

## Inundation – Torres Strait Islands

Joint Issues Paper by FaHCSIA and DCCEE

### The inundation threat

The Torres Strait Islands represent the northern most part of Australian territory, with a number of the Torres Strait islands only 3 km from Papua New Guinea. There are over 100 islands in the Torres Strait group, many of which are low lying and 17 are inhabited. The Torres Strait population is around 8,700 of which approximately 80% is indigenous.

A number of Torres Strait Islander communities are currently experiencing significant inundation during king tide events (see images below). Inundation impacts are exacerbated during storm events that occur coincident with a high tide. Additionally, progressive erosion is occurring along parts of the coastline, which is also impacting infrastructure.



Specific works will be required in some areas to protect current infrastructure from the effects of king tides. Any investment in works should also accommodate future risk from rising sea levels associated with climate change. To date, key policies and their implementation, particularly to do with planning, housing and infrastructure, have not fully taken into account risks from climate change.

The socio-economic characteristics of the Torres Strait population and general low elevation of many of the islands make communities highly vulnerable to climate change impacts. In particular, rising sea levels due to climate change will escalate current risks of inundation and erosion into the future.

## Issues

### *State of Funding for Inundation Protection*

The Family, Housing, Community Services and Indigenous Affairs (FaHCSIA) portfolio provides base funding for the Torres Strait Regional Authority (TSRA). FaHCSIA and the Qld Government also jointly fund on a 50/50 basis an infrastructure program for the Torres Strait (the Major Infrastructure Program or MIP). However, the funds available under this program are not adequate for addressing king tide inundation and future climate change risk.

The TSRA estimates current inundation problems and longer term climate change adaptation <sup>s22</sup> will cost up to \$18.5m for immediate priority works on 6 of the most affected islands (the largest amount of funding sought is \$7m for the low lying mud island of Saibai). Proposed works are mostly seawall construction and the upgrading and raising of infrastructure.

The TSRA also estimates that \$2.5m is needed for a climate change adaptation program, which includes research and data acquisition, projections of future impacts under a changing climate, identification and assessment of adaptation options, and community adaptation planning.

The list of proposed works and adaptation planning are well grounded and based on the outcomes from an assessment into protection options undertaken by Dr Kevin Parnell, Marine and Tropical Science Research Facility, James Cook University. Additional initiatives and investment over the long term may be required to effectively adapt to rising sea levels and other climate change impacts. Longer term adaptation will likely require the relocation of facilities and people; initiatives which will be more cost effective if planning and community engagement is commenced early.

### *Further Recent Climate Change Interest*

The TSRA has been active in raising the public profile of inundation issues in the Torres Strait, most recently on the SBS *Insight* program. Representatives of the TSRA have also raised the issue in talks held in the last month with the Minister for Climate Change, Energy Efficiency and Water, Penny Wong, and the Queensland Minister for Climate Change and Sustainability, Kate Jones.

Minister Wong has indicated to the TSRA a willingness to visit the Torres Strait Islands.

The TSRA has also made representations to the Prime Minister and has noted a strong interest in the Australian Government response to the report of the House of Representatives Standing Committee of Climate Change, Water, Environment and the Arts, *Managing our Coastal Zone in a Changing Climate*. The committee's report includes two recommendations of direct relevance to the Torres Strait (refer Attachment B).

### *Partnership Options*

The Queensland Government has jurisdictional responsibility for the Torres Strait Islands. Informal advice from Queensland Government officials indicates that they recognise the need to address the issue and would expect engagement with the Commonwealth.

A number of Australian Government departments have an interest in the Torres Strait Islands or funding programs of relevance, including:

- Department of Family, Housing, Community Services and Indigenous Affairs (Indigenous issues)
- Department of Climate Change and Energy Efficiency (climate change adaptation)
- Department of Prime Minister and Cabinet (border protection)
- Department of Foreign Affairs and Trade (Torres Strait Treaty)
- Department of Immigration and Customs
- Department of Agriculture, Fisheries and Forestry (AQIS and AFMA)
- Attorney-General's Department (disaster management)
- Department of Infrastructure, Transport, Regional Development and Local Government (infrastructure and Office of Northern Australia)
- Department of the Environment, Water, Heritage and the Arts (environment programs, administration of the EPBC Act)

These interests are outlined in more detail at Attachment C and Attachment D.

A partnership arrangement between the Australian and Queensland governments is one feasible option. While Queensland has jurisdictional responsibility, the strategic importance of the Torres Strait and the significant existing and future investment by the Australian Government in the region indicates a need for the Australian Government to be involved in strategic planning and aspects of service delivery. In particular, we need to identify and where possible quantify the potential adverse effects of inundation on areas of Australian Government interest, and to identify an appropriate Australian Government response. It is acknowledged that not all agencies whose operations are potentially adversely affected will have applicable funding

**House of Representatives Standing Committee of Climate Change, Water, Environment and the Arts, *Managing our Coastal Zone in a Changing Climate: The time to act is now.***

The House of Representatives report *Managing our coastal zone in a changing climate* was released in October 2009. It includes two specific recommendations on the Torres Strait. DCCEE is coordinating the Australian Government response to committee recommendations.

**Recommendation 17**

*The Committee recommends that the Department of Climate Change, in collaboration with the Queensland Government, CSIRO and Indigenous communities in the Torres Strait, undertake a major study into the vulnerability of the Torres Strait to the impacts of climate change and provide assistance in the development of an adaptation plan*

**Recommendation 18**

*The Committee recommends that the Australian Government give the five recommendations calling for information, studies and data, as proposed by the Torres Strait Regional Authority, early and urgent consideration with a view to their implementation.*

## **Australian Government portfolio interest and program involvement: Torres Strait inundation and climate change**

### *Department of Families, Housing, Community Services and Indigenous Affairs*

The FaHCSIA portfolio funds the Torres Strait Regional Authority (TSRA), a Commonwealth statutory authority under the *Aboriginal and Torres Strait Islander Act 2005* (ATSI Act). The TSRA has responsibility for formulating, coordinating and implementing programs for Torres Strait Islander and Aboriginal people living within the region. It is the peak Commonwealth representative body for Torres Strait Islander and Aboriginal people living in the Torres Strait.

Through the TSRA, FaHCSIA co-funds the Major Infrastructure Program (MIP) for the Torres Strait on a 50/50 basis with the Qld Government. The current MIP has two years of funding remaining and all funds have been prioritised. The current MIP will terminate in 2011-2012 and, at present, there is no commitment to any further funding.

FaHCSIA has noted the Department's current policy approach is a move to transfer responsibility for infrastructure and municipal services to state governments, although aspects of this policy approach, particularly around funding arrangements, have not been fully settled.

FaHCSIA also coordinates the annual Single Indigenous Budget (SIB) process.

### *Department of Climate Change and Energy Efficiency*

Adapting to the unavoidable impacts of climate change is one of the Australian Government's three pillars of climate change policy. The Department of Climate Change and Energy Efficiency (DCCEE) recently released the Australian Government Position Paper: *Adapting to Climate Change in Australia*. The paper identifies the Australian Government's role in relation to climate change adaptation as:

- maintaining a strong, flexible economy and a social safety net
- leading national reform
- managing Commonwealth assets and programs
- national science and information.

The position paper identifies coastal management as a national priority.

The Department does not fund protective works. However, there is scope for DCCEE to contribute to appropriate research and studies and become involved in the provision of information for adaptation planning, particularly in relation to vulnerable communities such as the Torres Strait.

Under the International Climate Change Adaptation Initiative \$150 million is being allocated over three years to assist vulnerable countries in our region, with a primary focus on the Pacific and East Timor, to adapt to the unavoidable impacts of climate change. The TSRA has noted that while Australia is funding climate change work in neighbouring Pacific countries the same issues impacting Australia's own Indigenous island communities are currently not well addressed.

### *Prime Minister and Cabinet*

The Department of Prime Minister and Cabinet (PM&C) has an interest in border security and emergency management matters. The Torres Strait Islands play a significant role in helping enforce Australia's quarantine and border surveillance requirements. There is benefit to Australia in having the Torres Strait island inhabited, and this requires the provision and maintenance of sustainable infrastructure.

### *Attorney-General's Department*

State and Territory governments have primary responsibility for the planning and delivery of response to disasters and emergencies within their jurisdictions. However, the Australian Government provides funding through the Natural Disaster Relief and Recovery Arrangements (NDRRA) to States and Territories to help pay for natural disaster relief and recovery costs.

From 2009-2010, Commonwealth funding for disaster mitigation works and support for emergency management volunteers will be approximately \$110 million over four years. The new *Natural Disaster Resilience Program* (NDRP) consolidates the existing *Bushfire Mitigation Program*, *Natural Disaster Mitigation Program* and, from 2010-2011, the *National Emergency Volunteer Support Fund*. A key aim of the NDRP is to enhance the ability of communities to better withstand the effects of disasters, particularly those arising from the impact of climate change. However, projects funded for disaster mitigation works are not normally in the range of the total quantum of funds sought by the TSRA.

If the increased risk of ocean inundation of infrastructure and housing in the Torres Strait is not adequately addressed, it can be expected that the Commonwealth's financial liability for damage under the NDRRA may increase. Appropriate planning and adaptation measures for future risk are therefore in the Commonwealth's interests.

### *Department of Infrastructure, Transport, Regional Development and Local Government*

There are a range of community infrastructure programs and local road programs, (tied and untied grants) which are available to local governments. However, funding available under these programs is not normally in the range of the quantum of total funds sought by the TSRA.

Regional Development Australia (RDA) is a partnership between the Australian, state and territory and local governments to support the growth and development of Australia's regions. 55 RDA committees, including one which covers the Torres Strait, have been established to provide strategic and targeted responses to regional economic, environmental and social issues. RDA committees are involved in, for example, development of regional plans and infrastructure audits. The Department provides funding to support the establishment and operation of the committees. In some jurisdictions, state/territory and local governments are also providing funding and/or other forms of support to the committees.

The Department also administers funding allocated from the ***Building Australia Fund*** (BAF) to fund critical infrastructure in the transport, communications, water and energy sectors of the economy.

The department also administers the Regional ***and Local Community Infrastructure Program*** (RLCIP). Funds from RLCIP are provided directly to Local Government Authorities (LGA) who have the opportunity to submit projects that they decide are priorities for their local communities. In current rounds, local government was also able to submit applications on behalf of local not-for-profit organisations. Applications for Round Two of

the Regional and Local Community Infrastructure Program – Strategic Projects (RLCIP-SP) closed on 15 January 2010.

It is likely that any future rounds will still require councils to determine local priorities for infrastructure funding however, with Ministerial approval, guidelines could be set that encourage projects that provide for mitigation and adaptation measures for climate change. A current example of this is the inclusion of environmental initiatives in the RLCIP-SP Round Two guidelines as set out below.

Under the current guidelines environmental initiatives were eligible for funding. Examples of these initiatives provided in the guidelines included:

- Water source and treatment
- Drain and sewerage upgrades
- Water conservation infrastructure
- Waste management and processing infrastructure
- Wastewater infrastructure
- Water recycling plants
- Water catchments
- Recycling plants
- Other

Applicants were also advised that they would have a greater chance of success if they could quantify or otherwise demonstrate what the project will achieve, what the ongoing community benefits will be and how the project will be sustainable. Councils were encouraged to: consider environmental sustainability when preparing project proposals; how their RLCIP activities will promote green building technologies, design practices and operations; and identify projects that address the needs of the local Indigenous population.

The ***Infrastructure Employment Projects*** stream of the Jobs Fund is a \$150 million initiative providing for investment in infrastructure projects which generate jobs in regions affected by the economic downturn.

Infrastructure Employment Projects will be initiated by the Australian Government and applications will not be accepted for funding under the initiative.

Infrastructure Employment Projects will support infrastructure projects in areas that are vulnerable to the impact of large scale losses of employment as a result of the economic downturn, or projects from areas suffering from other external shocks such as large scale fire or flood events.

The Infrastructure Employment Projects stream builds on the \$800 million Community Infrastructure Program announced by the Prime Minister on 18 November 2008 and 3 February 2009 to stimulate local economies in light of the economic downturn.

Projects that will be considered for funding under this stream will target local community needs and will create jobs in construction, related industries and the general community.

The Office of Northern Australia (ONA) provides high level strategic policy advice to the Government on sustainable development issues in, or affecting, northern Australia. The Office seeks to enable better coordination across the Government and between governments, businesses and communities on issues affecting northern Australia. The ONA has a particular focus on issues confronting the indigenous population in northern Australia. The ONA does not have separate ongoing program funding.

*Department of the Environment, Water, Heritage and the Arts*

The Department's *Caring for Our Country* program provides funding for a number of projects in the Torres Strait including projects to secure drinking water supplies on islands which may be threatened by climate change and in particular to secure bore water for Ugar Island. Other *Caring for Our Country* funded projects in the Torres Strait include increasing Indigenous Protected Areas; increasing coastal community engagement; and increasing Indigenous community skills and knowledge.

If a climate change adaptation plan is developed for the Torres Strait, future *Caring for our Country* activities funded in this region would be considered in respect of the adaptation plan. In this regard, a draft Torres Strait Climate Change Strategy has been prepared by the TSRA.

The Department also administers the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) which provides for the protection of matters of national environmental significance. This may be relevant to the issue of coastal inundation in the Torres Strait if proposed protective works have major environmental impacts. The Hawke Report recently reviewed the EPBC Act and the Government is currently considering its response to the Report.



## **The Torres Strait Treaty**

The governments of Australia and Papua New Guinea were required to address sovereignty and jurisdiction over the Torres Strait when Papua New Guinea attained independence in 1975. The core principles which governments and the population of the region wanted to see enshrined in any border treaty (aside from delimiting the lines of sovereignty) were protection of the rights of traditional inhabitants, protection of the environment, and protection and shared exploitation of marine resources. The resulting agreement, the Torres Strait Treaty, was signed in December 1978, and ratified and entered into force in February 1985.

### **Provisions of the Treaty**

#### Free Movement and Traditional Activities (Article 11)

The Torres Strait Treaty is the first treaty to recognise the importance of protecting the traditional way of life and livelihood of the traditional inhabitants of a region in a cross-border context. The free-movement provisions permit Torres Strait islanders and villagers from the thirteen agreed Papua New Guinea Treaty Villages to travel for traditional purposes in, and in the vicinity of, the Protected Zone without the visa and passport controls which normally apply to international travel.

A range of federal, state and local government agencies manage the free-movement provisions of the Treaty. However, much of the day-to-day management rests with Treaty community leaders who have established a comprehensive set of guidelines for traditional inhabitants wishing to visit communities and access marine and terrestrial resources. These leaders work with the Australian and Papua New Guinea Treaty liaison officers, based respectively at Thursday Island and Daru, who consult regularly on the implementation of the Treaty at the local level. Consultation with the region's traditional residents occurs through a yearly Traditional Inhabitants' Meeting.

#### Marine and Terrestrial Environmental Protection (Articles 13, 14, 15)

The Treaty has a major environmental protection dimension, which recognises the importance of environment for the well-being of the traditional inhabitants; aims to preserve the traditional and commercial fisheries and fauna resources; and protects the fragile Torres Strait environment for its own sake. The Treaty commits Australia and Papua New Guinea to identifying and protecting species of indigenous fauna and flora that are or may be threatened with extinction. Both countries have also agreed to take parallel and complementary measures to prevent and control pollution or other damage to the marine environment within the Treaty area. To coordinate bilateral efforts, an Environmental Management Committee was established.

#### Commercial Fisheries (Articles 20-28)

The Treaty contains detailed and complex provisions relating to commercial fisheries in the Protected Zone. Their purpose is to ensure commercial fisheries are not administered in a way that might adversely affect the ability of traditional inhabitants to continue their traditional fishing. The provisions also give effect to balanced and equitable catch-sharing arrangements and provide for cooperation between the two countries on issuing fishing licences and on inspection and enforcement.

### **Consultation and Liaison (Articles 17, 18, 19)**

*The Treaty emphasises consultation at all levels. High-level ongoing consultation between government and traditional inhabitants both within and across the border has helped develop and maintain a major network of Treaty-related contacts, which work effectively to monitor the border, and uphold the rights of the traditional inhabitants.*

### **Cooperation Between Federal, State and Local Levels of Government**

Close cooperation and support is required to sustain a coordinated whole-of-government approach to managing the Torres Strait border and the Treaty. A large range of Commonwealth, Queensland State and local government agencies are involved in the implementation of the Treaty including:

- . Department of Foreign Affairs & Trade (DFAT – has an office in the Torres Strait)
  - has overall policy responsibility for the Treaty
  - co-chairs the bilateral Treaty Joint Advisory Council
- . Department of the Environment, Water, Heritage and the Arts (DEWHA)
  - co-chairs the Treaty Environmental Management Committee
- . Department of Health and Ageing (DoHA)
  - co-chairs the Treaty Health Issues Committee
- . Australian Federal Police (AFP – has an office in the Torres Strait)
- . Australian Customs and Border Protection Service (ACBPS – has an office in the Torres Strait, as well as considerable aircraft and marine vessel assets)
- . Australian Fisheries Management Authority (AFMA – has an office in the Torres Strait)
- . Australian Quarantine Inspection Service (AQIS – has an office in the Torres Strait)
- . Department of Immigration and Citizenship (DIAC – has an office in the Torres Strait)
- . Department of Defence (currently has assets deployed to the Torres Strait)
- . Torres Strait Regional Authority (TSRA – has an office in the Torres Strait)
  - the Chair of the TSRA Board is co-Chair of the Treaty Traditional Inhabitants Meeting (TIM)
- . Australian Marine Safety Authority (AMSA)
- . Queensland Department of Premier and Cabinet (DPC)
- . Queensland Health

- . Queensland Police Service (QPS)
- . Queensland Department of Primary Industries and Fisheries (DPI&F)
- . Torres Strait Island Regional Council (TSIRC) and Torres Shire Council (TSC)