

Chapter 13

Border Protection

13.1 The committee looked at local policing in the Torres Strait in chapter 7 and noted Police Commissioner Atkinson's observation that although most of the issues in the region are similar to those confronting the police throughout Australia, border security is 'particularly unique' to the Torres Strait.¹ In this chapter, the committee examines from a national security perspective how Australia protects its border in the Torres Strait. It is interested in organised groups or well-resourced individuals who attempt to circumvent Australia's border control measures in the region and test Australia's enforcement capabilities. The committee's focus is on criminal activity such as the importation of illicit drugs, people smuggling, illegal immigration, and illegal fishing on a larger commercial scale. It looks at how Australia manages these security concerns. The committee is also interested in social, economic, demographic or environmental factors in the region that are likely to affect border management and Australia's broader national security concerns. In this regard, the committee looks at population growth and settlement patterns in Western Province, competition for marine resources in the strait and climate change.

Main security risks

13.2 In the previous chapters, the committee discussed a number of matters that indicate that there are vulnerabilities in Australia's border control in the Torres Strait. It referred to a number of PNG nationals gaining unauthorised entry onto islands in the strait or staying beyond their allocated time in order to gain access to health or other services, for social or sporting gatherings or to poach or fish illegally. Although these breaches of border security do not pose a significant threat to Australia's national security, they do indicate that there is a risk that more organised groups may take advantage of and exploit any weaknesses or lapses in border control.

13.3 According to the Attorney-General's Department, the main maritime security risks to Australia are:

- illegal exploitation of natural resources
- illegal activity in protected areas
- unauthorised maritime arrivals
- prohibited imports and exports
- maritime terrorism
- maritime pollution
- compromise to biosecurity, and

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

- piracy, robbery and violence at sea.²

13.4 The committee has already dealt with a number of these matters (unauthorised arrivals, overstayers, illegal fishing and poaching of natural resources, quarantine and biosecurity). It now considers those security risks that are of most concern to Australia's national security and border enforcement agencies in the region. Firstly, from a border security perspective, the committee deals with the movement of traditional inhabitants.

Movement of traditional inhabitants

13.5 In its submission, Customs stated that there are over 59,000 traditional movements (arrivals and departures) recorded each year in the Torres Strait.³ According to Customs, while Saibai and Boigu are the most popular crossing points for traditional movements, the whole region is of interest to the agency because of its proximity to PNG and the ability of travellers to move through the strait.⁴

13.6 The committee has discussed the screening process that takes place on the islands for the arrival and departure of traditional inhabitants and noted the concerns by members of local communities that some people slip through undetected and remain in the region either as illegal entrants or overstayers.⁵ Assistant Commissioner Kevin Zuccato, AFP, was of the view that the unrestricted way in which people can travel down through Indonesia and the strait creates a significant risk of transnational crime within the region.⁶ He recalled that the federal police have had occasions in the past where people leave Australia through that area, to evade scrutiny by Immigration and Customs.⁷ The AFP submitted that the recent PNG/Australia Transnational Crime Conference 'highlighted difficulties with the enforcement of Immigration law'. It stated:

...there are obvious issues pursuing crime groups and individuals across the PNG/Australian maritime border as a result of the freedom of movement provisions contained within the Torres Strait Treaty (traditional visits).⁸

13.7 The difficulties for border enforcement agencies created by the high volume of people moving across the border under the free movement provisions are further complicated by the unique operating environment of the region. This includes its remoteness, disbursed nature of settlement, lack of infrastructure and proximity to

2 Australian Customs and Border Protection Service, *Annual Report 2008–09*, p. 58. See also Australian Customs and Border Protection Service, *Portfolio Budget Statement, 2010*, p. 134.

3 Australian Customs and Border Protection Service, *Submission 14*, p. 2.

4 Mr Kerlin, *Committee Hansard*, 17 December 2009, p. 34.

5 See for example, TSRA, *Submission 18*, p. 11, footnote 5.

6 *Committee Hansard*, 18 December 2009, p. 57.

7 *Committee Hansard*, 18 December 2009, p. 61.

8 Australian Federal Police (AFP), *Submission 25*, p. 1.

PNG. Indeed, this distant region of shallow sea, uninhabited cays and sparsely populated islands serves as a potential haven for would-be poachers or smugglers.

Illegal fishing on a commercial scale

13.8 The committee has considered illegal fishing in the Torres Strait from a conservation and biosecurity perspective. The activity of foreign fishers in the region is also a border security issue. Between 2000 and 2006, the Australian Government became increasingly concerned about the number of illegal foreign fishers in Australia's northern waters. In 2005, during a debate on legislation designed to strengthen Australia's ability to manage foreign fishers found operating illegally in Australia, the then Minister for Agriculture, Fisheries and Forestry highlighted the extent of the problem. He noted that illegal fishers were 'expanding their operations' and 'venturing further east towards and within the Torres Strait Protected Zone'. He stated:

It is important to both Australia and PNG that a strong stance is taken against the illegal foreign fishers that pillage the natural resources of the Torres Strait.⁹

13.9 Although the number of illegal fishers in the Torres Strait has declined in recent years, illegal fishing remains a significant maritime security risk to the region.

Drug and gun running

13.10 In its submission, the TSIRC referred to the ease with which sly grog and drugs and other contraband are carried across the border and into local communities.¹⁰ During the committee's visit to Saibai, local leaders gave similar accounts of drugs passing through the strait. They referred to incidents of vandalism and trade in illicit drugs, such as marijuana, and asked for the border to be treated as any other international border. Commissioner Atkinson, Queensland Police, noted that drug trafficking had been an issue in the region for some years and that PNG has the ideal climate to produce cannabis. Consistent with this observation, Assistant Commissioner Zuccato informed the committee that the AFP's main focus in respect of PNG is trafficking dangerous drugs, including cannabis. In December 2009, he informed the committee that within the past 24 months, 26 individuals had been arrested for trafficking some form of narcotics. One of the most recent incidents involved 18½ kilograms of cannabis seized in PNG which led to several people being charged with conspiracy to import 500 kilograms of cannabis.¹¹ The AFP also looks at

9 House of Representatives, *Hansard*, 17 February 2005, p. 5. In 2006, the Secretary of DIMA also drew attention of the dramatic increase over the past five years of illegal fishing in Australia's northern waters. Department of Immigration and Multicultural Affairs, Secretary's Review, *Annual Report 2005–06*.

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

11 *Committee Hansard*, 17 December 2009, p. 58.

drug-related property crime which aims at obtaining commodities to exchange for narcotics.¹²

13.11 Ms Roxanne Kelly, Customs, was of the view that while there is criminal behaviour in the region, some of the reporting 'exaggerates the activities'. She explained:

When we look at the significant risks and the operations that we have undertaken in the last 12 months to two years, one of the significant issues is the movement of cannabis. When you start to look...that is also influenced by the actual market that is available there. We understand why cannabis is probably a popular drug, whereas other powdered forms of drugs are probably far too expensive. But I suppose there have been issues around it being a transit point from where people can move drugs on to the mainland.¹³

13.12 With regard to gun running, Assistant Commissioner Atkinson did not consider the exchange of drugs for firearms as 'in reality an issue'.¹⁴ Similarly, Assistant Commissioner Zuccato supported other government agencies in their view that there had not been a significant movement of firearms and ammunition to and from PNG, 'certainly not in the last little while'. Furthermore, he noted that one program conducted in relation to firearms and ammunition had 'since ceased, given the lack of apparent movement'.¹⁵

Human trafficking

13.13 Customs and Border Protection is responsible for leading and coordinating the efforts of all agencies to 'disrupt maritime people smuggling ventures'.¹⁶ Assistant Commissioner Zuccato informed the committee that the AFP, which looks at some people-smuggling issues and also trafficking in people within the region, had not seen a lot of human trafficking through PNG.¹⁷ Even so, he noted that while he was in the Torres Strait, Customs officers had raised the issue, particularly with regard to the growing presence of the Chinese community and the potential to establish routes for trafficking human beings through PNG and then down into Australia. He was unsure about the likely success of such activities, 'given that there are other ways through which they can bring in particular women to Australia'. He said:

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

13 *Committee Hansard*, 17 December 2009, p. 39.

14 *Committee Hansard*, 25 March 2010, p. 8.

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

16 Australian Customs and Border Protection Service, *Portfolio Budget Statement, 2010*, p. 115.

17 *Committee Hansard*, 18 December 2009, p. 58.

I do not know whether the return on investment would be enough to explore that. Certainly it is something which was brought to my attention when I was there.¹⁸

13.14 Clearly, those engaged in criminal activity, as with any business venture, consider the likely gains from an enterprise before starting up. For would-be criminals, the likelihood of being caught operating or engaged in illegal activities is a major consideration.

Opportunistic crime

13.15 There are a number of factors that provide an ideal environment for organised crime to flourish, notably the opportunity to move about a region with ease, and to operate undetected or unreported. In this regard, the committee has noted the remoteness of the Torres Strait area, the lack of a police presence in the outer islands, and the free movement provisions of the Treaty, which allow a large number of people to cross the border without any rigorous screening process. Overall, however, while there are some factors that would entice criminals to the region, there are others that keep them at bay. Ms Kelly explained that from a business point of view, the logistics of moving illegal goods or products through the various islands to the mainland is 'pretty unviable'. She suggested:

...sometimes you just have to look at the business side of it and why people are involved in some of that activity—it is to make money. Part of our risk assessment is asking, 'Is it a viable option?' For some of those commodities it really is not.¹⁹

13.16 In addition, the tendency for Islanders, who are 'extremely proud people', to report 'outsiders who should not be there' assists border protection agencies to monitor cross-border movements.²⁰ This level of community scrutiny is another disincentive for budding criminals.

13.17 Although at the moment, criminal activity such as drug and gun running and people trafficking may not be sufficiently profitable to attract large-scale criminal activity, the potential exists. Thus, one of the major aims in border security is to ensure that the gains from breaching border security do not outweigh the costs. The committee now examines the range of measures that Australia takes to secure its borders in the Torres Strait.

Securing Australia's border in the Torres Strait

13.18 Recording or registering people entering and leaving Australia is an important element of effective border security in the Torres Strait, especially in light of the free

18 *Committee Hansard*, 18 December 2009, p. 58.

19 *Committee Hansard*, 17 December 2009, p. 39.

20 John Kerlin, *Committee Hansard*, 17 December 2009, pp. 40, 43.

movement of traditional inhabitants. Equally important is knowing, and being able to verify, the identity of people entering, passing through and staying in the region. On a number of occasions, the committee has noted the shortcomings in the screening and recording processes of PNG nationals visiting the Torres Strait.

Data and record keeping

13.19 DIAC acknowledged that accurate reporting, which provides a clear picture of people movements and goings-on, is needed to address the complex issues of border management in the Torres Strait. It conceded that past data collection of such activity may not have been as robust as it could have been. According to the department, however, it had recently made substantial progress in improving the quality of the data collected. Mr Allen informed the committee that the new system would:

...make it possible to identify more accurately in future the number of individuals making traditional visits and the reason for these visits...Better data, we hope, will help to dispel some of the misconceptions that exist in regard to the reasons for travel and the number of overstays in the region.²¹

13.20 The committee recognises the need for improved data collection on people movement in the Torres Strait and supports DIAC's endeavours to address this problem. It is too early to determine whether the new system is going to be sufficiently sound to meet the challenges posed by the movement of traditional inhabitants through the straits. With this in mind, the committee is firmly of the view that DIAC should evaluate regularly its improved method of obtaining statistics on people movement in the Torres Strait. Furthermore, the committee believes that, as part of this evaluation, DIAC should endeavour to reconcile its statistics with local perceptions of illegal arrivals and overstayers to determine whether there are anomalies and, if so, to use their data to explain the discrepancies.

Identification system

13.21 In chapter 7, the committee touched briefly on the lack of formal travel documentation required for traditional visitors and the difficulties that this creates for law enforcement agencies in the Torres Strait. For example, traditional inhabitants often use a list with names but no other detail as the primary document for allowing cross-border movement.²² This informal and inexact method of checking who is entering and staying in Australia also has implications for border security.

13.22 A number of border protection agencies commented on the importance of improving the system so that they would be able to identify effectively who is a genuine traditional inhabitant.²³ For example, Ms Marion Grant, Customs, advised the committee that a more rigorous identification of people moving between Australia and

21 Mr Stephen Allen, *Committee Hansard*, 17 December 2009, p. 14.

22 Customs, *Submission 14*, p. 8.

23 Customs, *Submission 14*, p. 8.

PNG would make the work of Customs and Border Protection easier.²⁴ The AFP also called for a more reliable identification system to assist them in their work. In its view, the current Treaty visitor pass system is 'easily manipulated'.²⁵ Assistant Commissioner Zuccato explained:

...it would be of extreme benefit to us for there to be some form of document of identity, including a photograph, fingerprints or whatever, so that we are aware of who is coming into and out of Australia.²⁶

13.23 Both the AFP and the PNG Transnational Crime Unit (TCU) have recommended strongly that photo identification and biographical details be required for traditional visitors when travelling across the border.²⁷ According to the AFP:

This issue is an ongoing concern to the AFP and other law enforcement agencies as 'traditional inhabitants' in the treaty zone have limited access to adequate identification documentation and the current process may prove attractive to those with criminal intent.²⁸

13.24 The 2009 Transnational Crime Conference (TNCC), involving delegates from Customs, AFP, Queensland Police, Royal Papua New Guinea Constabulary and PNG Customs, unanimously endorsed the need for better methods of identification.²⁹

13.25 Mr Michael Pezzullo, Chief Operating Officer, Customs, informed a 2009 Defence Conference that Australia was 'increasingly using biometrics'. He explained:

The facial recognition technology used in Smartgate has enabled the immigration clearance process to be automated for travellers who represent a low risk from an immigration perspective, producing greater efficiency and an improved traveller experience.³⁰

13.26 In this regard, Police Commissioner Atkinson, commented on the potential capability that technology—biometrics and facial-recognition—may offer in the future.³¹

13.27 While there is overwhelming support for improving the means of identifying travellers in the Torres Strait, the process of introducing such a system is still in the

24 *Committee Hansard*, 17 December 2009, p. 43.

25 AFP, *Submission 25*, p. 2.

26 *Committee Hansard*, 18 December 2009, pp. 55–6.

27 AFP, *Submission 25*, p. 2.

28 Australian Federal Police, answer to question taken on notice, 18 December 2009.

29 Australian Federal Police, answer to question taken on notice, 18 December 2009.

30 Michael Pezzullo, 'The role of the Australian Customs and Border Protection Service in securing Australia's borders: working with partners across traditional boundaries on border risks'. Australian Financial Review Defence Conference 2009, 23 September 2009, p. 5.

31 *Committee Hansard*, 25 March 2010, p. 16.

early stages. As a standing member of the Interdepartmental Committee on the Torres Strait Treaty, the AFP informed the committee that, with its full support, Customs had raised the matter of photo identification. According to Ms Kelly, Customs has also had discussions with DIAC, the AFP and DFAT on photographic identification and that the matter was under active discussion.³² She acknowledged, however, that there were difficulties implementing an improved system because of issues around changes to the Treaty. She said:

People understand some of the difficulties associated with that. I think that is the response we have received. It has been noted...Not too hard. It is just...that negotiations around any change to the treaty will take some time.³³

13.28 Customs wanted to make clear that its comments were made in the context of achieving a better system to identify travellers for their risk assessment purposes.³⁴ The Queensland Government also suggested that 'a formal identification method for PNG nationals traversing Australian waters' was an issue that required 'further consideration in the context of treaty governance arrangements'.³⁵ In this regard, Police Commissioner Atkinson understood that changes to the identification system would be a federal government responsibility because it involved people coming from one country to another.³⁶ Ms Grant noted further that the matter of an improved identification system would be a DFAT responsibility.³⁷

13.29 Mr Young informed the committee, however, that this matter was not really something that he thought DFAT could comment on. In his view, it would be the agencies that have to implement and manage the system that could provide 'a guide as to how practical it is to do such a thing'.³⁸ He explained that DFAT would not be implementing it, but as the lead agency on the Treaty, it would chair any meeting that decided to introduce such an identification system.³⁹ Although he acknowledged that there would be widespread acceptance of such a system among the Treaty communities, he identified some of the practical implementation problems:

It is across a border and into another country. It is also people who largely do not have identity papers. They have different spellings of names on each occasion they visit Australia. There are a whole range of issues that the agencies that have to implement this have to look at first. I think that broadly, in principle, the communities would be happy to do it, but whether

32 *Committee Hansard*, 17 December 2009, p. 44.

33 *Committee Hansard*, 17 December 2009, p. 44.

34 Marion Grant, *Committee Hansard*, 17 December 2009, p. 43.

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

36 *Committee Hansard*, 25 March 2010, p. 16.

37 *Committee Hansard*, 17 December 2009, p. 43.

38 *Committee Hansard*, 18 June 2010, p. 15.

39 *Committee Hansard*, 18 June 2010, p. 15.

it is actually possible, again, is something for other agencies to decide... We are open to the discussion. It is an ongoing discussion. It has been raised at meetings over years.⁴⁰

Committee view

13.30 The committee understands that a number of key agencies have called for improved methods of identification with regard to the free movement of traditional inhabitants across the Torres Strait border and that Australia is increasingly using biometrics at other arrival ports. It understands that the spirit of the Treaty requires that any measures to improve the identification process should not impose unfair restrictions on traditional inhabitants seeking to visit the region to undertake traditional activities. The committee believes, however, that modern technology offers an opportunity to introduce better methods of monitoring and identifying people travelling in the Torres Strait region and its use should be explored.

13.31 Thus, the committee notes that while most government border protection agencies support strongly an improved system of identification, they, including agencies from PNG, have not come together to solve the practical difficulties of implementing such a system. Clearly, a number of Australian agencies are looking to DFAT to provide the leadership and drive necessary to move the proposal beyond the discussion stage.

Recommendation 18

13.32 The committee recommends that DFAT assume the leadership role in exploring ways with relevant border control agencies to make better use of modern technologies to identify travellers visiting the Torres Strait. The aim would be to implement as soon as practicable an improved means of identification for people crossing the border in the Torres Strait that would be in keeping with the spirit of the Treaty.

Intelligence gathering

13.33 In the chapters on law and order and biosecurity, the committee highlighted the critical role of local communities in reporting inappropriate or unauthorised activity such as poaching, overstaying a visit, disorderliness and petty crime. This important function as intelligence gatherers may also have a critical role in exposing organised illegal activity that may be happening in their region.

Local knowledge—Torres Strait

13.34 To some extent, border protection agencies in the region are aware of the contribution that local people can make to their understanding of unusual goings-on in the region and look to them as an important source of vital information on irregular or suspicious activities. For example, Customs runs a community participation program

40 *Committee Hansard*, 18 June 2010, p. 15.

where officers visit the islands as often as they can, talk to communities and promote the work of the agency. Mr Kerlin noted that they endeavour to visit all the islands as often as they can—once or twice a year. With regard to Saibai, where Customs has an officer, a patrol tries to visit the island at least once a month for two to three days. Mr Kerlin explained that is how the agency develops the information flow that leads to valuable intelligence.⁴¹

13.35 The committee has noted that as respected members of their communities, reservists in C Company, 51st Battalion, Far North Queensland Regiment, make a valuable contribution to the intelligence network that operates in the Torres Strait. They report unusual activity in their localities and help out researchers with their tasks. In a more structured way, they also form an important part of Operation Resolute, which is the ADF's contribution to border protection. The Department of Defence (Defence) informed the committee that the Regiment 'is allocated specific periods to conduct Operation Resolute patrols and is required to achieve 80 patrol days per financial year (1 patrol day = 1 patrol of 6 personnel in the field for 24 hours)'.⁴² They undertake a 'broad-ranging, long-range surveillance role', but as reserve units are not permanently formed or operating. In 2009, this regiment conducted 115 days of patrols in the Torres Strait region under Operation Resolute which represented 'a tempo and focus at the upper limit of the unit's capacity to both mount and sustain'.⁴³

13.36 The AFP informed the committee that one of its staff on Thursday Island is a Elder of the Kaurareg Clan in the Torres Strait, is proficient in the Creol, Pidgin and PNG Moto languages and holds a Master 5 certificate in maritime vessel operation. Because of his long and close association with local communities, he also has a role in collecting intelligence on behalf of the AFP.⁴⁴

13.37 While there are examples of local people contributing to intelligence gathering on the ground in the Torres Strait, Mr See Kee, TSRA, informed the committee that people out in the communities want to engage more with agencies doing border protection:

...because when you think about it the biggest asset that any agency has, especially with border protection, is the people. They are the ones who are the eyes and ears. They are the ones who are actually going to stop people or let you know when things are happening.⁴⁵

13.38 He stated further that, in his mind, engagement by agencies involved in border enforcement should be 'almost the highest priority and where the majority of

41 *Committee Hansard*, 17 December 2009, p. 43.

42 Department of Defence, answer to question on notice no. 3, 18 December 2009.

43 *Committee Hansard*, 18 December 2009, p. 48.

44 Australian Federal Police, answer to question on notice taken on 18 December 2009.

45 *Committee Hansard*, 24 March 2010, p. 14.

investment should be placed to get that relationship happening because, without the relationship, nothing happens'.⁴⁶ This observation cuts across all aspects of border security, including immigration and biosecurity, and highlights the central role that local people have in border security.

Recommendation 19

13.39 The committee recommends that DFAT jointly with DIAC, Customs and Border Protection, the AFP and Queensland Police review the ways in which government agencies currently work with local communities as partners to promote border security. The intention would be to consult with local communities to gauge their views on how their role in border security could be improved and to use this process to strengthen the intelligence network on the ground in the Torres Strait.

13.40 While local knowledge and information sharing is critical to assisting border agencies in their task of securing Australia's border in the Torres Strait, higher level intelligence is also required.



A member of C Company, 51st Battalion, Far North Queensland Regiment, showing the equipment and rations carried by a soldier while on patrol in the region

46 Committee Hansard, 24 March 2010, pp. 14–15.

National intelligence network

13.41 Customs and Border Protection is Australia's lead border agency and is responsible for protecting Australia's national interests against security threats in Australia's offshore maritime domain. It has a vital role in 'preventing the illegal movement of people and harmful goods across Australia's borders'. It is also responsible for coordinated land patrols to protect Australia's maritime boundaries.⁴⁷ Customs and Border Protection brings together the expertise and resources of a great number of other departments and agencies, including the ADF, AFMA, AQIS, the Australian Maritime Safety Authority (AMSA) and the AFP.

13.42 Mrs Grant noted that Customs places 'a premium on the use of risk based interventions that are driven by intelligence and targeting systems'. It uses this intelligence-led, risk-assessed activity to target its assets 'to the highest risks'.⁴⁸ According to Mrs Grant:

...the maritime and aerial surveillance of our maritime domain and on-ground information collection are critical to ensuring that we know about risks before they reach our borders and can direct our resources to intervene where high risks are identified.⁴⁹

13.43 For example, Customs referred to the Torres Strait Combined Intelligence Group, an intelligence sharing and target development grouping of Customs, QPS and AFP.⁵⁰ This group looks at 'collective intelligence assessments of criminal threats in the region' and develops operational responses to them.⁵¹ While based on Thursday Island, the group is managed from Cairns by senior officers from the agencies. Three intelligence analysts with extensive experience with the Torres Strait use their specialist knowledge to develop analytical material that 'informs ongoing operational activity'.⁵²

13.44 The Australian Maritime Information System (AMIS) is also part of the national intelligence network. It is located within the Border Protection Command Centre in Canberra. Mrs Grant explained that many of the ships moving through the strait are commercial vessels emitting a signal in accordance with the IMO requirement. She said:

47 Australian Customs and Border Protection Service, *Annual Report 2008–2009*, p. 58; Attorney-General's Portfolio, *Portfolio Budget Statements 2009–10*, pp. 111–112; Attorney-General's Portfolio, *Portfolio Budget Statements 2010–11*, pp. 115–116.

48 *Committee Hansard*, 17 December 2009, p. 36.

49 *Committee Hansard*, 17 December 2009, p. 31.

50 Australian Customs and Border Protection Service, *Submission 14*, pp. 8–9.

51 *Committee Hansard*, 18 December 2009, p. 55.

52 Australian Customs and Border Protection Service, *Submission 14*, pp. 3 and 8.

We can plot those vessels. We can look up our databases to identify whether it is a known vessel of low risk or of no interest to us or whether we need to do more analysis around that vessel.⁵³

Regional intelligence network

13.45 As noted on a number of occasions, the Torres Strait is a joint jurisdictional region and requires Australia and PNG to cooperate for effective management. This observation also applies to combating illegal activity in the strait.

13.46 Customs informed the committee that it is the lead agency in the joint cross-border patrols conducted three times a year. The patrols of between 8–10 days include representatives of the AFP, QPS and PNG Police and Customs.⁵⁴ Mr Kerlin explained that these patrols bring the three law enforcement agencies from the Australian side together with the two from PNG—PNG customs and PNG police. According to Mr Kerlin, the patrols enable the Australian agencies to see the communities on the PNG side and to gather information, which then 'turns into usable intelligence to drive the other work that we do'.⁵⁵ They also provide PNG law enforcement agencies with the opportunity to visit some of the communities they do not normally visit.

13.47 The patrols start with an intelligence briefing and sharing of information. During the visit, each agency has the opportunity to talk to the community about its role and expectations in moving about the region. Mr Kerlin stated that as time goes on, 'we start to move towards talking to particular individuals', developing contacts and relationships within those communities. He informed the committee about a recent initiative that came out of the Combined Intelligence Group to develop a brochure that could be left behind in the villages. He stated:

We are going to try to get that translated into Tok Pisin so that it is comfortable for people to read and understand, and we will distribute that amongst those communities as well...We are getting the words together from our point of view, and we will send those words up to the two PNG agencies to get their input. Once we have all the words agreed and we have it in a format that is useful, we will send it back for conversion into Tok Pisin, and then we will get it published. It is something that we hope to have up and running by mid-year.⁵⁶

13.48 The committee fully supports the cross-border patrols and the efforts being made by border enforcement agencies to meet and converse with the local communities and with Treaty villages.

53 *Committee Hansard*, 17 September 2009, p. 35.

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

55 *Committee Hansard*, 17 December 2009, p. 47.

56 *Committee Hansard*, 17 December 2009, p. 47.

13.49 Assistant Commissioner Zuccato informed the committee further that while there was 'certainly a risk, in terms of our knowledge of the region we have a very good appreciation of what the threat picture looks like', for example, through the work of the Pacific Transnational Crime Network (PTCN).⁵⁷ He indicated that the AFP tries to address the risk of criminal activity through its presence in Indonesia and PNG:⁵⁸

To break it down, our concern with PNG as a very near neighbour is to ensure that we maintain very close collaboration with PNG, which we believe we have, to share as much information as we possibly can and to work collegiately and collaboratively on criminal investigations, while at the same time endeavouring to assist them in building their capability and capacity to police PNG.⁵⁹

13.50 The AFP has a Senior Liaison Officer in Port Moresby.⁶⁰ According to the Assistant Commissioner, the AFP also has officers in Darwin, Cairns and Townsville who respond to issues in the Torres Strait and 'work collaboratively with the Royal Papua New Guinea Constabulary on criminal enterprises and criminal investigations'.⁶¹

Surveillance, detection and interception

13.51 A range of boats and aircraft are needed to detect, deter and apprehend people who violate Australia's northern borders. In the Torres Strait, Customs and Border Protection has one 12-metre and five 6-metre vessels. Four of the smaller vessels are deployed strategically on islands within the Torres Strait (Mabuiag, Saibai, Darnley and Coconut) and are maintained by liaison officers. An officer is based at each of those islands.⁶² According to Mr Kerlin, officers are flown in from Thursday Island to join up with those officers to patrol around the islands.⁶³ A recent innovation in establishing a unit on Saibai, which can be used by other agencies, has been well received (see paragraphs 8.50–8.51). Mr Kerlin explained:

We put the facility up on Saibai so that we could spend more time up there operationally. But Badu has been an island of specific interest during the course of this year. It has the largest population after Thursday Island so for that reason it attracts a bit of attention.⁶⁴

57 *Committee Hansard*, 18 December 2009, p. 57.

58 *Committee Hansard*, 18 December 2009, pp. 56–7.

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

60 AFP, Additional information provided to the committee, 1 April 2010.

61 *Committee Hansard*, 18 December 2009, p. 55.

62 Australian Customs and Border Protection Service, *Submission 14*, p. 3 and Mr Kerlin, *Committee Hansard*, 17 December 2009, p. 40.

63 *Committee Hansard*, 17 December 2009, p. 40.

64 *Committee Hansard* 17 December 2009, p. 34.

13.52 In addition, the agency operates two bay class vessels that provide 'a persistent patrol and response capability in or near the Torres Strait'. They conduct irregular patrols to keep operations 'unpredictable'.⁶⁵ Mrs Grant explained that the vessels were approaching the end of their existing lives.⁶⁶ The 2010 budget announced that the government had approved a significant investment to replace these vessels 'with an enhanced capability' that would play a critical role in border security. It would:

...address more than one security challenge by providing surveillance and response capabilities across northern Australia to counter illegal people smuggling, illegal foreign fishing, trafficking of illicit goods as well as search and rescue and counter-terrorism activities.⁶⁷

13.53 The agency is also looking to replace a number of the smaller 6-metre vessels with newer vessels in the next six to 12 months.⁶⁸ Referring to the agency's ability to take effective action, Ms Kelly said that the agency had a capacity to respond at any time if something were detected in the surveillance activity.⁶⁹



Customs' Bay Class vessel—CORIO BAY

65 Mrs Grant, *Committee Hansard*, 17 December 2009, pp. 40–41.

66 *Committee Hansard*, 17 December 2009, p. 36.

67 Attorney-General's Portfolio, *Portfolio Budget Statement, 2010–11*, p. 116.

68 *Committee Hansard*, 17 December 2009, p. 37.

69 *Committee Hansard*, 17 December 2009, p. 42.



Committee members leaving CORIO BAY after inspecting the vessel

Border Protection Command

13.54 Situated in Customs and Border Protection, Border Protection Command leads and coordinates Australia's airline surveillance and maritime response all around Australia, including the deployment of aerial and surface assets in the Torres Strait region.⁷⁰ This 'standing multi-agency authority operates 'as a single maritime surveillance, response and interception agency'. It manages the security and integrity of Australia's borders and has command and operational control over land, air and sea surveillance assets assigned to it.⁷¹ Its primary task is to ensure that 'any threat to Australia's offshore maritime areas and coastline is quickly detected and defeated'. It combines the resources and expertise of Customs and Border Protection and Defence and works with officers from AFMA, AQIS, and other Australian, state and territory government agencies.⁷²

70 *Committee Hansard*, 17 December 2009, p. 31.

71 Attorney-General's Portfolio, *Portfolio Budget Statements 2009–10*, p. 131; Attorney-General's Portfolio, *Portfolio Budget Statements 2010–11*, p. 134; Customs website, 'About customs and border protection', 'Australian Customs Service, Protecting our borders', <http://www.customs.gov.au/site/page4222.asp> (accessed 27 May 2010).

72 Michael Pezzullo, 'The role of the Australian Customs and Border Protection Service in securing Australia's borders: working with partners across traditional boundaries on border risks', Australian Financial Review Defence Conference 2009, 23 September 2009, p. 9.

13.55 The head of Border Protection Command is an ADF Rear Admiral who has command of assets assigned to it by 'Defence, Customs, AFP, fisheries and a range of other assets'. To respond to a border protection contingency, the Rear Admiral can 'pick and choose which asset he uses'. For example:

If he has intelligence relating to activity in a particular area—say, the Torres Strait—he might use an Armidale class patrol boat that is assigned to him or he might use 51FNQR [51 Far North Queensland Regiment], but equally he might use a Customs vessel.⁷³

13.56 Mr Lachlan Colquhoun, Department of Defence, explained that border protection was construed in this fashion to ensure 'adequate synchronisation between all the different surveillance and response options' available in the north. He noted further that additional assets could be assigned if a particular threat arose.⁷⁴

13.57 In the TSPZ, Border Protection Command conducts daily aerial surveillance and maintains a 24-hour, seven-days-a-week capability to respond to border incursions. In the region, it operates two surveillance helicopters, which are based on Horn Island in the Torres Strait. It also uses a DASH 8 or Reims F406 fixed-wing surveillance aircraft, which flies out of Weipa and makes daily flights across the Torres Strait and as noted earlier the two Customs and Border Protection bay class vessels patrol in or near the Torres Strait.⁷⁵ Mrs Grant explained that, 'Our civil maritime surveillance and response program is designed for early detection of arrivals to Australia in any location'.

13.58 According to Mrs Grant, in the 2009 budget, the agency was funded to reactivate two Reims aircraft to focus particularly on additional flying hours against irregular maritime arrivals.⁷⁶ She noted that contracts for the aircraft and the helicopters had recently been renewed and there was a new fleet of assets.⁷⁷

13.59 Defence contributes to Border Protection Command through Operation Resolute. At any one time, there are seven Armidale class patrol boats assigned to this operation which covers not only the Torres Strait but the 'whole of Northern Australia'. The boats are deployed depending upon the intelligence at the time. The committee has mentioned the work of C Company, Far North Queensland Regiment, which is made up mainly of reservists who undertake surveillance and reconnaissance activities in the region.⁷⁸

73 Mr Lachlan Colquhoun, *Committee Hansard*, 18 December 2009, pp. 49–50.

74 *Committee Hansard*, 18 December 2009, p. 50.

75 Australian Customs and Border Protection Service, *Submission 14*, p. 4.

76 *Committee Hansard*, 17 December 2009, p. 36.

77 *Committee Hansard*, 17 December 2009, pp. 32, 36 and 41.

78 *Committee Hansard*, 18 December 2009, pp. 47–8.

Success of Australia's surveillance and apprehension regime in Torres Strait

13.60 The detection and apprehension of illegal fishers in the region provides an indication of the success that the existing regime is having in the Torres Strait. In its May 2006 Budget, the government established a new \$388.9 million plan 'to combat illegal fishing in northern Australian waters', which brought the total commitment to 'well over half a billion dollars'. Since then, there has been a noticeable decline in the number of incidents.

13.61 Customs 2008–09 Annual Report showed that the number of apprehensions continued a significant downward trend, indicating that the 'comprehensive maritime operations were having a significant deterrent effect'.⁷⁹ As noted in an earlier chapter, the report maintained that during 2008–09:

The deterrent effect of enforcement efforts over the last two years has seen a reduction in illegal fishing activity in Australia's northern waters to the point where large concentrations of vessels sit just beyond the Australian Exclusive Economic Zone boundary, undertaking frequent shallow incursions into Australian waters.⁸⁰

13.62 Mrs Grant also informed the committee that the program of on-water enforcement had seen raids into Australian waters diminish greatly, with the foreign fishing vessels staying out on the edge of the exclusive economic zone (EEZ).⁸¹ In its 2010 Budget, the government continued funding to combat illegal fishing in Australia's northern waters by providing \$59.1 million over four years to maintain 'a strong deterrence to illegal foreign fishing through surveillance and response to incursions'.⁸²

Committee view

13.63 While recognising the effectiveness of current efforts to combat illegal fishing in the Torres Strait, the committee notes that Customs and Border Protection also referred to foreign fishing vessels waiting just outside Australia's EEZ to take the opportunity for shallow incursions. Clearly, any relaxation of Australia's efforts could once again entice illegal fishers back into the strait.

79 Australian Customs and Border Protection Service, *Annual Report 2008–2009*, p. 63.

80 Australian Customs and Border Protection Service, *Annual Report 2008–2009*, p. 62.

81 *Committee Hansard*, 17 December 2009, p. 46. ANAO's performance audit, *Illegal Foreign Fishing in Australia's Northern Waters*, also commented on the success that 'additional funding on increased detection, apprehension and destruction of FFVs' [foreign fishing vessels] had in producing a substantial reduction in FFV apprehensions in northern waters. Australian National Audit Office, *Illegal Foreign Fishing in Australia's Northern Waters*, Audit Report No. 23, 2009–2010, Performance Audit, p. 15. It stated that in northern waters there had been 367 apprehension in 2005–06; 216 in 2006–07; 156 in 2007–08 and 27 in 2008–09.

82 Attorney-General's Department, *Portfolio Budget Statement, 2010*, p. 116.

13.64 One of the main reasons for the absence of organised crime in the Torres Strait may be due in large part to the current close monitoring that takes place across the strait and the presence of numerous government agencies in the region, including immigration, quarantine, fisheries, customs, foreign affairs, defence and police forces— not to mention local communities keen to keep their localities safe and free from crime. This high degree of surveillance removes the opportunity and incentive for criminals to operate in the region. The committee notes, however, that any relaxation in enforcement would once again leave the region exposed to the threat of criminal activity. In this regard, the committee recognises the need for the Australian Government to continue to support and fund adequately efforts to combat illegal fishing and other unauthorised incursions in the Torres Strait.

Recommendation 20

13.65 The committee recommends that the Australian Government continue to support and fund adequately the effort to combat illegal fishing in the Torres Strait.

Australia–PNG collaboration

13.66 The committee has noted on a number of occasions the importance of Australia and PNG cooperating and coordinating their activities in the vicinity of and in the Torres Strait. In the context of surveillance and interception, it should be noted that according to Defence, while the Australian Navy does basic skills transfer with the PNG Defence Force (PNGDF), it does not engage in joint patrols. Mr Colquhoun explained further that PNG deploys their patrol boats primarily to protect their fisheries, especially its tuna industry, north of PNG. He suggested that PNG's focus would not be on unauthorised people entering the Torres Strait to undertake traditional activities in the region.⁸³

Uncharted waters

13.67 In its submission, Customs and Border Protection stated that stretches of water within the Torres Strait remain either uncharted or only partially surveyed. Mrs Grant explained that the significant areas of uncharted water adjacent to land in the Torres Strait affects Australia's ability to apprehend illegal fishers. She explained that often small vessels operating or suspected of operating illegally do not stay in charted waters but go among the smaller islands for which charts do not exist and where Australia's marine surveillance assets cannot follow. According to Customs and Border Protection, safety requirements prevent their water-borne assets from entering into or pursuing other craft in waters generally used by vessels of interest. Mrs Grant noted that it was standard operating procedure not to sail into uncharted areas, which

83 *Committee Hansard*, 18 December 2009, p. 51.

allows 'somebody to perhaps evade our efforts to disrupt their activities'.⁸⁴ She explained that:

The shallow waters are a big issue for us up in that area. The tenders can go into waters that the Bay Class vessels cannot, in any event, but, if they are completely unknown waters, the CO has no discretion to take a vessel into such waters.⁸⁵

13.68 Even though the program of on-water enforcement has brought about a significant reduction in illegal foreign fishing, Mrs Grant noted that if the circumstances were to change, then the uncharted waters would become more of a priority issue again.⁸⁶ Mr Kris, TSRA, noted the difficulty that Customs had moving around the waters near Boigu where, in the past, 'we have seen a few foreign fishing vessels getting through that particular area'. He understood that it was 'hard for Customs to get in there because of the uncharted waters'. Mr Kris observed:

Again, through the service delivery planning that we were doing, we are seeing Customs and other agencies coming on board to actually help push the issue of getting the whole of that particular area charted so there is protection of our region.⁸⁷

13.69 According to Mr See Kee, the matter of uncharted waters had been brought to TSRA's attention from time to time, 'often in passing by some of the enforcement agencies at forums like the JAC or others'.⁸⁸ He stated, however:

...I would have thought it would have been a high priority not just for those agencies which rely on it but also to raise that not just with the TSRA but also with the other arms of government that will have some level of influence in actually pushing that up the priority list and having the charting done.⁸⁹

13.70 In his view, the TSRA had operated in good faith and assumed that if charting these areas was a priority, it was being addressed, 'so we are surprised that a lot of the area is still uncharted as well'.⁹⁰

13.71 Mrs Grant informed the committee that the Department of Defence was provided with additional funding to do more charting of the waters in the Torres Strait. To her knowledge, Defence had a significant program of work to try to

84 *Committee Hansard*, 17 December 2009, p. 39.

85 *Committee Hansard*, 17 December 2009, p. 46.

86 *Committee Hansard*, 17 December 2009, p. 46.

87 *Committee Hansard*, 24 March 2010, p. 15.

88 *Committee Hansard*, 24 March 2010, p. 15.

89 *Committee Hansard*, 24 March 2010, p. 15.

90 *Committee Hansard*, 24 March 2010, p. 15.

continue charting as much of the waters as is possible.⁹¹ In this regard, the Department of Defence informed the committee that Navy's National Hydrographic Surveying and Charting Program had identified a number of outstanding areas in the Torres Strait, including the southern coast of PNG. It explained that these areas 'are planned to be fully completed in the next three years using a continuation of Navy hydrographic surveys, augmented by commercial contract surveys'. Defence stated that 'the Australian Hydrographic Service had submitted a request for further funding of \$9.65 million, required to complete those areas along the southern coast of PNG', earmarked for completion using commercial contract surveys in 2010.⁹²

Committee view

13.72 The committee understands that there are still large tracts of water in the Torres Strait that remain uncharted. It is also aware that some work is being done to chart more areas. Even so, the committee is of the view that the charting of the Torres Strait should be a high priority and recommends that the Australian Government increase the amount of funding needed to expedite the charting of the waters of the Torres Strait, especially between Saibai and Boigu and the tract of water along their northern borders.

Recommendation 21

13.73 The committee recommends that the Australian Government provide the funding needed to expedite the charting of uncharted waters in the Torres Strait, with priority given to the waters between Saibai and Boigu and the area north of these islands.

13.74 The committee recommends further that the Department of Defence provide the committee with periodic updates on the progress being made to chart the waters of the Torres Strait.

Cooperation between enforcement agencies

13.75 To be effective in carrying out their respective responsibilities, government agencies in the region need to cooperate. The committee has cited numerous situations where agencies support each other. For example, MMOs and AQIS officers help each other in processing PNG visitors at designated entry points, and agencies such as DFAT, DIAC, Customs and QPS participate in the Treaty awareness visits.

13.76 When it comes to border control measures, Customs and Border Protection rely on the law enforcement agencies for assistance. Mr Kerlin informed the committee that his agency works closely with the two police forces on a continuous basis.⁹³ He noted that Customs and Border Protection had been involved in a joint

91 *Committee Hansard*, 17 December 2009, p. 38.

92 Department of Defence, answer to question on notice no. 5, taken on 18 December 2009.

93 *Committee Hansard*, 17 December 2009, p. 35.

exercise to combat drug trafficking with the QPS and the AFP, called 'Weed It Out', an Australian Government-funded exercise run by Queensland Police. According to Mr Kerlin, a major exercise on Badu Island was undertaken in response to information received in early 2009 that some people were moving cannabis to the island. This action led to some 30 charges being laid for various drug-related offences which was part of a well-established activity.⁹⁴ Similarly, Commissioner Atkinson indicated that the police had had some successes with containing traffic in the drug. He also drew attention to the 'Weed It Out' program, which, in his view, was a good one and working well—with both 'a preventative and a reactive focus'.⁹⁵ The Police Commissioner acknowledged the responsibility of QPS to support federal law enforcement.

13.77 Assistant Commissioner Zuccato reinforced the view that the various Australian law and border enforcement agencies work closely together in the region.⁹⁶

13.78 The committee understands that organised crime in the Torres Strait is opportunistic and that the presence of government officials coupled with a comprehensive surveillance regime provides a significant deterrence. The efforts to combat illegal fishing demonstrate this success.⁹⁷ In the chapter on law and order, however, the committee noted that local communities have called for a greater presence by law enforcement agencies in the strait, particularly on the outer islands. In this regard, the committee understands that there are two Federal Police officers based on Thursday Island who, as noted earlier, travel to the outlying islands as part of joint patrols with Customs and Border Protection and other agencies.⁹⁸ The committee has also noted the comment by the Queensland Police Commissioner that although most of the issues in the region are similar to those confronting the police in communities throughout Australia, border security 'is particularly unique' to the Torres Strait environment. Furthermore, when pressed on the matter of the presence of Federal Police in the region, he indicated that there was 'room for more'.⁹⁹

Recommendation 22

13.79 The committee recommends that, in consultation with law enforcement and border security agencies working in the Torres Strait, the AFP review its

94 *Committee Hansard*, 17 December 2009, pp. 34–5.

95 *Committee Hansard*, 25 March 2010, p. 8.

96 *Committee Hansard*, 18 December 2009, pp. 56–7.

97 See for example statement attributable to Rear-Admiral Allan du Toit, in Helmoed Römer Heitman, 'Joining to Protect: Australia's Border Protection Command', *Naval Forces*, vol. 30, no. 6, 2009, p. 16.

98 *Committee Hansard*, 18 December 2009, p. 56 and Australian Federal Police, additional information to evidence given on 18 December 2009.

99 *Committee Hansard*, 25 March 2010, pp. 3 and 14.

presence in the region and consider whether it adequately meets the level of risk and community expectations.

13.80 To this stage, the committee has focused on organised crime in the Torres Strait as a threat to border security. The committee now considers socio-economic factors that may also affect Australia's security in the region.

Socio-economic factors in Western Province

13.81 The committee has already discussed the poor living standards of communities in the South Fly District and their lack of access to basic services. Indeed, one witness described the region 'as among the most marginalised in PNG'.¹⁰⁰ Importantly, according to three researchers who have worked on both sides of the border, such conditions in the South Fly District could have implications for border security in the Torres Strait.

13.82 Mr Murphy informed the committee that 'Australia has a growing and increasingly dissatisfied population right alongside the border', that 'is likely to lead to further insecurity threats to Australia itself'.¹⁰¹ Dr Hitchcock also drew attention to areas of growing populations in Western Province, citing Daru which had a population of 13,000 at the 2000 census but could be expected to be much higher now. He mentioned the changing demographics in the context of resource use in the Torres Strait and was of the view that the population trend was of concern. He said that it:

...feeds into land disputes and things like access to potable water and resources for both subsistence—that is to eat on a day-to-day basis—and commercial.¹⁰²

13.83 Dr Lawrence acknowledged that building up Western Province was not Australia's responsibility. He noted, however:

...the security of the Australian side is definitely based on the stability of the western province and that, I think, is a concern of the three of us. We have worked there, we have lived there, we know the people and we are worried about their future.¹⁰³

13.84 An additional problem associated with concerns about rivalry over land and resources is the uncertainty generated by changes in climate.

100 See comments by Dr Lawrence and Dr Hitchcock, *Committee Hansard*, 18 June 2010, pp. 51–52.

101 *Committee Hansard*, 18 June 2010, p. 49.

102 *Committee Hansard*, 18 June 2010, p. 48.

103 *Committee Hansard*, 18 June 2010, p. 47.

Climate change and border control

13.85 In his first speech on Australia's national security, the former Prime Minister, Mr Kevin Rudd, stated that 'Over the long term, climate change represents a most fundamental national security challenge for the long term future'.¹⁰⁴ He argued that unless properly dealt with by effective policy action, this emerging problem will have long-term security impacts—locally, regionally or globally. He also suggested that, among other things, significant climate change would bring about unregulated population movements and declining food production.¹⁰⁵ He indicated that this area of emerging consequences would :

...require the formal incorporation of climate change within Australia's national security policy and analysis process.¹⁰⁶

13.86 As noted in this report, changes in climate in the Torres Strait have implications for the conservation of vulnerable marine species and for biosecurity. Some witnesses have suggested that long-term changes in climate may also result in population movements and diminishing access to food, water and land in the region. Dr Sheppard, CSIRO, noted:

The short-term impacts on sea level rise are likely in the northern islands, which are less than one metre above sea level and already subject to high tide inundation. Longer term, indirect impacts on the region could include increased competition and demand for services and natural resources such as fisheries.¹⁰⁷

13.87 The TSRA expressed serious concerns about changes to rainfall patterns, hotter weather, the spread of diseases, and damage to ecosystems. In its view, these events may affect Torres Strait Island communities, 'already vulnerable due to socio-economic factors and remoteness', and 'whose culture, subsistence and livelihoods involve traditional and commercial fishing, hunting and gardening'.¹⁰⁸ It noted the vulnerability of low-lying islands to sea level rise and explained that 'even small increases in sea level due to climate change are likely to have a major impact on these communities, with increasing frequency and extent of inundation'. The authority stated further:

104 Address by the Prime Minister of Australia, The Hon Kevin Rudd MP, 'The First National Security Statement to the Parliament', 4 December 2008, <http://www.pm.gov.au/node/5424> now located at <http://pmrudd.archive.dpvc.gov.au/node/5424>

105 Address by the Prime Minister of Australia, The Hon Kevin Rudd MP, 'The First National Security Statement to the Parliament', 4 December 2008.

106 Address by the Prime Minister of Australia, The Hon Kevin Rudd MP, 'The First National Security Statement to the Parliament', 4 December 2008.

107 *Committee Hansard*, 18 December 2009, pp. 33–34.

108 TSRA, *Submission 18*, p. 26.

Under worst case sea level rise scenarios it is likely that eventually relocation would be required from several communities involving considerable cost culturally, spiritually and economically.¹⁰⁹

13.88 The TSRA identified a number of specific concerns that could have a direct bearing on border control and, more generally, national security, especially if water and food scarcity placed increased demands on Torres Strait resources.¹¹⁰

13.89 Villages on the PNG side of the border may also come under similar pressures, which, given their proximity to Australia, would create a significant border security issue. In its submission, the TSRA referred to the problems caused by changes in climate facing neighbouring coastal communities in PNG's Western Province and Irian Jaya in Indonesia. They included increased tidal inundation and flooding effects on coastal communities, potential impacts to marine ecosystems, and significant potential for future food and water security issues in the region. It stated further:

With no developed hinterland for these people to retreat to in their own country, there are at present incalculable consequences for future food and water security in the Torres Strait, should 'environmental refugees' from PNG and other neighbouring countries start to arrive on Australia's shores.¹¹¹

13.90 Similar concerns were raised by local leaders during the committee's visit to Saibai and Boigu. For example, they mentioned that PNG nationals with their gardens under water would have good reason to move into the strait. Appearing on television, Mr John Kris, TSRA, expressed fears about people coming across from the PNG coast because of sea level rises.¹¹²

13.91 The committee has discussed the possible adverse effects of changes in climate that affect a range of matters—health, conservation, biosecurity and national security. Evidence considered so far has highlighted the current shortcomings in the scientific understanding of climate change in the Torres Strait, including the adjacent areas of PNG. It recognised the need for all researchers looking at environmental matters in the region to work collaboratively in order to build a far more complete and comprehensive picture of what is happening and likely to happen in the Torres Strait. The committee considers developments in this area in greater detail in the following chapter.

109 TSRA, *Submission 18*, p. 26.

110 TSRA, *Submission 18*, pp. 25–26.

111 TSRA, *Submission 18*, p. 26.

112 ABC, 'Lateline', transcript, 'Torres Strait islands at risk from climate change, 7 December 2009, <http://www.abc.net.au/lateline/content/2008/s276521.htm> (accessed 21 December 2009).

Committee view

13.92 The committee notes that socio-economic developments in the South Fly District and climate changes in the region could have a major effect on security in the Torres Strait. Both factors have the potential to generate social and economic conditions that could lead to increased competition for land, food and water. Communities in, and in the vicinity of, the Torres Strait, faced with the prospect of increased competition for essential but scarce resources or having to re-locate, would pose a significant challenge for the Australian Government. No matter how remote such prospects may be, the committee is firmly of the view that socio-economic and climate change factors should now be major considerations in Australia's national security assessments for the region.

Conclusion

13.93 Although the committee has noted that some unauthorised visitors from PNG arrive and remain on islands in the Torres Strait, particularly those in the outer areas, any larger-scale unauthorised or illegal activity is likely to be detected by the close monitoring of vessels that travel through the strait. The effective response by Border Protection Command to reports of suspicious activity in the area further enhances Australia's border security in the region. While the current surveillance and interception regime is an effective deterrent, the committee is of the view that efforts in this area must continue. It also notes that some aspects of border security could be strengthened by improving the identification system for PNG visitors and completing the charting of the waters of the strait. Climate change and the challenges it presents to the region are a further concern to border security in the form of 'environmental refugees' from PNG to the Torres Strait.