute about when they may arrive. This is the fear in the mind of the Indonesian fishermen that are running these boats. These guys are getting 208,000 ringgit which is about \$86 to do their task of conveying these people over. Somewhere someone is making a lot of money. They are worried enough about these flights as they occur at this time to have to take them into account when they bring the people here. If

they can get to within 38 nautical miles and not have any worries, the ducking in and out of Christmas Island is made that much easier.

Mr HARDGRAVE—You could literally see a freighter load of potential illegal immigrants sitting out there and the fishing boats are just going to run milk runs between Christmas Island and the freighters—literally, aren't they?

Supt Spence—We already have reports where the boats are meeting other boats at sea for the purposes of transferring illegal people trying to gain entrance into Australia. It would be like a fledgling bus line. Once it got going and the route got established, the word would get back. Once the word gets back to the source countries that people can get in this way, the floodgates would just open.

Mr HARDGRAVE—How sure are you of the figure of \$US3,000 to \$US8,000?

Supt Spence—\$US3,000 is the lowest price that we have heard of for a single person to come here. \$US8,000 is the highest that we have heard for a single person to come here. There was a family that came for a total of \$US8,000. I have no reason to doubt that and I am sure that \$US3,000, give or take a few dollars, is the nominated figure. And when you are bringing 29 in, it is a heck of a lot of money.

Mr HARDGRAVE—With regard to the facilities you have got here now for the 90 nautical mile state, you obviously still need more resources here to cope? You are not sure of just how many you might be missing. This is no reflection on your performance, but—

Supt Spence—Our nominal full strength here is 10. Currently we have seven and we perform as immigration, customs, fisheries, AMSA and do all sorts of tasks here.

CHAIRMAN—What vessel resources have you?

Supt Spence—We have one vessel which has just been commissioned. It is a soft sided Aqua Pro which is essentially used just around the coastal fringe.

Mr HARDGRAVE—So you are not exactly a seagoing power.

Supt Spence—It is 24 feet long with a 130-horsepower Yamaha. It is sensational for the task that we have around the shoreline, but it will never be used for ocean going in the seas that can occur out here.

Mr HARDGRAVE—So you are actually waiting for them to come to you now.

Supt Spence—Yes.

CHAIRMAN—So that extra 50 nautical miles is a psychological barrier more than anything else.

Supt Spence—It is the belief in the mind of the people who are dealing in this trade that they are fearful of Coastwatch and they know that they are not allowed to come too close. They think that it is something like 200 kilometres. I tried to flick through the tapes to find out the exact term they had used when they were being interviewed, but they know it to be a long way. With the second crew that came here when the nine Iraqi, Sudanese, Algerian and Bangladeshi got off, when they dropped them at sea, they apparently came for a look on dusk to make sure that they were right and then they headed back out to sea so that they could get the quickest run back to Indonesia to be able to avoid the Coastwatch aircraft that could have been circling overhead.

Senator COONAN—Given that there is only one potential prosecution so far—which, I must say, is astounding—what are the consequences anyway, whether it is 200 kilometres or 18 or 38, for a captain and crew with a leaky vessel that is hardly seaworthy? To a certain extent, nothing much really happens to them, does it?

Supt Spence—The first crew that came here were all taken to Port Hedland. They spent a month in Port Hedland and then they were flown back to Indonesia. I received a telephone call from Jakarta from the son of the first captain, who has not been back, we do not believe, to this stage. All the boats here were destroyed because they are infested and sinking. They were taken about six nautical miles out and blown up, and the son was making inquiries as to whether I could send them a certificate to confirm the destruction of the boat because it was insured. I have never heard of an insured Indonesian fishing vessel, but they wanted the certificate so that they could claim the insurance on the vessel. The last line that the gentleman gave was that they thanked me for the care that we had taken in looking after the father and that we fed them and reclothed them—one of the crewmen wore the same shirt that we gave him when he left. The last line that we got from them was, ‘Thank you for your help. We will see you again shortly.’

Mr HARDGRAVE—Do they get paid while they are in prison?

Supt Spence—Depending on what task they have, they can make more money in Australia than they can on their standard fishing ventures.

Mr TONY SMITH—There is a considerable risk to your own officers involved in these operations, I would imagine, isn’t there?

Supt Spence—Unquestionably. Look at the last one where they went north of the resort and the boat was literally floundering around the rocks. If that had gone down, there is a moral duty on all of us to do everything that can be done to save life. I remember speaking to one of the senior constables who was out there at the time, and when it left, we both let out a very large sigh of relief, because it was crawling with people.

Mr TONY SMITH—In relation to this person who is currently being held, are they awaiting committal proceedings here?

Supt Spence—It is yet to be determined in that it is being reviewed by the DPP as to exactly how the prosecution will proceed. We believe that it will proceed by way of indictment. Because we are, for want of a term, in uncharted waters with these prosecutions, we are hoping at this stage that with the Western Australian judicial list we will get a trial here in January of next year. Failing that, and if there is a problem with the indictment, it might take through until 1999 for the trial to come up. So it is all very much in the throes and we are currently compiling the brief along the lines of the prosecutions.

Mr TONY SMITH—So there has not been a committal proceeding yet?

Supt Spence—There has been no committal. He has been charged with the offences and has fronted court where he has been remanded and is currently the subject of a criminal justice visa here.

Mr TONY SMITH—Is there an obligation in relation to these particular offences for there to be a committal proceeding?

Supt Spence—It can proceed straight to trial.

Mr TONY SMITH—That is at his election, though.

Supt Spence—At his election; and I believe, from having spoken to the Public Defender, that that is an option which they will endeavour to proceed with. We believe, from our point of view, that if we are successful with this prosecution and subsequent conviction it will flag the greatest hindrance to further people coming over.

Mr TONY SMITH—What I am interested in—and I am very interested, because I am a lawyer myself—is what mechanisms you need to speed up that process. Is there anything you could suggest to make that process sure and quick in relation to this peculiar and unusual offence? You can take it on notice if you like, but I would be very interested in hearing that. You are saying it is going to provide a significant deterrent but, if you will pardon the pun, we have this floundering prosecution. I am not saying it is your work, but if there are problems with the prosecution then we are going to have trouble preventing this sort of thing going on.

Supt Spence—It is very much a case of us learning something new as we go along. We have looked at offences under acts which have not been used as far as we know in Australian history. Take the Navigation Act, and prosecution for setting to sea with an unsafe craft, endangering life. We cannot find any evidence of where a prosecution has been followed along those lines, and so there is some reticence by the DPP. It will cost a heck of a lot of money. We have to get statements from people that are

currently in detention in Port Hedland. We will have to do identification parades of at least 30 people in Port Hedland, and that means taking our prisoner to Perth, then up to Port Hedland, with the informant and the scientific side and all this sort of stuff.

The best way we could streamline it would be to have an instant plea of guilty and just do it with a handed up statement of facts.

Mr TONY SMITH—Probably the committal proceeding itself slows the process, too, in a situation like this.

Supt Spence—Unquestionably. If we do not have the committal and we can proceed to trial here in January then that will streamline the process. An inherent problem, too, is that the longer it takes, the more question there is as to what happens to the witnesses. They may or may not get status in Australia, and then will be spread around Australia and/or return to their home country.

Mr TONY SMITH—And they might disappear altogether and your prosecution may not have sufficient evidence.

Supt Spence—We are really hoping we do.

Senator COONAN—And even if you get a conviction, this person will probably be repatriated to Indonesia anyway, under current arrangements, so you really wonder if it is worth it.

Supt Spence—We have had discussions on this point. If we proceed with it under indictment it would be my submission to the appropriate departments that he not be returned. I am putting the cart in front of the horse, but depending on the conviction and the way it is proceeded with, I would envisage a gaol term of 15 years.

Senator COONAN—I think Australia now has an agreement with Indonesia whereby these prisoners are returned at their election. It is in connection with another committee I am on, the legal and constitutional—

CHAIRMAN—Senator Coonan is another lawyer.

Senator COONAN—And that went through last year.

Supt Spence—Fisheries prosecutions recently occurred after some incidents on the coast of Western Australia. I understand that those people are still in detention in Australia, and it is from that that we are seeking some guidance.

Senator COONAN—It is only once convicted—a matter of where you serve your sentence.

CHAIRMAN—Yes, there is some legislation on that.

Mr TONY SMITH—If you have anything more on that I would be very interested.

Supt Spence—We could certainly put some research into that and forward it to you; but again, we are still flying by the seat of our pants at the moment with the prosecution.

CHAIRMAN—Thank you very much, Superintendent. That is great.

Supt Spence—Thank you.

CHAIRMAN—Are there any other persons who would like to give evidence this afternoon, before we go any further? Would anybody else like to give evidence to the committee?

[4.50 p.m.]

WALLEY, Dr Allan Stephen, Box HHH, Christmas Island, Indian Ocean, Western Australia 6798

CHAIRMAN—Welcome. As you know, we have accepted into the evidence your submission No. 17, and the committee members have read it. Some of it covers ground that we have already covered this afternoon.

Dr Walley—Yes, I appreciate that.

CHAIRMAN—You have every opportunity, of course, to expand on that as you want to. Would you like to make a short opening statement?

Dr Walley—I am here as a private individual and as a resident of the island. I have been here on and off for six years now, and my concern is for the environment and the ongoing survival of the island. I put my submission in as questions because of the short notice that I and other people here have had about what is happening, as you appreciate. I feel there are questions that need to be asked and answers that need to be given before anything gets ratified at all.

My first bit here has already been mentioned: the short notice about what is actually happening and the lack of information about what has happened. This island has probably more than half its population of Asian extraction, and for most of them English is a second language. Very little bits of information have come here, and they have all been in English. There has been very little done in any of the Chinese or Malay languages, nor has there been an opportunity for those people to come and put submissions to this committee. The other point is that it has been very hard to get any information about what the treaty has been all about. It has all been happening today for me—most of it, anyway.

Some of the other questions I have got here, while they may not have been answered, have been put by other members here. In terms of the rare flora and fauna that are associated with Christmas Island, are these species endangered by changing the actual fishing lines? I do not think I have heard an answer here today that says, ‘No, they are not going to be endangered.’

Part and parcel of what then happens is the impact of a change to the island. Will the uniqueness of the island disappear? It is potentially heritage listed, which obviously improves tourism to the island if we can actually get the tourists here. That is another question, because there is a huge problem with flights at the moment. One of the blocks is Indonesia. Flights are very expensive to the island. We are yet to find out why they are expensive, but they are.

One of the potential areas for cheaper flights is to fly through Jakarta. Then you have just got a 45-minute flight down to Christmas Island, which would have to be relatively cheap. That opens up the corridors for tourism from Japan, where already a lot is happening, and certainly from Europe. A lot of divers could come to Christmas Island as part of the tourist industry. This is ignoring, at the moment, the gamblers that would come down to Christmas Island. There is the potential for a growth industry here in diving, fishing, game fishing and also ecotourism, which could potentially be threatened if anything happens because of the change in boundaries. But it does not look like we can actually answer the question as to whether these things are going to change if we change the boundaries.

I have thrown in a little bit at the bottom there about the treaty—I noticed a few smiles at the front there when you read it—because part of it involves East Timor. At the moment, East Timor seems to be under the sovereignty of Indonesia, accepted by Australia as such, but that situation can change. It is a fragile situation. Politics in Indonesia at the moment is also fragile. With those boundaries possibly changing, if we actually sign the treaty, does it mean that it is cast-iron with Indonesia—that the East Timor boundaries could change but we do not change?

The last one is sort of tongue-in-cheek, but not really. Canberra has got a very poor record with Christmas Island in terms of what it does for Christmas Island. We have been let down on many occasions. A lot of misinformation comes here, and a lot of information does not arrive in Christmas Island. When you leave here, is it going to make any difference what we say?

CHAIRMAN—To the last one, question 9, all I can say is that the answer to that is no. As I indicated in my opening comments, it would be a brave parliament—and, indeed, a brave executive—that would fly in the face of it if this committee were to make certain recommendations. We can never be sure, but I would suggest that it would be very difficult, politically and otherwise, for the executive to totally ignore it in the ratification process if the force of argument was there. That is all I can say on that one.

In the second last one, it is a hypothetical situation that you raise. At the moment, like it or not, it is part of Indonesia. None of us on either side of the political fence like the way that it was done but, nevertheless, it is there and whilst that does not stop Australia from criticising Indonesia, particularly in terms of human rights infringements in East Timor, nevertheless, until such time as it does change—if it does—we must proceed on that basis.

That is a view taken on both sides of the House politically. I know that you still may not agree with that, but that is a very pragmatic approach to this. I know that you may say that that is somewhat immoral—it was raised with us yesterday by the representative of the free East Timor movement—but that is where it is at the moment.

The other questions that you raise are questions that I am sure all committee members are coming to grips with at the moment. We do not have the answers to those but, certainly, in the context of our report to the parliament, we would be seeking answers to those. That is why it is so important that we make the point that the consultative process in this one has completely broken down, irrespective of the preparation of the national interest analysis which said, supposedly, that due consultation had taken place. It was obvious yesterday, and it is more obvious today, that that is not so. Do any of the members have any comments?

Mr HARDGRAVE—I can assure you that I do not believe any of us would be coming all this way to then simply ignore what we have seen and heard in our time at Christmas Island. I think that what you have said, and the evidence we have had here today, does make a difference to our views.

CHAIRMAN—I am not making a political statement, but let me make a very strong statement. This committee, which is the second largest joint committee of the parliament across both parties and both houses, is not a mouthpiece of government. That is the first point I would make.

The second point is that we will make recommendations and comments to the parliament based on the facts, and on those facts we will stand. If executive government seeks not to agree with those recommendations, that is their prerogative. This whole process did not exist until about 12 months ago. Without this process, you would not have been able to come here today and say what you really feel about this as a private citizen. It is not the ultimate or the optimum situation, but I think that we are moving down in the right direction and already we are getting feedback from people like yourselves and like the bureaucracy in Canberra—there is a hell of a lot of that. People suddenly realise—and this is the final point I would make—that this committee is not a rubber stamp.

Simply because it is signed and tabled does not necessarily mean that we will rubber stamp that ratification. As it turns out so far, in terms of the 100-odd that we have dealt with in very short order, we have not recommended against ratification. We have one at the moment with Kazakhstan, one of the former Soviet states, which we have put back to the foreign minister. It is on the record so I can talk about it. It happens to be an agreement which we were about to ratify when Telstra was thrown out through malpractice within the government. I have put it back to the foreign minister saying that until such time as he has spoken to the Kazakhstan foreign minister—hopefully he did that last week in New York—my committee is not prepared to entertain any sort of ratification.

In fact, if it comes back to us—perhaps I am standing on fairly dangerous ground here—we would say, ‘No, we do not think that it is appropriate to ratify.’ So please do not get the wrong impression that we are a mouthpiece and that we are a rubber stamp, because we are not.

Dr Walley—I appreciate that, thank you. One of the concerns, of course, is that you did mention that you will present the facts, and, unfortunately, we do not have all the facts. That is what a lot of us have been saying here today, that it is an unknown, and—

CHAIRMAN—I understand that. But it is up to us to make the point that not all the facts are available—and not all the facts are available, whether it be to you, to the Northern Territory government, to individuals in the Northern Territory or, indeed, to individuals here. That is the point I am making, that the whole process has broken down, irrespective of what the NIA has said.

Dr Walley—We might be at cross-purposes. I am talking about the facts in terms of the fauna, the ecology of this area.

CHAIRMAN—Sure.

Dr Walley—We do not have the answers. There is a lot of research that needs to be done. For example: will the bluefin tuna be affected; will the Abbott's booby be affected; will it affect the fishing industry off the island? The people here who have done a lot of the research or been involved in it do not have those answers, or the facts either.

CHAIRMAN—That is why the NIA that was produced perhaps should not have been produced when it was, because all of these things have not been explored. That is the point we are making today, and we will make the point very strongly, I can assure you, to the parliament.

Mr TONY SMITH—Your point about Indonesia and East Timor is well made. The executives of both sides of politics have reached certain conclusions about that, but that does not mean that individual members do not have views about it that are not consistent with the executives of both sides of the parliament. So bear that in mind.

Dr Walley—Thank you.

CHAIRMAN—And the International Court of Justice judgment, the Portugal judgment, is a bit wishy-washy. There are some question marks. Thank you very much.

[5.04 p.m.]

SJOLANDER, Mr Ture, PO Box 481, Christmas Island, Western Australia 6798

CHAIRMAN—Welcome. In what capacity are you appearing before the committee?

Mr Sjolander—I am a Swedish citizen, but I have been a resident of Australia for a decade. I came over here in December 1996. In January I was invited to the final negotiation in Woolloomooloo, Sydney, on a Swedish warship. It was a competition between Siemens Germany and Sweden's Kockums to build submarines. Some of them are built now. I suggested at that time, because it was a hard competition, one should make it a joint operation, a joint venture. That is what happened and they were built in Adelaide, not at Kockums, because there were a lot of incidents during that time on the coastline in Sweden with the Soviet Union, or whatever it was.

After 14 days I am in a new residence on the island. I have seen what you have seen: you are accommodated in the laundry on the other side of the island, and now you have seen this 'dust machine' on this side of the island and all the asbestos and the species called human beings—they are as threatened as birds, or whatever, as far as I can see. This is the most neglected Australian super potential I have seen during my 10 years in this country: on my flight in, I saw a pearl in the ocean.

Yesterday I wrote something for myself after 14 days observation—day and night, I would say—and my conclusion yesterday was to make some kinds of proposals to you. You are all members of the parliament and, firstly, to make it short, we could build a submarine underground harbour here. I do not think that I have to promote that more because you have already emphasised the strategic importance of this island.

Secondly, we could investigate the feasibility of inviting James Cook University, which is very good in marine science, and the Australian Institute of Marine Science in Cleveland Bay to come over here for a symposium and we could make that a first research station for scientists in residence here. That could be a very good combination of investigating the water around here and—if I go back to point 1 again—even if a submarine underground harbour is not built here, it could be a very good argument or motivation to publish it with regard to this treaty with Indonesia.

Thirdly, I think that this is a very good place to link the international program of space with an observatory. All three of these three activities are very clean and none of them seem to be environmentally problematic at all, and they could create a hell of a lot of good jobs here on the island. It would not just be this dust producing hellhole and a money laundering machine, as I can see it.

What I say could also give a better future for tourism, and living standards; and,

probably, the environment on this island should be much better, too. Fourthly, why not open up with a symposium on this island and invite all these people? Maybe the host could be a national park. That is all I want to say.

CHAIRMAN—Thank you.

[5.08 p.m.]

FERGUSON, Mr John, Christmas Island Resort, Christmas Island, Indian Ocean, Western Australia

CHAIRMAN—Mr Ferguson, you had questions.

Mr Ferguson—They are very simple ones and, hopefully, they can be answered here. Who initiated the treaty? Was it Australia or Indonesia?

CHAIRMAN—I think that it was both sides. I do not think that it was one side more than the other.

Mr Ferguson—Okay. What are the advantages to Australia, or opportunities to Indonesia?

CHAIRMAN—The advantages to Australia are in having a commonly accepted border. We link in from the Torres Strait through the Timor Gap areas to the western end of the Indonesian exclusive economic zone. It is all part of the strengthening of the bilateral relationship between Australia and Indonesia. If there is agreement on that boundary, then surely that must strengthen that bilateral relationship and avoid any misunderstanding.

Mr Ferguson—Okay. And I have just one final question and it is really directed at Senator Coonan, who believes that rumour can be fact. The rumour on the island—

Senator COONAN—It was ironic, I assure you.

Mr Ferguson—I believe what an MP tells me. I have never seen this many outside election week. The rumour here is that Christmas Island will be given to Indonesia in the year 2002. That is one of the main concerns of the people here.

CHAIRMAN—That is the sort of stuff I have become used to hearing in Queensland that originates from some loony tune elements who want to see Indonesia coming over the hill. They believe that we are brutally disarming this nation, et cetera. It is a load of rubbish!

Mr Ferguson—I am very recently arrived on this island. I have been living since June at the resort because housing is very difficult to come by here. It would appear Canberra is not keen to release land, and the price is so exorbitant that people cannot build on this island.

CHAIRMAN—The new minister for territories, who was appointed this morning, Mr Alex Somlyay, is one of my Queensland colleagues. I will be talking to him about

some of these issues when I get back. Some of the issues that have been raised today might heat his seat up a little but nevertheless he needs to be aware of them. Please, I am not being flippant with you—

Mr Ferguson—No, no, I understand.

CHAIRMAN—But some of this—

Mr Ferguson—As a current observer, there are so many things here which, in my humble opinion, indicate that mainland Australia is only paying lip-service to Christmas Island.

CHAIRMAN—Christmas Island and Cocos Island are important strategic assets, quite apart from their commercial values. I am sure that is recognised. In fact, as a result of today I am sure we will get the Department of Defence back in when we wrap up in Canberra at the end of this inquiry. We will then ask some of these questions of them because it is something that nobody has mentioned. I only mention it because I have a long experience wearing uniform, and it is something that I recognise very much.

Mr Ferguson—As you have heard today, people have spoken about the ecological, the strategic and the immigration type issues. As you people are well aware, with this matter moving forward you would have to increase the control. Obviously, this is going to be much more expensive to the federal government.

Mr ADAMS—Mr Ferguson, I take it you are appearing before the committee as a concerned citizen of the island.

Mr Ferguson—Of Australia. I am a resident on the island.

Mr ADAMS—Okay.

Mr Ferguson—Christmas Island is Australia, is it not?

Mr ADAMS—That is correct.

Mr Ferguson—Thank you.

CHAIRMAN—Thank you very much indeed.

[17.13]

MABERLY, Mr Paul Anthony, Chief Executive Officer, Shire of Christmas Island, PO Box 863, Christmas Island, Indian Ocean, Western Australia 6798

Mr Maberly—I just wanted to give some more information to the committee, probably in relation to a question that Allan Walley asked—his first or second question—which was: why was there no translation of the information into Chinese, and, by extension, into Malay?

Until quite recently the Shire of Christmas Island was in receipt of Commonwealth funding to the tune of \$35,000 per year, which was put towards one of our committees, the community consultative committee. Some time in the last six or seven months that funding ceased. Council still maintains a translation service out of its general fund, but as you would realise, that is an impost on the ratepayers.

Getting back to our first point on community consultation with this whole process, had the council been informed earlier, this whole issue of the treaty would have been handed over to the community consultative committee, and each of the organisations that appeared today are represented on that committee. It is probably too large and a bit unwieldy, but we bear with that. However, because the council was unaware of the matter, it did not have the opportunity of going before that CCC. I thought the committee should know of the existence of that committee and, unfortunately, the cessation of that funding.

CHAIRMAN—As there are no further questions, thank you for your evidence.

Resolved (on motion by Mr Hardgrave):

That this committee authorises publication of evidence given before it today.

Committee adjourned at 5.15 p.m.