

THE MOVING FRONTIER  
QUEENSLAND AND THE TORRES STRAIT

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You are all familiar with the map of Queensland. Cape York peninsula like a long dagger pointing northwards makes it the most recognizable of all the states. But Queensland does not end with the tip of Cape York. Beyond that is Torres Strait, nearly one hundred miles wide, which divides two of the world's largest islands, Australia and New Guinea. Torres Strait is a major shipping channel for vessels of many nations. Unfortunately it is a perilous one, as it is strewn with coral reefs, shoals and numerous islands and the eastern approach is flanked by the northern end of the Great Barrier Reef.

The islands, some low coral cays partly submerged at high tide, and others high islands are all part of the territory of Queensland and therefore since 1901 of the Commonwealth of Australia. The Australian or Queensland boundary, whichever you like to call it, runs to within a couple of miles of New Guinea. The offshore islands of Papua, Boigu, Saibai and Dauan, are currently part of Queensland.

This boundary was fixed in 1879 for reasons which I will explain later. At the time most people were agreed it was a sensible arrangement. The Torres Strait islanders, who inhabited some of the islands were not consulted by the Imperial authority that fixed the boundary. Today, ninety-five years later, the boundary has not been changed, yet circumstances have altered dramatically. The Torres Strait islanders are now an articulate cultural group with the recognized right to decide their own destiny and that of their own homelands. Nuigini is just about to become a sovereign state with as much interest in Torres Strait as Australia. The question of control of the intermediate seas has yet to be decided. Torres Strait will no doubt be an important consideration at the U.N. International Conference on the Law of the Sea to be held in Caracas Venezuela later this year. The subject is highly controversial and cannot be easily settled.

In this paper I hope to explain why the Queensland boundary was

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established so far north and to mention some of the abortive attempts made to change it before federation.

When Queensland was separated from New South Wales in 1859, Cape York Peninsula, was Queensland's farthest frontier. The tragedy of the Kennedy expedition, and the ghastly fate of the explorers, had left it with a bad name for impenetrable country and Aborigines who were more hostile and treacherous than in other parts of Australia. The pastoralists in the rush of the 1860's to north Queensland by-passed it. They turned north-westwards at the base of the peninsula to the Gulf country, occupying land reported on by Leichhardt in his overland expedition to Port Essington. Cardwell on the east coast and Normanton on the Gulf were established as the two most northerly ports of access.

There was however one very interesting exception to the way in which Queenslanders shunned the Cape York peninsula. In 1864, only 5 years after separation, the Queensland government established an outpost, called Somerset, at the tip of Cape York on the mainland opposite Albany island. It seemed an extraordinary thing to do at the time, for a new colony of some 35,000 white people. The settlement was 1200 miles from Brisbane. Much of the land in between was undeveloped and unexplored. The colonists had no ocean-going ships and the financial resources of the government were very meagre. Yet the outpost was to be of great subsequent importance and to lead to the Queensland boundary being extended to include all the islands of Torres Strait.

Somerset was a joint venture of the British and Queensland governments. Queensland paid for the civil establishment while Britain provided a detachment of marines for garrison duty, a man-of-war to visit the settlement three times a year, and a lump sum of £5000 for the erection of buildings. The Queensland government controlled the project. The colonists were enthusiastic about Somerset, which of course they had no hope of ever seeing, and praised Governor Bowen for the astute deal he had done with the Imperial government. It was a distinct advantage to have the British government, especially the Navy, actively involved in a small new colony.

The British interest was actually not in Queensland but in the

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Torres Strait for humanitarian and strategic reasons. The Strait, renowned for shipwrecks was becoming an important sea-lane with the great increase in steamshipping in the 1860's. A 'harbour of refuge' for shipwrecked sailors and passengers was badly needed. A coaling station somewhere at Cape York was also becoming imperative, as early steamships had a voracious appetite for coal. Port Essington had been closed in 1849 and since then there had been no properly equipped harbour of refuge on the Torres route. Only Booby Island, at the western approaches provided a kind of maritime post office, where passing ships left messages in an iron box. Provisions for shipwrecked mariners were also hidden in a cave.

The Queenslanders were not vitally interested in the 'harbour of refuge' function of Somerset because they had no merchant shipping of their own passing through the Strait. They were more concerned with the commercial prospects of the settlement. They indulged in what later seemed an incredible fantasy that Somerset would be a second Singapore. They compared the Torres Strait to the Straits of Malacca with the area in between as a kind of Asiatic Mediterranean. A mainland site was chosen for Somerset to allow ample room for expansion. The first land sales in Brisbane for town-sites at Somerset were a great success.

Both the Imperial and Queensland governments were concerned with the strategic advantage of the outpost. A garrison base could control the Strait in the interests of Britain and the Australian colonies. The recent French annexation of New Caledonia was a warning that other powers had an interest in the S.W. Pacific.

Needless to say reality at Somerset was quite different from the myth of a second Singapore. In fact it failed to come up to expectations in nearly every respect. Port Albany had a poor harbour. It was too far from the main shipping channel. The Aborigines were hostile; soils were very poor and pastures inadequate for grazing. The Police Magistrate had no jurisdiction over the Torres Strait islands as Queensland control only ran as far as three miles off-shore at low water mark. There were half-hearted moves on both sides to abandon the settlement when the British government recalled the marines in 1867. Perhaps it would have

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been given up except for an important new development in the Torres Strait in 1868.

This was the pearl-shelling industry, generally supposed to have been started by Captain Banner of Sydney on Warrior, Gabba, Saibai and Darnley islands. The pearling masters employed kanakas for ship-handling and shell-diving. They were operating in an area where there was no judicial control. No British naval vessel had patrolled the area for some 25 years because the Torres Strait was part of the China station, and out-of-bounds to ships of the Australian station.

The Torres Strait was becoming a disturbed area not only because of dangerous shoals and reefs. Lawlessness and human exploitation were developing as pearl-masters recruited and worked their labour without restraint. There was violence between kanakas and Torres Strait islanders. The magistrate at Somerset found his attention centred in the islands. He reported to the government that the islands were at last opening up for trade, if law and order could be established in the area. The frontier was moving northward, yet he had no legal powers of jurisdiction.

This situation prompted the Queensland government to ask Britain for a more satisfactory arrangement by which Queensland could exercise more control and possibly get some return for the money spent on Somerset. In December 1871, the premier, Arthur Palmer, presented to Governor Normanby, a request to be forwarded to the Secretary of State for "Letters Patent conferring on the Government of Queensland Territorial Jurisdiction over all the Islands along the coast of the Colony within a distance of sixty miles therefrom". The Imperial government willingly granted the request. At the time they were extremely sensitive to the Kidnapping Trade in the South West Pacific but reluctant to spend money on controlling it. The Queensland government's request to share the burden in the Torres Strait was gladly received.

From 24th August, 1872 the new frontier was established at 60 miles from the coast. It was an arbitrary line drawn on an Admiralty chart with no thought for the inhabitants of the islands or even for the geography of the area. The boundary line cut some islands in half. Commander Heath, Portmaster of Brisbane raised an interesting question

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to the Colonial Secretary, "Does the fact that all Islands lying within 60 miles of our main coastline are dependencies of Queensland give us jurisdiction over intermediate waters or the sea bed at a greater distance than 3 miles from low water mark?" Good question, but no one at the time could answer it. Perhaps the Law of the Sea Conference in 1974 will produce an answer at last.

The new boundary still excluded from Queensland control the pearl-shelling areas of Saibai, Warrior and Darnley islands. The police magistrate at Somerset did his best to control the Strait with a small cutter the Lizzie Jane provided by the Queensland government. The pearl-shell industry was growing rapidly in 1874 he reported it was worth £30,000 p.a. and that helmet diving had been introduced. Somerset was obviously badly sited for control of Torres Strait; as a harbour of refuge it was too far from the main shipping route, the Great North-East Passage and the Prince of Wales channel. The move to Thursday Island, a much more favourable position, was finally made in 1877. Henry Chester became the first Queensland government resident.

In the same year the northerly islands of the Strait, outside the Queensland boundary, came under the nominal control of the British Western Pacific High Commission. The purpose of the Western Pacific High Commission with headquarters in Fiji was to exercise jurisdiction over British subjects on islands which did not come under any 'civilized' i.e. western power. The British government had taken on a civilizing mission in the South Pacific which it was trying to execute on a totally inadequate budget. It was an immense area from Samoa to the Torres Strait. Sir Arthur Gordon, Western Pacific High Commissioner and governor of Fiji appointed Chester at Thursday Island a deputy-commissioner to give him some jurisdiction over the non-Queensland islands in Torres Strait. Chester reported this meant virtually nothing. Provided a shelling-master avoided being caught by a man-of-war, which he could easily do, at the expiration of his license, he could land his kanakas on any island probably without pay. In his opinion extended Queensland control was necessary in Torres Strait.

Accordingly the Queensland government applied to Britain for an

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extension of the maritime boundary to include all islands of the Torres Strait from Cape York to New Guinea, from Bramble Cay in the north-east to Deliverance Island in the west. The British government in the circumstances was understandably agreeable, and the Letters Patent for the rectification of the Maritime Boundary of Queensland were received in the Colony in 1878. A proclamation by the governor was made conditional upon the Queensland parliament passing an act to provide for the annexation of the islands. The Queensland Coast Islands Act was passed in the following year and received the governor's assent on 24th June 1879.

The Act which had been proposed by a Liberal ministry under John Douglas was finally put through by a conservative ministry of Thomas McIlwraith. This was due to an election in December 1878. However both political parties were agreed on the matter and there was unusual unanimity in the parliamentary debates. Two considerations were important and emphasized by speakers from both parties. It was desirable to have more effective control in the whole area of exploitation in the maritime industries of pearl-shelling and bêche-de-mer fishing. The safety of Queensland was a general concern. Other nations were taking an interest in New Guinea and exploration of the great island had begun. Queensland should look to her own safety by gaining control of the whole Torres Strait, especially islands which commanded the main shipping channels. Without stepping into New Guinea the Queensland boundary had been pushed as far north as possible.

The first significant result of the move to Thursday Island and the extension of control was a new interest in the islands and the Torres Strait islanders. The Queensland government, under the terms of annexation, had been obliged to provide an adequate patrol vessel. Government residents made good use of it to get round their dependency. Their early reports are exciting as they seemed to be discovering a new world which was physically very beautiful. They began to realize ethnographical and cultural differences between inhabitants of different groups of islands; the distribution of population on the inhabited islands, determined by the availability of fresh water and the composition of the soil; and the difficulties there would be in applying Queensland

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laws, framed for a western-type society to the islands. Hugh Milman, Acting Government Resident reported in 1886, "I do not see how it will be possible to administer these islands under the present laws of Queensland, more especially as touching the land question, and the tenure under which the native races are to be allowed to hold the land they own. There is no doubt that if every acre has not a reputed owner... that every grove or single tree of any value has its proper and legitimate hereditary owner. To disturb these rights, great care would have to be exercised, and the natives recompensed for any losses that they might suffer through deprivation."

One man who did a great deal to extend the knowledge of the islands and promote the welfare of the islanders was John Douglas, Government Resident at Thursday Island from 1884-1903. This was the same Douglas who, as premier of Queensland, had initiated the extension of the boundary in 1879. No other white man knew the islands and islanders as he did. His long administration of the Torres Strait islands is a story in itself which cannot be told here. During his premiership of Queensland, Sir Samuel Griffith also took a keen interest in the area, and toured the area with Douglas in 1893.

At the same time there were significant changes on the other side of the Strait. In November 1884 the British government declared a protectorate over the south-east portion of New Guinea. For the next few years Douglas held a dual position. Special Commissioner in Port Moresby of the Protectorate, and Queensland Government Resident at Thursday Island. During these years he lived in Moresby, while an acting government resident administered the islands from Thursday Island. In 1888 the Protectorate was proclaimed a British colony and Sir William McGregor, the first governor, took up residence at Moresby. Douglas returned to his 'island home', as he called it.

During his time as administrator of the Protectorate he had begun to look at the Torres Strait islands from the New Guinea side. Was the new Queensland boundary such a good idea after all? Circumstances had changed and Queensland's safety was now assured with a British presence on the northern side of the Strait. It now seemed possible

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to talk about moving the boundary further south again. Douglas was the strongest advocate for a rectification. In 1884 he read a paper on the 'Islands of Torres Straits' to the Queensland branch of the Royal Geographical Society of Australasia, in which he remarked, "My duties in New Guinea will, I fear, call me away from the islands, unless we can induce the Queensland Parliament to agree to transfer some of them to New Guinea. That would give us a fine start..."

Several plans were put forward between 1885 and 1900 for changing the boundary. There is considerable correspondence on the subject from the British and Queensland governments and the Governor of British New Guinea. The suggestion made by Douglas in 1885 is historically known as the Douglas Line. It follows the 10° south parallel of latitude and cuts Torres Strait neatly in half. The off-shore islands and Murray and Darnley Islands would become New Guinea territory under the Douglas plan. The MacGregor Line, suggested in 1893, put the boundary much further north. This left most of the islands within Queensland, with the exception of Boigu, Saibai and Dauan to New Guinea. It also gave the Warrior Reefs, their traditional fishing grounds, to the Papuans. Sir Samuel Griffith visited the Torres Strait in 1893 and on his return suggested a line which gave the off-shore islands of Papua to New Guinea.

The problems of native administration were strong arguments at the time in favour of moving the boundary. The special ordinances of the New Guinea administration were more applicable to the off-shore islands. Douglas pointed out, "I have done the best I can to administer justice and maintain order in a patriarchal kind of way through the head men..., but something more than this is now required. It is difficult, nay almost impossible to apply our Queensland laws to such islands as Saibai, Dauan and Boigu. To the magistrate at Daru, with his native ordinances, and his proximity to these islands, it is another matter altogether."

All efforts to alter the boundary before 1900 proved abortive. It appears that this was not because of active opposition to the idea: there was very little general interest in the subject. As late as 1898 an order-in-Council was passed by the British government to alter



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the boundary along the lines suggested by Griffith. It was to take effect when the Queensland government passed an act to endorse it. But such a bill was never introduced in the short time left before Federation. The boundary remained where it was.

The coming of the Commonwealth in 1901 changed the situation. The boundary was then not only Queensland's but Australia's. The new Federal Constitution put what Douglas described as a 'formidable lion in the path' of changing the boundary. This was clause 123, which reads,

"The Parliament of the Commonwealth may, with the consent of the Parliament of a State, and the approval of the majority of the electors of the State voting upon the question, increase, diminish, or otherwise alter the limits of the State, upon such terms and conditions as may be agreed on, and may, with the like consent, make provision respecting the effect and operation of any increase or diminution or alteration of territory in relation to any State affected."

So far the 'lion in the path' has not been directly challenged. But current circumstances, the independence of Nuigini and the question of the 'intermediate seas' and the seabed, indicate the Torres Strait boundary is about to become a highly controversial issue.

You will have noticed in nearly a hundred years' history of the Australian boundary in Torres Strait, the Torres Strait islanders themselves have featured very little. Since white settlement, they have been treated as unimportant in the game of 'moving' the boundary. Surely the most urgent consideration for the immediate future should be to give the Torres Strait Islanders the right to decide the future of their island homelands and the sea which surrounds them.

