

Chapter 19

Conclusion

19.1 Whether considering health issues, law and order, conservation, biosecurity, climate change, border protection or economic development in the Torres Strait, the committee found that a number of clear messages emerged during the course of its inquiry. They underscored the importance of:

- engaging local people, 'the eyes and ears of the north', in activities that come under Treaty arrangements and decision-making associated with them;
- encouraging PNG's full participation in all aspects of Treaty arrangements, including the cycle of Treaty meetings, and strengthening its capacity to support joint undertakings in the region;
- ensuring that Australia's development assistance to Western Province produces benefits that are well-targeted and long lasting;
- recognising the Torres Strait as a joint jurisdiction and capitalising on the potential for Australia's aid agencies and research institutes working on the PNG side of the border to link up, wherever possible, with their counterpart agencies in the Torres Strait to support and complement each other's work;
- achieving effective whole-of-government cooperation and coordination between government agencies, giving particular attention to the sharing or pooling of assets and the delivery of services to the region; and
- preventing or minimising abuses of treaty arrangements and reconciling differences in perceptions between traditional inhabitants and government agencies about the operation of the provisions of the Treaty.

19.2 These messages are evident in the committee's recommendations which have been grouped under the key subject headings as set out in this report.

Provision of health services

19.3 The committee recommends that:

- through the Package of Measures developed by the Health Issues Committee, the Australian Government continue to support PNG initiatives to establish new, or improve existing, health facilities in Western Province so that PNG nationals no longer need to seek health care in the Torres Strait; (recommendation 1, paragraph 4.23)
- the Australian Government give serious consideration to measures that would further facilitate the proposal for greater cross-border involvement by Australian health professionals in both the provision of services and capacity building initiatives on the PNG side of the border; (recommendation 2, paragraph 4.35)

- the Australian Government review its funding to Queensland Health to ensure that such funding is commensurate with the actual costs incurred by Queensland Health in providing health care to PNG nationals; (recommendation 6, paragraph 5.34)
- the Australian Government offer assistance to help the Queensland Government fund the implementation of the new data collection systems for PNG nationals accessing health services in the Torres Strait; and provide funding, if required, for a review of the effectiveness of this system; (recommendation 7, paragraph 5.41.)
- the Department of Immigration and Citizenship ensure that its statistics on PNG nationals visiting Australia, including those in Australia receiving medical treatment, are complete and complement those collected by Queensland Health; (recommendation 8, paragraph 5.42)
- relevant Australian government agencies combine their efforts to ascertain whether, or the extent to which, PNG nationals are coming to Australia to access social services, whether they are misinformed about their entitlements and, if so, the source of this misinformation and how best to correct it. (recommendation 9, paragraph 5.44)

Australia's development assistance to Western Province

19.4 The committee recommends that:

- the Australian Government use the Papua New Guinea–Australia Partnership for Development to detail the assistance it is providing to PNG to improve the delivery of health services in the southern part of Western Province and to ensure that projects undertaken in this region are appropriately monitored and evaluated during implementation and after completion; (recommendation 3, paragraph 4.61)
- to improve accountability and transparency of Australia's development aid spending, AusAID's Office of Development Effectiveness (ODE) conduct an analysis of Australia's funding in relation to Western Province in the Torres Strait region—

This analysis must provide an accurate and quantifiable account on the effectiveness of Australian aid provided to Western Province in the Torres Strait region. Special consideration must be given to the outcomes of Australian Government initiatives in the region, including both technical achievements and outputs and changes in attitudes and behaviour; (recommendation 4, paragraphs 4.62–63)

- the analysis mentioned in the previous recommendation also look closely at the extent and effectiveness of AusAID's cooperation with Queensland Health and consider ways to ensure that their work in the Torres Strait region is seamless across the border and that their operations and funding complement each other; (recommendation 5, paragraph 4.68)

Policing in the Torres Strait

19.5 The committee recommends that:

- the Queensland Government consider, as part of its overall review of policing in Indigenous communities, increasing Community Police Officer powers in order to enable them to respond more effectively to incidents in Torres Strait island communities and providing appropriate training and supervision in the use of these powers. The findings of the recent Queensland Crime and Misconduct Commission inquiry provide an ideal starting point; (recommendation 10, paragraph 8.47)
- with regard to matters dealing with visiting PNG nationals, the committee believes that the Australian Government has a direct responsibility. It recommends that the Australian Government should confer with the Queensland Government on how best it, and more particularly the AFP, can assist with any law and order issues that arise because of the shared border and the presence of PNG nationals in the Torres Strait; (recommendation 11, paragraph 8.64)
- in consultation with law enforcement and border security agencies working in the Torres Strait, the AFP review its presence in the region and consider whether it adequately meets the level of risk and community expectations. (recommendation 22, paragraph 13.79)

Conservation and biosecurity, community management plans and community involvement in protecting the environment and in sustainable management

19.6 The committee recommends that:

- the Australian Government ensure that the funding for the development of community management plans and the employment of community rangers is secure and commensurate with the maintenance and progress of these plans; (recommendation 12—also applies to biosecurity—paragraph 10.15)
- in recognition of the important role of community rangers in both conservation and in maintaining Australia's biosecurity, the Australian Government, in consultation with TSIRC and TSRA, give consideration to making the positions of community rangers permanent; (recommendation 12, paragraph 10.16)
- in conjunction with local communities in the Torres Strait, AusAID consider ways that would enable much greater engagement by PNG villagers in the work of community rangers in the Torres Strait as a means of educating and training them in conservation and biosecurity and in managing their environment. In particular, the committee recommends that the Australian Government support the TSRA's efforts to engage coastal communities in Western Province in turtle and dugong conservation; (recommendation 13, paragraph 10.33)

- the Australian Government fund a number of scholarships for PNG post-graduate students whose research would be linked to the community management plans now in operation in the Torres Strait and the work of community rangers; (recommendation 13, paragraph 10.34)
- the Australian Government ensure that there is adequate funding available for:
 - regular assessments of stocks of protected or vulnerable marine species in the Torres Strait; and
 - research into the nature and size of the catch by traditional inhabitants and the illegal or unauthorised harvest of marine turtles, dugong and bêche-de-mer in the Torres Strait; (recommendation 14, paragraph 10.38)
- when allocating funding for research projects in the Torres Strait, the Australian Government ensure that relevant agencies place a high priority on projects that demonstrate a commitment to engaging local communities in the formulation and design of these projects and, where possible, to training local Indigenous people in research techniques and sustainable management; (recommendation 15, paragraph 10.52)
- as a high priority, the Australian Government consider engaging AusAID and other Australian agencies working in PNG such as ACIAR as partners with Australian research bodies working on the Australian side of the border. This partnership, which would include local communities, would be designed to ensure that work on the PNG side complements, builds on and reinforces the conservation and biosecurity work being done on the Australian side; (recommendation 16, paragraph 10.60)
- in line with this priority, the committee recommends that, wherever practical, researchers or project officers working in the Torres Strait are encouraged to establish or strengthen partnerships with counterparts in PNG so that work on both sides of the border is complementary and builds critical networks of researchers who are then well positioned to collaborate in further research. AusAID could act as a key coordinator in forging these links; (recommendation 16, paragraph 10.60)
- the Australian Government assist Torres Strait Islanders to assume a central role in biosecurity-relevant studies, including research into management of indigenous flora and fauna, and surveying and monitoring threats to their localities, such as illegal fishing or the introduction of harmful weeds or pests. (recommendation 17, paragraph, paragraph 12.65)

Border protection

19.7 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; (recommendation 18, paragraph 13.32)

- 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; (recommendation 19, paragraph 13.39)
- the Australian Government continue to support and fund adequately the effort to combat illegal fishing in the Torres Strait; (recommendation 20, paragraph 13.65)
- 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
 - the Department of Defence provide the committee with periodic updates on the progress being made to chart the waters of the Torres Strait. (recommendation 21, paragraphs 13.73 and 13.74)

Climate change

19.8 The committee recommends that:

- the Australian Government
 - place a high priority on implementing practical measures that need to be taken in the short term to assist local communities in the Torres Strait better deal with and, where possible, mitigate the problems caused by higher sea levels and extreme weather events;
 - review the need for an education and training program designed specifically to assist those communities in the region most at risk from the damaging effects of changes in climate. The intention would be to determine how best to assist people to remain productive members of their community in a changing environment; (recommendation 23, paragraph, 14.20)
- the Australian Government lend its full support to CSIRO's 'climate adaptation flagship' and ensure that adequate funding is made available to the institution to continue this initiative; (recommendation 24, paragraph 14.36)
- in conjunction and closely connected with this initiative, the committee recommends that the Australian Government fund a study into socio-economic developments in the region, including in the South Fly District, and their implications for water and food security and population movements in the area; (recommendation 25, paragraph 14.37)

- the Australian Government assist PNG to undertake complementary studies of climate change in Western Province by providing funding for research, opening up research opportunities for PNG researchers to work alongside Australian researchers in this area and for Australian researchers to work in PNG. For example, the Australian Government should consider offering scholarships or traineeships for PNG students to participate in CSIRO's climate adaptation flagship; (recommendation 26, paragraph 14.40)
- ACIAR consider including climate change and the implications for coastal villages in PNG's southern region as research priorities for PNG (traditional fishing, the conservation of species, including the dugong and turtle, and emergence and/or spread of exotic pests); (recommendation 27, paragraph 14.41)
- the Australian Minister for Foreign Affairs consult with his PNG counterpart about removing immediately any possible impediment to the Environment Management Committee and the Joint Advisory Council considering climate change in the Torres Strait. (recommendation 28, paragraph 14.45)

Commercial fishing in the Torres Strait

19.9 The committee recommends that:

- DAFF monitor developments within the Protected Zone Joint Authority (PZJA) during the coming twelve months. Further, at the end of that period, it consult with representatives from the Indigenous and non-Indigenous fishing sectors in the Torres Strait and with the Queensland Government to ascertain whether, in their view, the PZJA is making progress in remedying the problems identified in this report. The committee recommends that DAFF prepare a report for the minister for his/her consideration and for the report to be provided to the committee. (recommendation 29, paragraph 15.66)

Governance, consultation and service delivery

19.10 The committee recommends that:

- the Australian Government look closely at the operation of the Customs facility on Saibai with a view to increasing the opportunities for greater integration of effort across all agencies engaged in the Torres Strait; (recommendation 30, paragraph 16.15)
- the government establish a working group to consider the sharing arrangements for government assets in the Torres Strait with a view to identifying any areas for improvement, any real or potential points of conflict in the sharing of assets and how they could be resolved; (recommendation 30, paragraph 16.16)
 - a copy of this assessment be provided to the committee for its consideration; (recommendation 30, paragraph 16.17)

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- the Royal Australian Navy remain in close consultation with all relevant agencies working in the Torres Strait in order to arrive at a decision regarding a Navy presence there that would best support Australia's whole-of-government effort in the region. (recommendation 31, paragraph 16.22)
 - agencies take note of the observations about 'consultation overload' and make real efforts to dispel the notion that government officials fly in and fly out. (recommendation 32, paragraph 16.29)
 - the Australian Government, the Queensland Government, the two local councils and the TSRA establish a working group with the aim of formulating recommendations designed to produce a more stream-lined and integrated approach to service delivery in the Torres Strait. (recommendation 32, paragraph 16.30)

Consultative mechanisms under the Treaty

19.11 The committee recommends that:

- DFAT examine the working of the consultative mechanisms with a view to developing, in collaboration with their PNG counterparts, initiatives that would encourage and assist PNG representatives to attend and participate in all joint activities, build their capacity to contribute to decision making and importantly, to follow through with agreed actions; (recommendation 33, paragraph 16.55)
- the Australian Government, in consultation with the PNG Government, establish 'Torres Strait cooperation' as a standing item on the agenda for the annual bilateral ministerial meetings or forums. (recommendation 34, paragraph 16.57)
- DFAT explore the reasons for the different perceptions held by traditional inhabitants and state and Commonwealth authorities on the effectiveness of arrangements under the Treaty and report on its findings. This report to include suggestions on ways to reconcile these differences (recommendation 35, paragraph 17.21)

Commonwealth responsibilities—infrastructure and waste management

19.12 The committee recommends that:

- the Australian Government recognise that the removal of derelict vehicles from the islands is a major environmental concern and one that requires close consideration. The committee believes that the Australian Government should take some responsibility for the safe disposal of vehicles purchased by Commonwealth officers for use in the Torres Strait; (recommendation 35, 18.6)
- the Australian Government consider providing additional funding for Horn Island airport, especially in areas related to safety, security and border control. (recommendation 36, paragraph 18.11)

19.13 Although the committee has made a significant number of recommendations, they do not necessarily reflect adversely on the Treaty or the efforts of government agencies to make the Treaty a success. The recommendations are intended to build on the good work already being achieved in the Torres Strait, to strengthen support for the Treaty and to encourage further the development of constructive and cooperative relations between all who work and live in the region. It should be noted, however, that in the view of the committee the Australian Government should give close attention to three areas of special concern—the perception by local inhabitants that government agencies are not responding adequately to breaches of Treaty provisions, the effectiveness of Australia’s development assistance to Western Province and the apparent slowness and lack of coordination in responding to local concerns about the effects of changes in climate on communities in the region.

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