



INTELLIGENCE NOTE

Update: Capsized vessel – Prigi Beach

Latest information: 1700 AEDST, 20 November 2011

Key Judgements

- s.37(2)(b)
- s.37(2)(b)
- s.37(2)(b)
- s.37(2)(b)

Attachments

- A. Australian Maritime Safety Authority Activities
- B. DIAC INTREP – Prigi Beach Boat Sinking
- C. Australian Federal Police Summary – Indonesian Maritime Incident

Overview

s.37(2)(b)

- Of the approximately 220 people on board, an estimated 130 were below deck and 90 (mostly women and children) were on the upper deck. The PIIs were from Iran, Pakistan and Afghanistan. Reporting of PIIs from Turkey and Kazakhstan is unconfirmed and is probably false, according to Australian Federal Police (AFP) reporting. (C)
- Reports indicate 34 people were rescued by fisherman. Two of the rescued individuals remain in hospital, according to AFP reporting. (C)
- A further 13 people (12 adult males, 1 adult female) were reportedly located on Jembar Island, off the coast of south Java. (C)

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- Unconfirmed reporting from Indonesian authorities suggests that 70-75 possible survivors of the capsizing are located on a remote island. There are no further details around this reporting at present. This reporting is the subject of an urgent request for information being made by PSIAT. Advice on the outcome of this request will be disseminated as soon as it is received. (C)
- The Indonesian National Search and Rescue Agency (BASARNAS) advise two deceased have been recovered. (C)
- Three Indonesian crew, who facilitated the transfer of passengers to the main vessel, have been detained by the Indonesian National Police People Smuggling Task Force (SATGASDA) for questioning. (C)
- s.37(2)(b)

Uncorroborated information indicates there may have been other vessels involved in this venture, however, the validity of these lines of reporting cannot be established at this stage. (C)

- According to reporting available to the AFP on 18 December, survivors reported that the captain and four crew abandoned the sinking vessel and PII's by transferring to another vessel associated with the syndicate. (C)
- Survivors interviewed by the International Organisation for Migration have claimed that all passengers that transited from Bogor boarded the boat. It was further claimed that the crew disembarked onto another vessel prior to capsizing. (C)
- Unconfirmed information received by AFP on 18 December indicated the vessel was overloaded and may have turned back to shore in order to obtain a second vessel to facilitate passage to Australia. The information suggested that 80 PII's may have been offloaded from the primary vessel to this second vessel. (C)

s.37(2)(b)

Organisers

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- AFP reporting also indicates one surviving passenger stated he spoke to ~~s.37(2)(b)~~ after returning to shore. (P)

~~s.37(2)(b)~~

- Survivor reports suggest the boat departure was facilitated by ~~s.37(2)(b)~~ , according to AFP investigators on 19 December. At this stage there is no further reporting on ~~s.37(2)(b)~~ (P)

~~s37(2)(b)~~~~s.37(2)(b)~~~~SECRET~~ s33(a)(i)

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Director, People Smuggling Intelligence Analysis Team

Unsecure: s47E(d) Secure: s47E(d)

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Australian Maritime Safety Authority Activities

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Monday 19 December 2011 search day 3

Search area defined with agreement of BASARNAS. Search area covering 450 square nautical miles and is located 80 kilometres south of Prigi Beach, Indonesia.

An RAAF P3C Orion long range maritime patrol aircraft and RAN patrol vessel HMAS Ararat completed assigned search areas with no significant sightings made. A drift buoy was dropped by the RAAF P3C Orion to assist in drift calculations.

Weather in search area generally good, easterly winds of 15 knots, sea state slight with reasonable visibility of 19 nautical miles, some cloud cover, objects sighted included some oil, pieces of polystyrene and general rubbish, none assessed as being from the target vessel.

Tuesday 20 December 2011 search day 4

Based on information received from BASARNAS of the location of 13 survivors in the vicinity of Nusa Barong Island a search area covering 2600 square nautical miles was discussed and agreed with BASARNAS for searching by RAAF P3C Orion long range maritime patrol aircraft and RAN patrol vessel HMAS Ararat. On completion of search activities estimated at 7.00 pm (Canberra time) the RAAF P3C Orion aircraft and HMAS Ararat will depart the search area for Darwin.

Weather in search area good to the west, some rain and cloud hampering search activities closer to the coast in the east, winds south easterly 15 knots, sea state slight, visibility of 10 nautical miles, reduced in the east four eighths cloud cover. As at 5.00 pm (Canberra time) no significant sightings had been made. Information from drift buoys indicates water movement easterly at 2 nautical miles per hour.

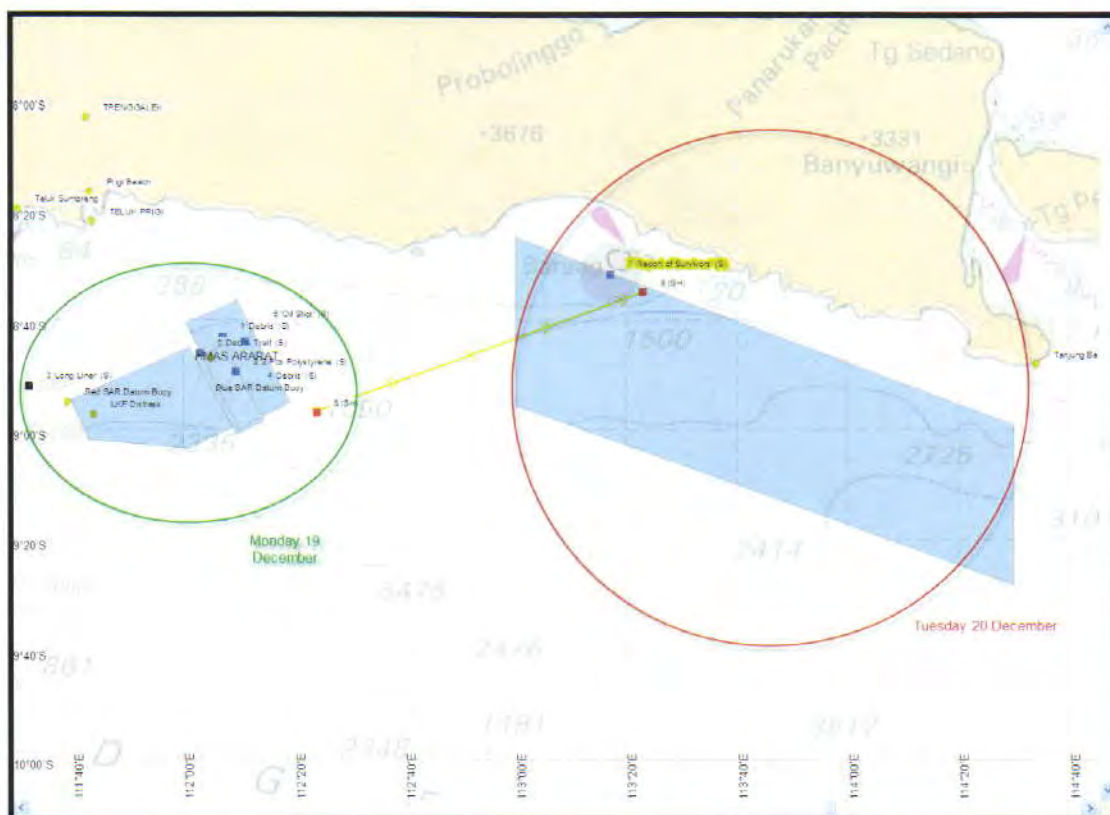
Unless there are any significant sightings BASARNAS has advised that no further assistance is required from the Australian government in regards search and rescue assets.

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Graphic 1: AMSA search overview Monday 19 and Tuesday 20 December.

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DIAC INTREP – PRIGI BEACH BOAT SINKING

KEY POINTS

s37(1)(b) & s37(1)(c)

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Australian Federal Police Summary – Indonesian Maritime Incident

On 19 December 2011, INP and AFP PS members commenced interviews with surviving PII in Blitar. Initial reports from survivors continue to place numbers at approx 220 PII on board with up to 130 below deck and 90 (mostly women and children) on the upper deck. s.47E(d) Survivors further claimed that there were up to 50 alive in the water after the vessel began to sink, however the local fisherman was only able to rescue 33 at the time of locating survivors at sea.

s.47E(d)

As at 16:30hrs, 19 December 2011, information has also been received that up to 15 PII, revised down to 13, may be on a small island of Jember, South Java and that there are unconfirmed reports of deceased also being located on both Jember and Malang islands. Reporting on the ongoing SAR efforts continues to be coordinated by ACBPS at Post as a joint BASARNAS/AMSA operation.

Further information from Jakarta Post and AFP officers in Blitar, where the 33 PII have been relocated to.

Jakarta Post:

s37(1)(b) & s37(1)(c)

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s37(1)(b) & s37(1)(c)

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s.37(2)(b)

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TALKING POINTS

MARITIME INCIDENT – PRIGI BEACH

- This is a tragic event - our thoughts are with the families of those that have lost their lives.
- The information we have relating to this incident remains unclear. The latest official information is that on Saturday 17 December at around 7am (local Indonesian time) an asylum seeker vessel capsized in waters south of central Java.
- The Indonesian search and rescue authority (BASARNAS) reports that approximately 250 persons were onboard the vessel at the time of the incident - however there have been a number of reports containing varying figures for the number of people onboard, which Australian authorities are seeking to confirm.
- I am aware of media reports suggesting an even larger number of people were on board. At this stage, we simply do not have accurate information concerning the number of people onboard, their nationalities or gender breakdown – we are working with Indonesian authorities to establish this.
- Our latest information is that 49 people have been rescued, but again, reports on the number of people rescued continue to vary.
- Indonesian authorities report that the number of deceased persons is now 32 - we cannot confirm any details of the deceased at this stage.
- I am aware there are media reports of deceased people found near the Banyuwangi district. I can not confirm this at this stage, but am waiting on further information from Indonesian authorities to confirm this.
- I have also seen a range of figures in various reports regarding the number of deceased persons who have been recovered, including media reports of 74 bodies. We remain in contact with relevant Indonesian authorities who are best placed to provide official confirmation of the death toll.
- We understand that a number of crew (possibly two) have been detained.
- I am aware of reports alleging the involvement of Indonesian military personnel in the organisation of this venture. AFP will continue to liaise with its counterparts in Indonesia on all aspects of this tragedy, including who organised this people smuggling venture, and who assisted in the process.
- Unfortunately, and as we have seen with such incidents in the past, the number of deceased may rise as the search for survivors continue. It is also possible that some of the bodies of those missing may never be found.
- Beyond those who have been rescued and those confirmed deceased, the remaining passengers are unaccounted for. We continue to seek further information from Indonesian authorities to get a clearer understanding of how many were onboard and how many remain missing.
- I am aware of media reports that a vessel associated with the incident has been discovered. I have asked my officials to make enquiries into this and will provide an update when more information is available.
- The Indonesian search and rescue agency, BASARNAS, is currently coordinating search and rescue efforts and has despatched search and rescue assets.
- The Australian Maritime Safety Authority (AMSA) has been liaising with BASARNAS and formally offered its assistance to the search and rescue effort.
- Initially BASARNAS advised that they did not require any further assistance, however AMSA and Defence remained available to provide assistance, if requested by Indonesian authorities.

TP 111223 Vessel sinking Java_UPDATED 0900 (2)

- The Indonesian Search and Rescue authority BASARNAS requested assistance from the Australia Rescue Co-ordination Centre (AMSA) on Monday 19 December 2011. AMSA RCC requested support from the Australian Defence Force (ADF) and Customs and Border Protection, who tasked the following assets to be released for SAR operations in support of the Indonesian authorities:
 - A Royal Australian Air Force (RAAF) AP-3C Orion Maritime Surveillance Aircraft
 - The HMAS *Ararat*, an Armidale class Patrol Boat, and
 - A Customs and Border Protection DASH-8 aircraft.
- The Australian Defence Force has finalised its support to the Indonesian search and rescue agency, BASARNAS, as a result of the 17 December, 2011 SIEV sinking off the coast of Java.
- The RAAF AP-3C Orion Maritime Surveillance Aircraft conducted two searches in a designated search area before returning to Australia on Tuesday afternoon.
- Armidale Class Patrol Boat HMAS *Ararat* patrolled a designated search area for approximately 48 hours during the mission.
- The cessation of ADF tasking was coordinated through RCC-Australia and in consultation with the Indonesian search and rescue agency, BASARNAS.
- The AP-3C Orion and HMAS *Ararat* will now return to normal tasking in support of Operation RESOLUTE.
- Following confirmation that survivors had been recovered from Jember Island, the search area was revised to an area 30NM east of the initially reported location.
- On 20 December:
 - The RAAF AP-3C Orion searched approximately 2600 SQ NM, upon completion of this search it was released from the search efforts.
 - Indonesian support consisted of two patrol boats, two rescue boats, one naval vessel and two helicopters
 - HMAS *Ararat* searched approximately 200 SQ NM, upon completion of this search it was released from search efforts.
- The Customs and Border Protection DASH-8 aircraft was not required for the rescue effort and was returned to normal Border Protection Command operations.
- Australian involvement in the search and rescue action has concluded, no further tasking is expected.
- This incident highlights the dangerous nature of these people smuggling ventures and the risk that people take by trying to enter Australia by using a people smuggler.
- The Australian Government is committed to doing everything we possibly can to work with the Indonesian authorities to prevent these vessels embarking in this dangerous manner, and we will continue to work with agencies such as the Indonesian National Police.
- As further information comes to hand, it will be made available.

DIAC Assistance:

- The Department of Immigration and Citizenship (DIAC) has activated a dedicated hotline to receive details from members of the Australian community who believe they may know someone who was a passenger on the vessel.
- This hotline number is **1300 724 010** and will initially be staffed 24 hours a day. The hotline has the ability to engage TIS National (Translating and Interpreting Service) interpreters if the callers do not speak English.
- The hotline is not able to provide information about those believed to have been travelling on board the vessel - it can only receive information.

- The Australian Red Cross has been contacted to ensure DIAC clients in community detention have access to information and counselling.
- DIAC detention centre managers, Serco managers and case managers throughout the network have been briefed about this incident and will provide support and counselling for those clients who may be affected.

If Asked:

How many calls has the hotline received?

- DIAC has received several calls to the hotline.

AFP Assistance:

- The Australian Federal Police (AFP) has deployed members based in Indonesia to assist at the request of the Indonesian National Police (INP).

What roles are the AFP resources actually undertaking? What assistance are they providing?

- Members of the AFP are providing assistance to the INP with interviewing survivors in an endeavour to ascertain the circumstances surrounding the incident and attempt to identify those responsible for organising this venture.

What are the current sea and weather conditions like in the search area?

The sea state is light. Winds are light and easterly. Visibility is good. There is some cloud cover with some storms in the area.

If Asked:

We understand that Indonesian police believe the vessel was sent by associates of the people smuggler Sayed Abbas. What is Australia doing to assist this investigation?

It would be inappropriate to comment on matters currently being investigated by Indonesian authorities or those that might have a bearing on intelligence.

What I can say is that the Australian Federal Police (AFP) has deployed members based in Indonesia to assist at the request of the Indonesian National Police.

We understand Australia has previously sought the extradition of Abbas - what is Australia doing to ensure his return to face prosecution here?

In May 2010 Mr Abbas was provisionally arrested in Indonesia in response to a request made by Australia.

On 8 June 2010 Australia made a formal comprehensive extradition request to Indonesia for Abbas

In March 2011, Mr Abbas was released from custody by Indonesian authorities. He was re-arrested on 24 August 2011 in relation to domestic Indonesian offences, for which he is serving a 2 ½ year sentence of imprisonment.

Australia's extradition request continues to be considered by Indonesian authorities while Mr Abbas completes this sentence and Australian authorities liaise regularly with the Indonesian Government in relation to the progress of the request.

Extraditions are a matter for the Attorney Generals Department.

We understand that the Indonesian search and rescue authority asked the Australian Maritime Safety Authority to take over coordination of the search and rescue response but the request was declined. Why?

The incident occurred in the Indonesian search and rescue region where the Indonesian search and rescue authority would normally be expected to coordinate a response. It is close to the Indonesian coastline where the Indonesian authorities have good knowledge of the area and can arrange rescue by local vessels. The nearest Australian territory at Christmas Island is nearly 700 km away. The Australian Maritime Safety Authority assessed that the best arrangement was for Indonesia to coordinate overall consistent with its normal obligations while Australia would offer assistance if required.

When are the Australian search and rescue assets due to commence searching?

- The RAAF AP-3C Orion Maritime Surveillance Aircraft was on station in the search area approximately midday Monday (19 December, 2011).
- The AP-3C Orion conducted another aerial search on Tuesday 20 December 2011 and then returned to Darwin.
- HMAS *Ararat* arrived in the search area at approximately midnight Monday 19 December.

The Customs Dash 8 aircraft was not required.

All Australian assets have now been released from the search and rescue efforts.

What search area was allocated to the Australian assets?

In liaison with BASARNAS, AMSA has produced a search area based on the last known position of the vessel.

The search area which was covered by the Australian assets is centred approximately 36 nautical miles (around 65 kilometres) south of Prigi Beach, Indonesia. It covers approximately 328nm².

When will the search be called off?

Operational decisions of this type will be made by the search and rescue authority coordinating the response. In this case the response is occurring in the Indonesian search and rescue region and is being coordinated by the Indonesian search and rescue authority. It would not be appropriate for Australia to speculate on Indonesia's decisions.

Did Australian agencies have a role in informing Indonesian agencies of the boats location and intention?

It would be inappropriate to comment on matters currently being investigated by Indonesian authorities or those that might have a bearing on intelligence.

Background Information - Not to be released to the media

AFP has deployed four members from the Jakarta Post to assist Indonesian National Police. This includes:

- Two AFP officers from Jakarta Post
- Locally engaged staff member from Jakarta Post
- s47E(d) interpreter from Jakarta Post

Australian Customs and Border Protection Service**Key Issue 16****Foundered Vessels:**

1 Nov 2011, 17 Dec 2011, 1 Feb 2012, 4 Feb 2012.

Issues**Foundered Vessel - 1 November 2011**

- According to Indonesian authorities and passengers on board, at approximately 0500hrs local (i.e., Indonesian) time on 1 November 2011, a people smuggling vessel foundered around 5 nautical miles off the coast of southern Java/Pangandaran. Indonesian authorities, including local police and the Indonesian Navy, as well as local fishermen, are reported to have begun rescue operations at around 0600hrs local time.
- Australian authorities had a general level of awareness that a people smuggling vessel may depart from southern Java around 1 November.
- There was no information available to Australian authorities that could have assisted Indonesian authorities to stop the vessel from departing.
- At approximately 0600hrs local time, Australian authorities became aware that a people smuggling vessel may have been in distress earlier that morning. This was later found to relate to the foundered vessel.
- At approximately 0725hrs local time - over 2 hours after the vessel foundered and 1 hours after rescue operations commenced - Australian authorities became aware of the location of the people smuggling vessel may have been in distress earlier that morning.
- Australian authorities (DIAC) first became aware that a vessel had actually foundered at 0847hrs local.
- ACBPS (Jakarta) commenced attempts to contact (phone) the Indonesian Search and Rescue Authority (BASARNAS) at 0936hrs local.
- ACBPS (Jakarta) contacted (email) BASARNAS and BAKORKAMLA (Indonesian Maritime Security Coordination Agency) at 0946hrs local.

Foundered Vessel - 17 December 2011

- According to Indonesian authorities, at approximately 0700hrs local time on 17 December 2011, a people smuggling vessel foundered around 40 nautical miles off the coast of Prigi, central Java.
- Australian authorities had a general level of awareness that a people smuggling vessel may depart from Java around 17 December.

- There was no information available to Australian authorities that could have assisted Indonesian authorities to stop the vessel from departing.
- Australian authorities (AFP) first became aware that a vessel had possibly foundered at approximately 1900hrs on 17 December 2011.
- ACBPS (Jakarta) contacted the Australian Maritime Safety Authority (AMSA) Rescue Coordination Centre (RCC) at 2042hrs local and BASARNAS at 2057hrs local. BASARNAS indicated they were already aware of the incident.
- Media reporting indicated that known people smuggler Sayed Abbas was involved in organising the venture from detention in Indonesia. It would not be appropriate to comment on this.
 - If asked: Abbas has been the subject of an Australian Government extradition request since 8 June 2011. However, on 21 September 2011, INP advised that Abbas was sentenced to two years and a half years imprisonment in relation to domestic Indonesian offences.

Foundered Vessel – 1 February 2012

- According to Malaysian authorities, at approximately 0630hrs local on 1 February 2012 a people smuggling vessel foundered about 500 metres off the coast of Johor, Malaysia.
- Australian authorities first became aware of this incident through Malaysian media reporting on the following day, 2 February 2012.
- Australian authorities were unaware of the existence of this particular people smuggling vessel, and have only a general level of awareness that potential irregular immigrants travel from around Johor to Indonesia en route to Australia.
- There was no information available to Australian authorities that could have assisted Malaysian authorities to stop the vessel from departing.

Foundered Vessel – 4 February 2012

- According to Indonesian authorities, at approximately 1300hrs local on 4 February 2012 a people smuggling vessel foundered around 1 nautical mile off the coast of Cipatujah (*'See-pa-too-jah'*) southern Java. All persons on board the vessel were reportedly rescued.
- Australian authorities had a general level of awareness that a people smuggling vessel might have been preparing to depart southern Java around 4 February 2012.
- There was no information available to Australian authorities that could have assisted Indonesian authorities to stop the vessel from departing.
- Australian authorities (DIAC) first became aware that a vessel may be in distress at approximately 0830hrs local time. ACBPS (Jakarta) contacted BASARNAS at approximately 0935hrs local.

Talking points

- For each of these incidents, Australian authorities had no information that could have assisted local authorities to stop the vessels from departing.
- Where possible, Australian authorities were responsive in offering Search and Rescue (SAR) assistance to their Indonesian counterparts.
- In the days following such incidents, it is not unusual for the number of passengers to vary, including reports of passengers deceased and rescued.

Foundered Vessel – 1 November 2011

- According to Indonesian authorities and passengers on board, at approximately 0500hrs local (G) time on 1 November 2011, a people smuggling vessel foundered around 5 nautical miles off the coast of southern Java/Pangandaran.
- Indonesian authorities, including local police and the Indonesian Navy, as well as local fishermen, are reported to have begun rescue operations at around 0600hrs local time.
- Prior to this, Australian authorities had only a general awareness that a people smuggling vessel may depart from southern Java around 1 November. **If asked:** I am unable to elaborate on this as it would involve discussing intelligence in a public forum.
- There was no information available to Australian authorities that could have assisted Indonesian authorities to stop the vessel from departing.
- At approximately 0600hrs local time, Australian authorities became aware of information indicating that a people smuggling vessel may have been in distress earlier that morning - this was later found to relate to the foundered vessel.
- At approximately 0725hrs local time - almost 2.5 hours after the vessel foundered and 1.5 hours after rescue operations commenced - Australian authorities became aware of the location of the people smuggling vessel may have been in distress earlier that morning.
- Australian authorities (DIAC) were first advised that a vessel had actually foundered at 0847hrs local time. **If asked:** I am unable to elaborate on how

Australian authorities became aware of these situations as this would involve discussing intelligence and sensitive sources in a public forum.

- At 0855hrs local, DIAC made follow up contact with the source of the information that a vessel had foundered.
- At 0917hrs local, DIAC advised other Australian agencies at Australian Embassy Jakarta, including ACBPS and AFP.
- At 0924hrs local, ACBPS (Jakarta) notified the AMSA-RCC. At 0927, ACBPS (Jakarta) notified Customs National Operations Centre (CNOC).
- At 0936hrs local, ACBPS (Jakarta) commenced attempts to contact BASARNAS by phone. ACBPS (Jakarta) notified BASARNAS and BAKORKAMLA (Indonesian Maritime Security Coordination Agency) by email at 0946hrs local time.
- ACBPS made numerous unsuccessful attempts to contact BASARNAS up until 1302hrs local.
- At 1302hrs local, BASARNAS contacted ACBPS (Jakarta) and advised that SAR assets were being deployed to the Pangandaran area from BASARNAS Cilacap and Bandung office.
- The Indonesian National Police (INP) investigation into this incident is ongoing. It would be inappropriate to comment on this investigation.
- To assist the INP investigation, the AFP deployed two investigators, one locally engaged staff member, and one contracted interpreter.
- Media reporting at the time of the incident claimed that another vessel may have departed at the same time and area as the vessel that foundered. Australian authorities have been unable to confirm this claim.
- According to Indonesian authorities, the vessel was carrying up to 75 passengers, and that:
 - 45 were rescued (36 Iranians, 6 Pakistanis and 3 Afghans).
 - 8 are confirmed deceased (4 adult females and 4 children).
 - the remaining passengers are unaccounted for.
 - 3 Indonesian crew have been arrested and detained.

Foundered Vessel – 17 December 2011

- According to Indonesian authorities, at approximately 0700hrs local (G) time on 17 December 2011, a people smuggling vessel foundered around 40 nautical miles off the coast of Prigi, central Java.
- Prior to this, Australian authorities had only a general level of awareness that a people smuggling vessel may depart from Java around 17 December. **If asked:** I am unable to elaborate on this as it would involve discussing intelligence in a public forum.
- There was no information available to Australian authorities that could have assisted Indonesian authorities to stop the vessel from departing.
- Australian authorities first became aware of this incident and that rescue operations had already begun at approximately 1900hrs local on 17 December 2011. **If asked:** I am unable to elaborate on how Australian authorities became aware of the incident at that time as it would involve discussing intelligence in a public forum.
- At 1918hrs local, Australian agencies notified the relevant authority in Indonesia.
- ACBPS (Jakarta) first became aware of this incident at 2013hrs local. ACBPS (Jakarta) contacted AMSA-RCC at 2042hrs local and the Australian Maritime Security Operations Centre at 2048hrs local.
- At 2057hrs local time ACBPS (Jakarta) contacted BASARNAS, who indicated they were already aware of the incident and that 25 people had already been rescued at 1500hrs local.
- At 2111hrs local, Australian authorities were advised that the vessel had 220 people on board and that most have been rescued. **If asked:** I am unable to elaborate on how Australian authorities became aware of this advice as it would involve discussing intelligence in a public forum.
- At 2241hrs local, BASARNAS requested the Australian Maritime Safety Authority (AMSA) coordinate the Search And Rescue (SAR) response.
- As the incident occurred in the Indonesian SAR zone, AMSA assessed that BASARNAS was best placed to coordinate the response and should maintain

coordination. AMSA offered assistance in the form of maritime drift modelling, search area planning and a broadcast to shipping, if required.

- BASARNAS requested assistance from the AMSA Rescue Coordination Centre (RCC) on Monday 19 December 2011.
- AMSA RCC subsequently requested support from the Australian Defence Force (ADF) and ACBPS. As a result the following assets were released for Search And Rescue (SAR) operations in support of the Indonesian authorities:
 - One RAAF AP-3C Orion maritime surveillance aircraft
 - Armidale Class Patrol Boat HMAS Ararat
 - One Customs and Border Protection DASH-8 aircraft.
- The RAAF AP-3C Orion Maritime surveillance aircraft conducted two searches of a designated search area.
- HMAS Ararat patrolled a designated search area for approximately 48 hours during the search and rescue operation.
- Australian Government involvement in the SAR operation concluded on 21 December at 0130hrs when HMAS Ararat concluded search operations.
- BASARNAS concluded the search and rescue operation on 26 December.
- At the request of INP, the AFP deployed members based in Indonesia to assist with the identification and investigation of the venture's organisers, including two investigators, one interpreter and one locally engaged staff member. AFP assistance to INP is ongoing.
- The INP investigation into this incident is ongoing. It would be inappropriate to comment on this investigation or matters raised in media reporting.
- Media reporting following the incident has suggested that:
 - known people smuggler Sayed Abbas was involved in organising the venture while in immigration detention in Indonesia.
 - the INP had passed details of an Australian man, 'Mr X', suspected of being involved in the venture to the AFP.

- the INP has detained 10 people suspected of being involved in organising the venture, including 5 military personnel.
- Following the incident, DIAC activated a dedicated hotline to receive details from the public or persons in detention about people believed to have been onboard the vessel.
- According to DIAC, 92 enquiries about the foundered vessel were received, which included calls made to the hotline, emails and information provided from persons in detention.
- DIAC has made the details of these enquiries available to the INP assist with their investigation. The details of the enquiries have also been made available to AFP and Customs and Border Protection.
- ACBPS has not received any direct enquires regarding the incident.
- According to BASARNAS, the vessel was believed to be carrying around 250 passengers.
 - 49 passengers were rescued, including 2 alleged crew.
 - 103 passengers are confirmed deceased.
 - the remaining passengers are unaccounted for.

Foundered Vessel – 1 February 2012

- According to Malaysian authorities, at approximately 0630hrs local on 1 February 2012 a people smuggling vessel foundered about 500 metres off the coast of Johor, Malaysia.
- Australian authorities were unaware of the existence of this particular people smuggling vessel, and have only a general level of awareness that potential irregular immigrants travel from around Johor to Indonesia en route to Australia.
- There was no information available to Australian authorities that could have assisted Malaysian authorities to stop the vessel departing.
- Australian authorities first became aware of this incident through Malaysian media reporting on 2 February 2012.

- Rescue efforts and investigations into the incident were undertaken by the Royal Malaysian Police (RMP) in Johor State with assistance from the Malaysian Maritime Enforcement Agency (MMEA).
- According to Malaysian authorities, the vessel was believed to be carrying around 29 passengers.
 - 18 were rescued (12 Afghans, 1 Pakistani and 5 Iraqis)
 - 11 are confirmed deceased (nationalities to be determined)
 - crew have not yet been identified or arrested.

Foundered Vessel – 4 February 2012

- According to Indonesian authorities, at approximately 1300hrs local (G) on 4 February 2012 a people smuggling vessel foundered around 1 nautical mile off the coast of Cipatujah, southern Java.
- Prior to this, Australian authorities had a general level of awareness that a people smuggling vessel might have been preparing to depart southern Java around 4 February 2012. **If asked:** I am unable to elaborate on this as it would involve discussing intelligence in a public forum.
- There was no information available to Australian authorities that could have assisted Indonesian authorities to stop the vessel departing.
- Australian authorities (DIAC) first became aware that a vessel may be in distress at approximately 0830hrs local time. **If asked:** I am unable to provide details on how Australian authorities became aware of this situation as it would involve discussing sensitive sources in a public forum.
- At 0849hrs local, DIAC advised ACBPS (Jakarta) of the information.
- At 0911hrs local ACBPS Jakarta contacted the AMSOC, who confirmed they had received the advice from DIAC at 0844hrs local.
- At 0934hrs local time, AMSOC requested ACBPS (Jakarta) advise BASARNAS of the advice.
- At 0935hrs local time, ACBPS (Jakarta) notified the BASARNAS Liaison Officer by phone. ACBPS (Jakarta) followed up this notification to BASARNAS with an text message outlining all available information at 0945hrs local.

- At 1019hrs local, BASARNAS acknowledged notification from ACBPS (Jakarta)
- At 1035hrs local, BASARNAS notified AMSA RCC that it had accepted coordination of the incident and alerted its provincial office.
- At 1156hrs local, BASARNAS first provided ACBPS (Jakarta) with an update of the situation. This update implied that no persons were deceased.
- Throughout the day, Australian authorities were unable to obtain a clear picture from their Indonesian counterparts as to what had occurred or the number of persons involved.
- The incident is currently under investigation by the INP and it is inappropriate to comment further on this investigation. The AFP deployed two members to the incident location to assist the INP.
- According to Indonesian authorities, the vessel was believed to be carrying around 47 passengers and 2 crew.

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Background

Foundered Vessel – 17 December 2011

- The INP are continuing its investigation into persons suspected of being involved in organising the vessel that foundered on 17 December 2011.
- A number of people have been identified by survivors. Further enquiries are being made to ascertain the involvement of these individuals.
- s47E(d) [REDACTED]
- On 8 June 2010, Australia formally requested the extradition of Sayed Abbas from Indonesia. In March 2011, Abbas was released from custody but was re-arrested on 24 August 2011 in relation to domestic Indonesian offences. He is currently serving a 2½ year sentence.
- Australia's extradition request continues to be considered by Indonesian authorities. Australian authorities liaise regularly with the Indonesian Government in relation to the progress of the request.

Document Control Table

No.	Date	Author	Comments	Cleared by and date
0.1	13/02/12	s47F [REDACTED]	First draft	ND I&T 14/02/12



Australian Government
Australian Customs and
Border Protection Service

ADDITIONAL ESTIMATES

February 2012

Maritime People Smuggling and Irregular Maritime Arrivals

Whole-of-Government Brief

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14 February 2012

Please note that we will need to update this brief, particularly statistics, on the day before or the day of our Estimates hearing.

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LIKELY FUTURE TRENDS

- We expect irregular maritime arrivals to continue in relatively comparable numbers to recent years, as the volume of people fleeing countries in our region continues to be high.
 - We base this assessment on a range of information available to us, but we do not comment on operational issues or release operational intelligence reports.

Global Perspective

- On Monday 28 March 2011, UNHCR released its Asylum Levels and Trends in Industrialised Countries 2010 report.
 - The UNHCR 2010 report estimated that 358,800 asylum applications were recorded in the 44 European and non-European countries included in the report. Of these applications, Europe received 269,948 claims, predominately in France (47,790), the United Kingdom (22,090) and Germany (41,330). The United States received 55,530 new asylum claims and Canada 23,160.
 - The 8,250 people seeking asylum in Australia in 2010 was relatively small (about 2 per cent) in global terms.
 - Australia's ranking in 2010 placed us 15th of the industrialised countries receiving asylum applications, one place up from our ranking of 16th in 2009.
- Australia was not alone in experiencing an increase in asylum seeker applications in 2010. While Australia had a 33 per cent increase, other countries also experienced high increases:
 - Denmark - 30 per cent
 - Germany - 49 per cent
 - Sweden - 32 per cent
 - Turkey - 18 per cent
 - Belgium - 16 per cent
- On Tuesday 18 October 2011, UNHCR released its Asylum Levels and Trends in Industrialised Countries report for the first half of 2011.
 - This report estimated that there were 198,303 asylum applications in the first half of 2011 recorded in the 44 European and non-European countries included in the report, an increase of 17 per cent over the same period in 2010.

- The top five countries for asylum claims in the first half of 2011 were USA (36,370), France (26,120), the United Kingdom (12,175), Germany (20,199) and Sweden (12,597).
- The first half of 2011 report records a 19 per cent decrease in the total number of asylum claims in Australia during the first half of 2011 compared with the same period in 2010 (from 6,137 claims to 4,955).
 - in contrast the global trend was an increase of 17 per cent for the first half of 2011.
- In its Global Trends Report 2010 (issued in June 2011) UNHCR reports that there were 43.7 million forcibly displaced people worldwide at the end of 2010, which included 15.4 million refugees and people in refugee-like situations.
 - 44 per cent of all refugees and asylum seekers were children under the age of 18.
 - The report indicates that people seeking asylum in Australia reflects a worldwide trend driven by insecurity, persecution and conflict.
 - Over one third of all refugees (38 percent) were in the Asia Pacific region, with Pakistan hosting 1.9 million.¹
- The number of refugees in need of resettlement in countries other than their home country or country of first asylum is growing.
 - According to UNHCR, available resettlement places globally are not keeping pace.
 - UNHCR estimates that in 2011 there were around 172,300 people in need of resettlement and only about 80,000 places available

¹ UNHCR, 2010 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons.

Arrivals Totals – 1996 to present (CALENDAR YEAR)

Year	Boats ¹	People (excl. crew) ²
1996	19	660
1997	11	339
1998	17	200
1999	86	3721
2000	51	2939
2001	43	5516
2002	1	1
2003	1	53
2004	1	15
2005	4	11
2006	6	60
2007	5	148
2008	7	161
2009	60	2726
2010	134	6555
2011	69	4565
2012 (YTD)	6	420

Arrivals since August 2008: 276 boats and 14,427 people (excluding crew)

Year	Crew
2007	2
2008	18
2009	141
2010	345
2011	168
2012 (YTD)	17

¹ Excludes boats returned from whence they came.

² The total figure **does not** include:

- 2 Burmese rescued from a floating esky;
- 2 Afghans, 1 Sri Lankan, 1 Indian and 1 Indonesian found on Deliverance Island;
- 2 Sri Lankans found on Saibai Island in the Torres Strait;
- 78 Sri Lankans rescued by the ACV *Oceanic Viking* in Indonesian waters in October 2009, and transferred to Indonesia;
- 5 people reportedly lost at sea from SIEV 143; or
- Casualties among the passengers of the vessel which sank off Prigi Beach on 17 December 2011.

The total figure **does** include 5 Deceased from SIEV 36 and 12 deceased from SIEV 69. SIEV 69 is subject to ongoing coronial investigation. The total figure also includes 50 deceased from SIEV 221.

NB: The matter of 6,130 non-crew arrivals for 2001 as opposed to 5,516 (as sometimes reported, such as in the Customs Figures publication available on our website) includes those people turned around and returned from whence they came.

Details inclusive of the most recent arrival, SIEV 300, intercepted on 11/2/2012

Arrivals Totals – 1996 to present (FINANCIAL YEAR)

Year	Boats ¹	People (excl. crew) ²
1996-97	13	365
1997-98	13	157
1998-99	42	920
1999-00	75	4175
2000-01	54	4137
2001-02	19	3041
2002-03	0	0
2003-04	2	68
2004-05	0	0
2005-06	8	61
2006-07	4	133
2007-08	3	25
2008-09	23	985
2009-10	117	5327
2010-11	89	4750
2011-12 (YTD)	47	3365

Year	Crew
2007-08	0
2008-09	53
2009-10	300
2010-11	210
2011-12 (YTD)	120

¹ Excludes boats returned from whence they came.

² The total figure **does not** include:

- 2 Burmese rescued from a floating esky;
- 2 Afghans, 1 Sri Lankan, 1 Indian and 1 Indonesian found on Deliverance Island;
- 2 Sri Lankans found on Saibai Island in the Torres Strait;
- 78 Sri Lankans rescued by the ACV *Oceanic Viking* in Indonesian waters in October 2009, and transferred to Indonesia;
- 5 people reportedly lost at sea from SIEV 143; or
- Casualties among the passengers of the vessel which sank off Prigi Beach on 17 December 2011.

The total figure **does** include 5 Deceased from SIEV 36 and 12 deceased from SIEV 69. SIEV 69 is subject to ongoing coronial investigation. The total figure also includes 50 deceased from SIEV 221.

Details inclusive of the most recent arrival, SIEV 300, intercepted on 11/2/2012

GOVERNMENT POLICY AND BUDGET MEASURES

NB: Refer questions about Budget Measures to the relevant agency.

Overview of Government Policy

- The whole-of-government strategy to combat people smuggling and strengthen border control includes measures aimed at:
 - more effective and streamlined whole-of-government arrangements for combating maritime people smuggling
 - retaining the excision of offshore islands, as well as mandatory detention and initial processing on Christmas Island for all irregular maritime arrivals
 - increasing our engagement with regional partners to target people smuggling operations at their source
 - building the capacity of regional officials to manage their borders effectively, and
 - intensifying patrols of our northern borders by Border Protection Command.
- In his December 2008 National Security Statement, Prime Minister Rudd renamed the Australian Customs Service the Australian Customs and Border Protection Service, and tasked the agency with leading and coordinating the efforts of all agencies to disrupt people smuggling ventures.
- The cornerstone of this approach has been to increase our understanding of people smuggling ventures coming through the maritime pipelines to Australia.
 - We have established a multi-agency intelligence hub in Customs and Border Protection to provide a one-stop-shop for the collection, analysis and dissemination of maritime people smuggling intelligence. This initiative means we now have unprecedented visibility of the people smuggling threat in our region.
- Under the strategy, the Government has funded agencies to focus activity offshore in source and transit countries.
 - Customs and Border Protection, Australian Federal Police (AFP), the Attorney-General's Department (AGD), the Department of Immigration and Citizenship (DIAC) and other relevant agencies have significantly strengthened their engagement with their counterparts throughout the region to disrupt ventures, break-up syndicates, build capacity in comprehensively criminalising people smuggling and implementing those laws, immigration intelligence and border management, and secure the cooperation of foreign governments.

- The Government also provided \$15.3m in 2010-11 for the Australian Defence Force contribution to the Australian Whole-of-Government effort under Operation RESOLUTE to protect Australia's littoral and offshore maritime areas.

Results

- This strengthened offshore approach has achieved significant progress in the context of a very active global people smuggling environment.
 - Since September 2008, Indonesian authorities have effected 277 disruptions involving 7,458 foreign nationals seeking passage to Australia. In that time, Indonesian authorities have also arrested 165 alleged people smugglers.
 - Since April 2009, Sri Lankan authorities have effected 22 disruptions involving 413 foreign nationals seeking passage to Australia. In that time, Sri Lankan authorities have also arrested 93 alleged people smugglers.
 - Since March 2009, Malaysian authorities have effected 30 disruptions involving 901 foreign nationals seeking passage to Australia.
 - Since March 2010, Indian authorities have effected 9 disruptions involving 239 foreign nationals seeking passage to Australia. In that time, Indian authorities have made 20 arrests.
 - Since 2008, Australian authorities have arrested 521 crew and organisers and secured 227 convictions for people smuggling offences, with sentences of up to eight years imprisonment. There are currently 208 defendants before the courts. Australia has made eight Provisional Arrest Requests to other countries since September 2008 seeking the arrest of individuals suspected of involvement in people smuggling. There are currently six outstanding extradition requests to other countries.
- Australian authorities share a strong and productive relationship with Indonesian authorities and have established a joint Framework to address people smuggling.
 - *Note: refer questions about the Framework to DFAT.*
- The passage of legislation on 7 April 2011 through Indonesia's Parliament to criminalise people smuggling is a positive development. The Indonesian Parliament has recognised the seriousness of this offence by attaching penalties from five to 15 years' imprisonment to persons convicted of this crime.
- Indonesia achieved its first conviction for people smuggling offences under the new law on 4 October 2011 when Indonesian national Gustaf Rudolf Bonyak Tutol ('Dolof') was

sentenced to 5 years imprisonment and a fine of 500 million rupiah by a court in Lampung.

- Comprehensive and robust laws are essential to deter, investigate and prosecute people smuggling activity across our region.
- In 2009, the Indonesian National Police (INP) Chief established a dedicated taskforce to combat people smuggling within Indonesia.
 - Liaison between the AFP and the INP people smuggling taskforce has resulted in a number of high-level Indonesian-based people smugglers being investigated and arrested by the INP. An example of this is the recent arrest of a high level organiser pursuant to a Provisional Arrest Request made by Australia.
- Cooperation with Sri Lankan authorities has also grown considerably over the last year, as evidenced by the establishment of an AFP Office in Colombo in June 2009. The AFP has signed an MOU with the Sri Lanka Police Service to facilitate the exchange of information, the conduct of coordinated operations and cooperative assistance.
 - This cooperation has already led to substantial operational successes, including a Sri Lankan operation in late November 2009 that led to the interception of four people smuggling vessels bound for Australia off the Sri Lankan coast.
- Australia also signed an MOU with Sri Lanka on legal cooperation against people smuggling in November 2009. This has increased opportunities for investigating and prosecuting people smugglers and seizing the proceeds of their criminal activity.
 - The Attorney-General's Department is providing technical legal assistance to Sri Lanka to assist with strengthening its people smuggling laws, and to build capacity to combat people smuggling in Sri Lanka.
 - Several Sri Lankan policy, prosecutorial and drafting officials have visited Australian agencies on pairing programs for exposure to the functioning of Australia's people smuggling laws. The Attorney-General's Department delivered two workshops in Sri Lanka in May and December 2011 with a focus on combating people smuggling and proceeds of crime issues.
 - Australian aid to Sri Lanka is responding to the needs of displaced civilians, their resettlement and the rehabilitation of their communities.
 - Assistance for recovery and reconstruction includes support to the World Bank and Asian Development Bank to provide internally displaced people with cash for essential household items and to repair community infrastructure, to UN Habitat for repair and reconstruction of houses damaged or destroyed as a result of the conflict, to UNICEF for repair or

reconstruction of damaged schools in the conflict-affected northern province, and to UNDP for removal of land mines and other unexploded ordnance to make it safe for displaced people to return home.

- Australia also strengthened its relationship with Malaysia in 2009, including by posting new officers to our High Commission in Kuala Lumpur, and by establishing the Malaysia-Australia Working Group on People Smuggling and Trafficking in Persons.
 - This Working Group is materially enhancing our countries' cooperation to counter maritime people smuggling, including through closer intelligence sharing arrangements, legal cooperation and harmonisation, and capacity building activities.
 - The Malaysian Parliament has now passed legislative amendments to criminalise people smuggling. The law now provides a strong basis for investigating and prosecuting people smuggling activities in the region. Under the new laws, convicted people smugglers could face imprisonment for up to 20 years. These laws apply to offences committed outside Malaysia and criminalise the provision of material support to people smuggling.
 - Prime Minister Gillard and Prime Minister Najib released a joint statement in March 2011, noting the strong relationship between Australia and Malaysia and welcoming the outstanding cooperation between our countries on people smuggling.
 - The Working Group met most recently in Melbourne on 14 and 15 November 2011.
- Australia is working to develop a closer relationship with Pakistan to address people smuggling.
 - We established a Pakistan-Australia Joint Working Group on Border Management and Transnational Crime in 2010 to enable future cooperation on transnational crime issues, including people smuggling, between Australia and Pakistan.
 - The Joint Working Group met most recently in Islamabad, Pakistan, on 12 and 13 September 2011.
 - The Joint Working Group established a Legal Issues Sub-Committee to identify options to harmonise Australia and Pakistan's transnational crime laws, and build prosecution and investigation capacity. The inaugural meeting of the Legal Issues Sub-Committee was held in April 2011 in Islamabad.

Regional Cooperation Framework

- A sustainable regional cooperation framework is the most effective way to break the people smuggling model and remove the incentive for people to undertake dangerous sea voyages to Australia.
- The establishment of the Regional Co-operation Framework (RCF) by Bali Process ministers on 30 March 2011 provides the basis for a sustainable regional response to irregular migration.
 - Australia is committed to the Bali Process and the Regional Cooperation Framework. We continue to work with others in the region, including UNHCR, to combat people smuggling through regional arrangements.
 - UNHCR like Australia recognises the importance of working with all countries in the region – including those that are not signatories to the Refugee Convention – for better protection outcomes for refugees.
- The framework is based on the following core principles:
 - irregular movement facilitated by people smugglers should be eliminated
 - wherever possible, asylum seekers should have access to consistent assessment processes; this may include a regional assessment centre or centres
 - those found to be refugees should be provided with a durable solution
 - those found not to be in need of protection should be returned to their countries of origin, and
 - people smuggling syndicates should be targeted through border security arrangements and law enforcement activities.
- The development of the RCF will complement current initiatives to counter people smuggling and irregular migration.
- On 25 July 2011, Australia and Malaysia signed a transfer and resettlement arrangement under the regional cooperation framework.
 - This arrangement aimed to undermine the people smuggling business model and prevent asylum seekers making the dangerous journey to Australia by boat.
- On 19 August 2011, Australia and Papua New Guinea signed a Memorandum of Understanding to establish an assessment centre on Manus Island.

- On 31 August 2011, the High Court of Australia ruled that the planned removal of persons from Australia under the Malaysia arrangement was invalid under the *Migration Act 1958*.
 - To implement this arrangement, legislative changes to the *Migration Act 1958* are necessary.
- On 13 October 2011, in the absence of the Migration Act amendments proposed by the Minister for Immigration and Citizenship, the Government announced its intention to work towards making greater use of existing powers to more flexibly manage irregular maritime arrivals to Australia. This includes greater use of community detention and temporary visas, on a case-by-case basis, to allow residence in the community while it assesses refugee claims. Individuals will continue to be subject to mandatory detention for initial health, identity and security checks. Individuals who present unacceptable risks to the community will remain in detention.

Missing and Distressed People Smuggling Vessels

Please note: Key Issue Brief 14 covers in detail the subject of missing vessels; Key Issue Brief 16 covers in detail the vessels that foundered on 2 November 2011 and 17 December 2011.

Issues

- Media reporting of September 2011 claimed that Customs and Border Protection had made contradictory statements about a vessel that reportedly departed Indonesia in October 2009, and remained unaccounted for. The reporting had focused on two purported contradictions brought about by:
 - Customs and Border Protection previously stating it did not have a precise location for the vessel but did provide “coordinates” to the Australian Maritime Safety Authority, and
 - the Minister for Home Affairs stating that “subsequent credible information” indicated that the difficulties experienced by the vessel had been resolved, yet the vessel was unable to be found.
- The media reporting also suggested that the Minister for Home Affairs had not disclosed relevant information about the vessel to the Parliament and to the family members of those missing.

- Media reporting of December 2010 and May 2011 suggested that Customs and Border Protection was unaware of, and unresponsive to, claims that a vessel carrying 97 refugees departed Indonesia on or around 13 November 2010 and remained unaccounted for, presumed lost at sea. The reporting focused on:
 - a statement by Customs and Border Protection of 26 December 2010 indicating that, at that time, the agency was not aware of claims of a missing boat and had not initiated rescue action in the period in which it may have been near or in Australian waters
 - a statement by Customs and Border Protection of May 8, 2011 indicating that the agency had not received any calls about this vessel, and
 - a purported contradiction between the statement mentioned above and advice provided by the Department of Immigration and Citizenship that it had received a number of enquiries relating to people who were believed by family members to have travelled from Indonesia to Australia around 13 November 2010 and had not been heard from since.
- On 9 September 2011, Customs and Border Protection received a media enquiry from Natalie O'Brien of The Sun Herald requesting further information about these issues.
- On 16 September 2011, the Shadow Minister for Justice, Customs and Border Protection wrote to the Minister for Home Affairs requesting clarification of these issues.
- On 17 September 2011, Natalie O'Brien of The Sun Herald requested information on these issues from Customs and Border Protection under Freedom of Information laws.

Talking points

- Australian Government agencies receive a range of reports about maritime people smuggling vessels travelling from and within waters beyond the Australian search and rescue region (SRR). Some of this information proves accurate, and some of it does not.
- Australian authorities work together with partner agencies including counterparts in Indonesia to ensure we are using the most accurate information possible.
- Australian authorities have developed mechanisms to gain a greater degree of confidence in maritime domain awareness and the ability to respond to vessels in distress in the Australian SRR. However, in those instances where the Master of a vessel does not call a safety of life at sea (SOLAS) situation and/or the vessel is not

carrying electronic identification transponders, or does not notify authorities of its intended movements, we assess the possible location of a vessel in distress from intelligence that is indicative rather than precise.

- In the event that Customs and Border Protection receives information concerning a possible SOLAS incident, we refer that information to the Australian Maritime Safety Authority (AMSA) as the lead agency for search and rescue in the Australian SRR who coordinates the response.
- Should the likely location of a vessel in distress be determined as being in the SRR of another country, AMSA notifies the search and rescue authorities of that country. AMSA will request that that country's relevant authority assume responsibility for coordinating an appropriate response; however, AMSA would continue to coordinate a response until transfer of responsibility has occurred.
- Although Border Protection Command (BPC) is not a search and rescue organisation, its assigned assets, like those of any private and commercial organisation, can be called upon to respond to emergencies at sea in accordance with Australia's international obligations under the SOLAS Convention. Through Commander BPC, the AMSA's Rescue Coordination Centre may task BPC-assigned assets to undertake search and rescue-related activities.
- If Australian authorities receive information that a vessel may have departed for Australia and the vessel does not arrive, this does not mean it has necessarily been lost at sea.
- We may receive reports concerning ventures in various stages of preparation, which sometimes do not eventuate or depart for Australia. This means it is often impossible to reconcile reported departures from Indonesia with arrivals in Australia. In accordance with long standing practice, it is inappropriate to comment on intelligence matters and the origin of related information.
- Customs and Border Protection does not ordinarily receive official notification about vessels that sink or people who drown in other countries' SSRs or on the high seas.
- Customs and Border Protection is not able to keep full and accurate statistics on the number of people who drown at sea while trying to reach Australia. We do not know—and will likely never know—the number of vessels that go missing or the number of people and their demographic that may have died while trying to reach Australia by sea.

If asked: what advice was given to Government about the claim that 4% of people perish on the journey to Australia?

- Customs and Border Protection did not generate that figure; you will need to check with DIAC for specifics.
- In general, however, it is my understanding that the percentage is between 3-4% and this represents a reasonable estimate based on publicly available data about the loss of life at sea associated with people smuggling ventures.
- The figure incorporates a number of tragedies that are known to Australian authorities:
 - 352 people are known (but 353 people are suspected) to have perished aboard SIEV X in 2001. A number of elderly people are known to have died on a boat, which arrived at Ashmore Reef also in 2001.
 - 17 lives are known to have been lost in 2009, including five aboard SIEV 36.
 - 55 people are thought to have died in 2010, including 50 in the SIEV 221 Christmas Island tragedy and a further five north of the Cocos Islands.
 - 8 deaths confirmed following the sinking of a vessel off Pangandaran, Java, on 2 November 2011. Up to 75 people are believed to have been on board. 48 were rescued and the remainder are missing.
 - 103 deaths confirmed among the passengers of the overloaded vessel, which sank off Prigi Beach, Java, on 17 December 2011. 49 people have been rescued, including two crew, and about 100 people are still reported missing.
 - 9 deaths confirmed following the sinking of a vessel off Johor, Malaysia on 2 February 2012. 18 people were rescued. All passengers are now believed accounted for.
- It is important to note that our data on people smuggling fatalities is imperfect, and we base this figure on tragedies known to Australian authorities.
- It is impossible to estimate this number with any accuracy.

2 February sinking off Johor, Malaysia

- On 2 February 2012, a boat carrying 27 people capsized in waters off Johor, Malaysia. As of 6 February 2012, 9 bodies have been recovered, 18 people have been rescued, and the survivors – reportedly of Afghan and Iraqi origin – were in police custody in Johor. The Royal Malaysian Police believe that all people on board the sunken vessel have now been accounted for.

Prigi Beach Maritime Incident

Please note: Key Issue Brief 16 covers this matter in more detail.

- On Saturday 17 December 2011 an asylum seeker vessel capsized in waters south of central Java, Indonesia
- The Indonesia search and rescue agency, BASARNAS, reported that approximately 250 people were on board the vessel at the time of the incident. However, this figure remains unconfirmed at this time.
- BASARNAS initially declined an offer from the Australian Maritime Safety Authority (AMSA) to assist with the search and rescue effort. However, on the 19 December 2011, BASARNAS requested assistance from AMSA. The AMSA Rescue Coordination Centre (AMSA RCC) requested assistance from Australian Defence Force (ADF) and Customs and Border Protection. The following assets were provided:
 - a Royal Australian Air Force (RAAF) AP-3C Orion Maritime Surveillance Aircraft
 - HMAS *Ararat*, an Armidale class Patrol Boat, and
 - a Customs and Border Protection Dash-8 aircraft.
- Australian involvement in the search and rescue has concluded.
- At the request of the Indonesian National Police, the Australian Federal Police deployed members based in Indonesia to assist with the identification and investigation of those responsible for organising the venture. AFP assistance is ongoing.
- It would be inappropriate to comment on matters currently being investigated by Indonesian authorities or those that might have a bearing on intelligence matters.

SIEV 221

Please note: Key Issue Brief 13 covers the SIEV 221 incident in detail. The following talking points relate only to the intelligence picture of the incident.

- The way intelligence is collected and with whom we deal is sensitive; they are not matters the Government would disclose.
- The nature of the intelligence is more indicative than precise. We rarely have intimate knowledge of exactly where vessels are. These vessels are typically small wooden hulled vessels that are difficult to detect, including by radar, particularly in rough seas – and this also makes them difficult to distinguish from legitimate fishing vessels. We operate in partnership with other agencies in other countries that have limited resources, limited

legislation relating to people smuggling as well as having remote and diverse geography. It may also be common for competing people smugglers to pass on misinformation that supports their own purposes.

- The review found there is a robust process for collecting, analysing and disseminating intelligence, involving all relevant government agencies. This process monitors a range of potential ventures that may or may not eventuate.
- The intelligence product derived from this process helped to inform the posture of BPC surveillance and response assets on the morning of 15 December 2010. There were two likely arrivals identified – one destined for Christmas Island and the other for the Ashmore Islands. These subsequently arrived on 14 and 16 December 2010 as Suspected Irregular Entry Vehicle (SIEV) 220 and SIEV 222.
- After the sinking of the vessel now known as SIEV 221 on 15 December 2010 at Christmas Island we retrospectively put together a picture based on subsequent activities. There was no intelligence available at the time to indicate that SIEV 221 had departed Indonesia, where it might depart from or its intended destination.

MYEFO and 2011-12 Border Protection Budget Measures

- MYEFO in November 2011 announced two border-protection related savings measures:
 - *Humanitarian Migration Program – decrease of 4000 places.* This reversed the measure included in the 2011-12 Budget, with a saving of \$216.4 million over four years. The 4000 places for refugees transferred from Malaysia will now be met within the existing humanitarian funding for the implementation of transfer arrangements with Malaysia.
 - *Malaysia Transfer Arrangement – removal of funding for implementation costs.* This reversed the measure included in the 2011-12 Budget, with a saving of \$70.9 million over four years from not proceeding with the Malaysia transfer arrangement.
 - DIAC is best placed to comment in detail on these measures.
- MYEFO also announced one border-protection related expense measure:
 - *Regional Cooperation Framework – establishment of a regional support office.* \$5.2 million has been allocated over four years.
 - DIAC is best placed to comment in detail on these measures.
- The 2011-12 Budget also included:
 - increased funding by \$798.0 million for 2011-12 to 2014-15 (\$585.2 million for 2011-12) for the care and management of Irregular Maritime Arrivals (IMA), reflecting an increase in costs across all detention facilities as well as the cost of community-based detention. It includes:
 - the costs associated with the processing and management of the existing client base of IMAs currently in detention;
 - the continued use of appropriate detention facilities on the Australian mainland (currently 20 sites), in addition to facilities on Christmas Island (currently four sites) to accommodate IMAs;
 - the decision to expand the existing residence determination program and move significant numbers of unaccompanied minors and vulnerable family groups out of immigration detention facilities and into community-based accommodation;
 - the increased time that will be spent in detention by some IMAs as a consequence of the High Court decision (on 11 November 2010) which gave IMAs the right to a judicial review of a negative assessment for their claim of refugee status. This will be partially offset by several key measures implemented to reduce the numbers in detention through efficiencies in processing of IMA claims; and
 - an estimate of 750 new arrivals in 2011-12 and an average occupancy throughout the year of 6,566 clients.
 - funding for two previously announced detention facilities

- \$24 million capital funding for facilities at Pontville (Tasmania) and Wickham Point (Northern Territory) to provide suitable accommodation to IMAs.
- DIAC is best placed to comment in detail on these measures.
- \$43.6 million over three years (2011-12 to 2013-14) to upgrade Christmas Island infrastructure
- The Department of Regional Australia, Regional Development and Local Government is best placed to comment in detail on this funding.
- \$107.7 million to support the new processes for determination of refugee status for offshore entry persons.
- continued funding for initiatives that combat irregular migration in the region, including:
 - \$33.3 million over three years (2010-11 to 2012-13) to strengthen cooperation with South East Asia and Pacific regions to respond to irregular migration;
 - \$7 million in 2011-12 to continue the Reintegration Assistance Package which supports the voluntary return of asylum seekers to their countries of origin; and
 - \$9.7 million over two years (2011-12 and 2012-13), as part of the Afghan MoU, to help ensure passports issued by the Afghan Ministry of Interior meet international standards.
- DIAC is best placed to comment in detail on these measures.
- The 2011-12 Budget provided funding of \$215.9 million over four years from 2010-11 for disruption, prevention and post-interception initiatives to combat people smuggling.
- The majority of funding is to continue initiatives announced in the 2010-11 Budget. Key initiatives are as follows:
 - \$61.8 million over two years to extend the lease of the Customs and Border Protection vessel *ACV Triton*.
 - Customs and Border Protection is best placed to comment on this funding.
 - \$42.9 million over two years for various agencies to conduct overseas deployments to strengthen operational, diplomatic and regional capacity building efforts in source countries.
 - AFP, Customs and Border Protection, DFAT and DIAC are best placed to comment on this funding.
 - \$15.3 million over two years to Customs and Border Protection to maintain aerial surveillance.
 - Customs and Border Protection is best placed to comment on this funding.
 - \$28.9 million over three years for AGD to reimburse legal aid costs provided to people smugglers.

- \$6.7 million over two years to AGD to strengthen people smuggling provisions in transit countries' legal frameworks.
 - AGD is best placed to comment on this funding.
- \$4.2 million over two years for DFAT to fund the Ambassador for People Smuggling Issues and their continued engagement with regional states through the Bali Conference.
 - DFAT is best placed to comment on this funding.
- \$3 million over two years to Customs and Border Protection for a communications campaign in source countries to deter people smugglers.
- \$1.5 million over two years to Customs and Border Protection for the post-interception management of suspected irregular entry vessels (SIEVs).
 - Customs and Border Protection is best placed to comment on the detail of this funding.
- Funding for operating a detention centre for 600 people in PNG at a cost of \$592.0 million over four years is already in the forward estimates.
- Capital costs of \$224.7 million for the construction of the facility is currently in the Contingency Reserve and DIAC's appropriated administered capital.
 - DIAC and Finance are best placed to comment this funding.

2011-12 BUDGET

For details of the 2010-11 budget measures please refer to **Attachment A**

2010-11 BUDGET

For details of the 2010-11 budget measures please refer to **Attachment B**.

2009-10 BUDGET

For details of the 2009-10 budget measures please refer to **Attachment C**.

WHOLE-OF-GOVERNMENT ISSUES & LEADS

Indonesian Visa 'Red List' Changes

In early 2012, the Indonesian Minister for Law and Human Rights is expected to remove Bangladesh and Sri Lanka from Indonesia's immigration 'red list.' The red list is currently comprised of 13 countries that are deemed high risk by immigration officials. Visa applicants from countries on the red list are referred automatically to a security board for further review, extending processing times.. There has been media speculation that this decision could lead to an increase in irregular migration to Australia from these countries. During bilateral talks on 9 January 2012, Indonesia's Foreign Minister Dr Natalegawa confirmed to Mr Rudd that the new arrangements did not provide visa on arrival or visa-free facilitation and would be subject to "normal review" within the Indonesian system. Australia and Indonesia agreed to enhance cooperation on visa, document integrity and fraud-related issues.

- Refer questions on Australia's diplomatic relationship with Indonesia to **DFAT**.
- Refer questions on Australia's immigration cooperation with Indonesia to **DIAC**.

Australia-Malaysia Transfer and Resettlement Arrangement

The decision by the High Court on 31 August 2011 has had significant implications for the policy of offshore processing, including the Arrangement with Malaysia and the establishment of an assessment centre in Papua New Guinea (PNG).

On 13 October 2011, the Government announced that it will not be in a position to proceed with the Malaysia or PNG arrangements due to an absence of parliamentary support for the necessary legislative amendments. However, the Prime Minister and the Minister for Immigration and Citizenship have made it clear that the Arrangement with Malaysia and broader regional arrangements continue as government policy.

- Refer questions about the arrangement to **DIAC**.

17 December 2011 Sinking off Prigi Beach, Java

On 17 December 2011, an overloaded vessel carrying PIIs sank in Indonesian waters south of the island of Java. While Indonesian authorities conducted the search and rescue operation, Australia provided assistance including air and sea assets from Border Protection Command. Indonesian and Australian authorities continue to investigate the incident. There has been significant media coverage of the incident, which has included allegations of corruption in the Indonesian military, the involvement of people smuggler Sayed Abbas (despite his current incarceration in Indonesia) and a claimed link to an Australian citizen.

- Refer questions on specific operational matters to **Customs and Border Protection**.
- Refer questions about the search and rescue operation to the **Australian Maritime Safety Authority**.
- Refer questions about the ongoing police investigations to the **AFP**.

SIEV 221 Tragedy

On 15 December 2010, SIEV 221 foundered on rocks on Christmas Island during bad weather. There has been significant media coverage of the incident. An internal review by Customs and Border Protection has been completed and made public. The Western Australian Coronial Inquest into the SIEV 221 Christmas Island tragedy formally commenced on Monday 9 May 2011.

Evidence from witnesses was heard in Perth from 18 May to 3 June 2011, Christmas Island from 11 to 15 July 2011 and again in Perth from 25 to 29 July 2011, 7 to 13 September 2011 and the final day of evidence was given on 21 December 2011.

We anticipate that the Western Australian Coroner, Mr Hope, will deliver the final report on the Coronial Inquiry on Thursday 23 February 2012.

Prosecutions of an alleged organiser and the crew have commenced in the Western Australian courts.

Please note: Key Issue Brief 13 covers the SIEV 221 incident in detail.

- It is not appropriate to comment on matters the Coroner may examine or those that are the subject of criminal prosecutions.
- What we can say is that Customs and Border Protection and Australian Defence Force personnel acted in extremely challenging conditions that resulted in 42 people surviving the shipwreck.
- The dangerous seas, with swells of up to four metres and winds of 40 knots, made working in such extreme conditions very difficult. The rescuers did Australia proud by their actions.
- Customs and Border Protection are the lead coordinating agency in relation to the SIEV 221 matter - and on behalf of the Commonwealth continues to cooperate fully with the WA Coronial Inquest.
 - Refer questions about the AFP investigation, or the assistance the AFP is providing to the WA Coroner, to the **AFP**.
 - Refer questions on specific operational matters to **Customs and Border Protection**.
 - Refer questions about the conduct of the search and rescue operation to the **Australian Maritime Safety Authority**.
 - Refer questions about the emergency response capability of Christmas Island infrastructure to the **Department of Regional Australia, Regional Development and Local Government**.
 - Refer questions about the capacities of the Christmas Island detention centre to **DIAC**.
 - Refer questions about the status of, and support offered to, SIEV 221 survivors to **DIAC**.
 - Refer questions about the prosecution of persons allegedly involved in this venture to the **CDPP**.

- Refer questions about the extradition of an individual for his alleged involvement in this venture to **AGD**.

Christmas Island Radar Trial

- The radar trial at Christmas Island continues and it is too early to assess its operational effectiveness.
- The trial will determine the extent to which a permanent radar capability may contribute to managing the arrival of vessels at Christmas Island including irregular maritime arrivals.
- Christmas Island possesses unique geographic and environmental challenges for any surveillance systems, including radar. Radar is the only technology likely to provide day and night warning of an arrival at Christmas Island at a sufficient range to enable an interception.
- An initial trial of commercially available higher frequency X Band and lower frequency S Band incoherent microwave radars was undertaken from February to June 2011. The trial incorporated a system where radars were installed together with tracking software and successfully tested the transmission of information to Border Protection Command Headquarters in Canberra.
- This trial phase showed some promise in detecting vessels in calm seas, however further investigation is required to determine a suitable radar system and performance of this system in monsoon weather conditions. The results of this phase indicated the S Band radar performed better than the X Band.
- The efficacy of the system in distinguishing target vessels from other radar returns is still being determined and involves analysis of radar performance as well as the tracking software.
- A further phase of trialling the radar will be conducted through the 2011/12 monsoon period. This phase will assess the benefit of using more sophisticated Coherent S Band radar, which was identified during the earlier stage as a potentially appropriate system. Agreement to use the current radar site until 30 June 2012 was given by the Christmas Island Shire Council on 7 June 2011.
- The issues to be further tested include the capacity of the radar system to detect small wooden vessels that have a small radar return. These are challenging to detect in significant sea states and bad weather including rain and cloud cover, which will impact radar performance.
- The results from the trial extension will inform any future decision about the establishment of permanent maritime surveillance radar at Christmas Island.
 - Refer questions on specific operational matters to **Customs and Border Protection**.
 - Refer questions about the emergency response capability of Christmas Island infrastructure to the **Department of Regional Australia, Regional Development and Local Government**.

Transfer of Passengers from SIEVs 235, 236 and 237 to Mainland Australia

In March 2011, the interception of a large number of potential irregular immigrants (PIIs), in conjunction with protest activity and detainee capacity issues at the Christmas Island Detention Centre resulted in the transfer of passengers from SIEVs 235, 236 and 237 to mainland Australia.

Passengers from SIEVs 235, 236 and 237 are regarded as offshore entry people for the purposes of the *Migration Act*.

- Refer questions to **Customs and Border Protection** or **DIAC**.

Conditions, detainee welfare and order in detention centres

- Refer questions about conditions, IMA welfare and order in detention facilities to **DIAC**.
- Refer questions about the response to unrest on Christmas Island to **AFP**.

Christmas Island

- Refer questions about detention facilities on Christmas Island, including capacity, construction and contingency arrangements to **DIAC**.
- Refer questions about Christmas Island infrastructure to the **Department of Regional Australia, Regional Development and Local Government**.
- Refer questions about general infrastructure and services on Christmas Island including power and waste water upgrades to the **Department of Regional Australia, Regional Development and Local Government**.
- Refer questions about police actions in response to rioting on Christmas Island to **AFP**.

Community Detention

- Refer questions about detention policy and detainee support arrangements to **DIAC**.

Regional Cooperation Framework

The Australian Government believes that building a sustainable regional cooperation framework under the Bali Process is the most effective way to break the people smuggling model and remove the incentive for people to undertake dangerous sea voyages to Australia. The foundation of a sustainable regional framework is that asylum seekers would encounter similar assessment arrangements anywhere in the region.

Participants at the Bali Process Ad Hoc Group Senior Officials' Meeting in Sydney on 12 October agreed to establish a Regional Support Office to assist with implementation of the Regional Cooperation Framework. Activities of the Regional Support Office will focus on

greater information sharing and practical cooperation on refugee protection and international migration, human trafficking and smuggling, border management and other components of migration management in the Asia Pacific Region.

- o Refer questions about the RCF or the Australia-Malaysia Transfer and Resettlement Arrangement to **DIAC**.
- o Refer questions about the Manus Island assessment centre to **DIAC**.
- o Refer questions about the Bali Process to **DFAT**.
- o Refer questions about the Australian Government's relationship with IOM and UNHCR to **DIAC**.

Missing and Distressed Vessels

Over the past 18 months, the media has reported on people smuggling vessels that have either gone missing or experienced difficulty within Australian and Indonesian search and rescue zones. Several of the media reports referred to Australian Government agency knowledge of the incidents. Most recently, the *Sun Herald* reported on 8 May 2011 that a ship with 97 people on board left Indonesia for Australia in November 2010 and that there has been no contact with it since.

- o Refer questions on specific operational matters relating to SIEVs to **Customs and Border Protection**.

Australian Human Rights Commission's concerns regarding children in immigration detention and crew defendants claiming to be minors in State/Territory prisons

- o Refer questions about children in immigration detention to **DIAC**.

Humanitarian response

The Australian Government provides significant assistance to meet the humanitarian and protection needs of displaced people around the world.

- o Refer questions about resettlement processes and humanitarian assistance to **DIAC**.
- o Refer questions about humanitarian assistance through the international aid program to **AusAID**.²

² Australian Government funds provided to the UNHCR in 2011 totalled US\$56,195,615 as of 10 November 2011.

Communications Campaigns and Information Strategies

The Australian Government is implementing counter people smuggling communications campaigns and information strategies in Australia and source and transit countries in the region.

- o Refer questions about overseas communications campaigns to **Customs and Border Protection**.
- o Refer questions about domestic information strategies to **DIAC**.
- o Refer questions about domestic information strategies relating to the changes to the Australian legal regime to **AGD**.

Claims of Tamil Tigers on Boats

There has been sporadic media reporting suggesting that members of the Liberation Tigers of Tamil Eelam (LTTE) may seek to enter Australia through irregular migration pathways, including as irregular maritime arrivals. Media reporting has further suggested that adverse security assessments issued to a number of Sri Lankan asylum seekers by ASIO is primarily due to the individuals' possible association with the LTTE.

- o Refer questions about processing the claims of asylum seekers to **DIAC**.
- o Refer questions about adverse security assessments to **ASIO**.
- o Refer questions about the status of LTTE as a terrorist organisation or listing of LTTE under the Criminal Code to **AGD**.

People smuggling laws and enforcement action

There has been media reporting on the harshness of Australia's people smuggling laws, particularly for the Indonesian crew of people smuggling ventures, and the length of time irregular maritime arrivals spend in immigration detention. Mandatory minimum penalties apply to all adults convicted of people smuggling offences, and have recently been criticised by the media and a number of Australian judges. The Australian Greens are planning to introduce a Bill to remove mandatory minimum penalties for people smuggling offences.

- o Refer questions about people smuggling laws, including mandatory minimum penalties, to **AGD**.
- o Refer questions about law enforcement action to **AFP**.
- o Refer questions about prosecutions to **CDPP**.
- o Refer questions about Australia's engagement in the region to harmonise people smuggling laws to **AGD**.
- o Refer questions about immigration detention to **DIAC**.

ATTACHMENT A

BUDGET MEASURES 2011-12 - Summary**AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE****Border Security — ACV *Triton* — extension of lease****Expense (\$m)**

	2010-11	11-12	12-13	13-14	14-15
Australian Customs and Border Protection Service	-	30.4	31.5	-	-

The Government will provide \$61.8 million over two years to extend the lease of the Australian Customs and Border Protection Service vessel ACV *Triton* to 30 June 2013.

This vessel is leased to operate in Australia's northern waters to support surveillance and enforcement activities against maritime people smuggling and other illegal activities.

Border Security — counter people smuggling communications campaign**Expense (\$m)**

	2010-11	11-12	12-13	13-14	14-15
Australian Customs and Border Protection Service	-	1.5	1.5	-	-

The Government will provide \$3.0 million over two years to maintain the delivery of an offshore communications campaign to counter the marketing of maritime people smuggling ventures in source and transit countries. The communications campaign aims to deter people smuggling by alerting potential irregular immigrants to the dangers of people smuggling ventures, and educating them about the obstacles to being resettled in Australia.

Border Security — maintaining increased aerial surveillance of Australia's northern waters**Expense (\$m)**

	2010-11	11-12	12-13	13-14	14-15
Australian Customs and Border Protection Service	-	7.6	7.7	-	-

The Government will provide \$15.3 million over two years to maintain increased aerial surveillance of Australia's northern waters. The surveillance contributes to the enforcement of Australia's maritime borders through detecting illegal activity, including illegal foreign fishing and people smuggling.

The aerial surveillance will be delivered through aircraft provided and operated by commercial contractors.

Border Security — post-interdiction management of suspected irregular entry vessels**Expense (\$m)**

	2010-11	11-12	12-13	13-14	14-15
Australian Customs and Border Protection Service	-	0.7	0.7	-	-

The Government will provide \$1.5 million over two years for the post--interdiction management of Suspected Irregular Entry Vessels (SIEVs). This funding comprises an increase of \$10.4 million to enhance the capability of post interdiction management of SIEVs, which will be partially offset by a reduction in costs of \$9.1 million related to the management, towing, caretaking and destruction of intercepted SIEVs.

Border Security — strengthening Customs and Border Protection Service's operational engagement overseas

Expense (\$m)

	2010-11	11-12	12-13	13-14	14-15
Australian Customs and Border Protection Service	-	4.0	4.0	-	-
<i>Related revenue (\$m)</i>					
<i>Australian Taxation Office</i>	-	-0.1	-

The Government will provide \$8.0 million over two years to maintain the presence of the Australian Customs and Border Protection Service officials in Sri Lanka, Malaysia and Indonesia to co-ordinate Commonwealth agencies' efforts to prevent and disrupt maritime people smuggling.

This measure includes \$2.4 million over two years to be offset from the expanded aid funding held in the Contingency Reserve and therefore this amount has no net impact on the budget position. This measure is part of the Government's commitment to increase official development assistance over the long term.

This measure is expected to lead to a reduction in revenue of \$0.1 million over three years as a result of the tax treatment of the income and benefits received by deployed officers posted overseas.

AUSTRALIAN FEDERAL POLICE**Border Security — enhancing regional capability to combat people smuggling**

Expense (\$m)

	2010-11	2011-12	2012-13	2013-14	2014-15
Australian Federal Police	-	4.9	5.8	-	-
<i>Related revenue (\$m)</i>					
<i>Australian Taxation Office</i>	-	-0.2	-0.2	-	-
<i>Related capital (\$m)</i>					
<i>Australian Federal Police</i>	-	0.1	-	-	-

The Government will provide \$10.8 million over two years to continue the deployment of seven Australian Federal Police (AFP) liaison officers to Sri Lanka, Pakistan, Indonesia, Malaysia and Thailand.

The AFP liaison officers will continue liaising with overseas law enforcement organisations to pursue strategies to address transnational crime, including people smuggling.

This measure includes \$7.9 million over two years to be offset from the expanded aid funding held in the Contingency Reserve and therefore this amount has no net impact on the budget position. This measure is part of the Government's commitment to increase official development assistance over the long term.

The measure is expected to lead to a reduction in revenue of \$0.4 million over two years as a result of the tax treatment of the income and benefits received by deployed officers posted overseas.

ATTORNEY-GENERAL'S DEPARTMENT**Border Security — strengthening regional legal frameworks — combating people smuggling and transnational organised crime**

Expense (\$m)

	2010-11	2011-12	2012-13	2013-14	2014-15
Attorney-General's Department	-	3.3	3.4	-	-

The Government will provide \$6.7 million over two years to combat people smuggling by providing legal assistance and training to assist countries in developing and improving their own laws aimed at combating people smuggling. The program will focus on origin and transit countries in South and South East Asia, and will be expanded to include emerging priority countries such as Afghanistan, Pakistan and India. The measure will also improve Australia's capacity to extradite people smugglers to face prosecution.

This measure includes \$5.6 million over two years to be offset from the provision for expanded aid funding held in the Contingency Reserve and that element of the measure will have no net impact on the Budget. This measure is part of the Government's commitment to increase Australia's official development assistance over the long term.

Legal aid costs in Commonwealth law-related cases**Expense (\$m)**

	2010-11	2011-12	2012-13	2013-14	2014-15
Attorney-General's Department	17.6	4.2	7.1	-	-

The Government will provide an additional \$28.9 million over three years to reimburse costs incurred by State and Territory Legal Aid Commissions in providing legal assistance in Commonwealth law-related cases. Funding for the Legal Aid Commissions will be made available through the Expensive Commonwealth Criminal Cases Fund.

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE**Border Security — Combating people smuggling — enhanced intelligence capability****Expense (\$m)**

	2010-11	2011-12	2012-13	2013-14	2014-15
Australian Secret Intelligence Service	-	7.4	7.3	-	-
<i>Related capital (\$m)</i>					
<i>Australian Secret Intelligence Service</i>	<i>-</i>	<i>0.2</i>	<i>-</i>	<i>-</i>	<i>-</i>

The Government will provide \$14.8 million over two years to enhance the intelligence-related capabilities of the Australian Secret Intelligence Service.

Border Security — international engagement to prevent and disrupt maritime people smuggling**Expense (\$m)**

	2010-11	2011-12	2012-13	2013-14	2014-15
Department of Foreign Affairs and Trade	-	4.5	4.5	-	-
Various Agencies	-8.6	-	-	-	-
Total	-8.6	4.5	4.5	-	-

The Government will provide \$9.0 million over two years to enable the Department of Foreign Affairs and Trade to continue existing preventative people smuggling initiatives. This measure will continue Australia's increased engagement with key regional countries on people smuggling.

This measure provides funding for the continuation of the Canberra based Ambassador for People Smuggling, Canberra based support staff, positions in Jakarta, Colombo, Islamabad and Kuala Lumpur and the annual Bali process meetings at ministerial and senior official levels.

This measure is part of the Australian Government's response to people smuggling. The people smuggling measures are partially offset by a \$8.6 million reduction in funding set aside in the 2010-11 Official Development Assistance provision in the Contingency Reserve.

The reduction does not impact on the Government reaching the target spending of 0.33 per cent of Gross National Income on Official Development Assistance in 2010-11.

DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

Border Security — initiatives to address irregular population flow in source and transit countries

Expense (\$m)

	2010-11	11-12	12-13	13-14	14-15
Department of Immigration and Citizenship	7.4	14.3	11.6	-	-
<i>Related revenue (\$m)</i>					
<i>Australian Taxation Office</i>	-	-

The Government will provide \$33.3 million over three years to strengthen cooperation with the South East Asian and Pacific regions to respond to irregular migration.

Of this, \$23.8 million over three years will be provided to continue the Regional Cooperation Agreement with Indonesia where the Department of Immigration and Citizenship provides funding to the International Organization for Migration (IOM) to provide practical support, such as accommodation, food and emergency medical assistance to irregular migrants intercepted in Indonesia. This work also arranges voluntary repatriation of irregular migrants.

Funding of \$4.9 million will also be provided in 2011-12 and 2012-13 to the IOM to provide technical assistance to the Sri Lankan Department of Immigration and Emigration to enhance the capacity of the Sri Lankan passport issuance process through the introduction of biometrics.

Funding of \$28.7 million will be offset from the provision for expanded aid funding held in the Contingency Reserve and therefore has no impact on the budget position. This measure is part of the Government's commitment to increase Australia's overseas development assistance over the long term.

Funding of \$4.6 million will also be provided to continue positions in the region to enable enhanced cooperation with regional governments and international organisations. These positions will assist to build capacity within the region to manage irregular migration and to develop a regional framework for the management and resolution of protection issues.

The measure is expected to lead to a negligible increase in revenue over three years as result of the tax treatment of the income and benefits received by deployed officers posted overseas.

Regional Cooperation Framework — Transfer of Irregular Maritime Arrivals to Malaysia

Expense (\$m)

	2010-11	11-12	12-13	13-14	14-15
Department of Immigration and Citizenship	-	28.8	18.2	15.6	13.3

The Government will provide \$75.9 million over four years to provide support and maintenance for irregular maritime arrivals transferred to Malaysia under the bilateral arrangement with Malaysia. Under the bilateral arrangement, 800 irregular maritime arrivals arriving in Australia will be transferred to Malaysia for refugee status determination to limit the incentives for people to arrive in Australia by boat. In return, Australia will resettle a total of 4,000 refugees currently in Malaysia.

The bilateral arrangement is part of the Regional Cooperation Framework (RCF) agreed to at the Fourth Bali Process Ministerial Conference on 30 March 2011.

This measure, along with other Government border security initiatives, are part of the Government's comprehensive approach to addressing people smuggling by working with countries in our region.

Further information on the bilateral agreement can be found in the joint statement of 7 May 2011 issued by the Prime Minister of Australia and the Prime Minister of Malaysia and the joint press release of 7 May 2011 issued by the Prime Minister of Australia and the Minister for Immigration.

For further information see the related expense measure Humanitarian Program-Increase of 4,000 places.

Afghanistan Passport and Visa Issuing System Capacity Building Project Phase III

Expense (\$m)

	2010-11	11-12	12-13	13-14	14-15
Department of Immigration and Citizenship	-	6.1	3.7	-	-

The Government will provide \$9.7 million over two years for Phase III of the Afghanistan Passport and Visa Issuing System Capacity Building Project to ensure that passports issued meet international standards.

This measure is an element of the Memorandum of Understanding that the Government of Australia, the Government of the Islamic Republic of Afghanistan, and the United Nations High Commissioner for Refugees signed on 17 January 2011.

Funding for this measure will be offset from the provision for expanded aid funding held in the Contingency Reserve and therefore has no net impact on the budget position.

This measure is part of the Government's commitment to increase Australia's overseas development assistance over the long term.

Border Security — reintegration assistance program — continuation**Expense (\$m)**

	2010-11	11-12	12-13	13-14	14-15
Department of Immigration and Citizenship	-	-	-	-	-

The Government will provide \$7.0 million in 2011-12 to continue the Reintegration Assistance Program established in 2010.

The Reintegration Assistance Program supports the voluntary return of asylum seekers to their countries of origin. The program provides in-country skills training, employment assistance and small business start up programs delivered by the International Organisation for Migration, an international intergovernmental organisation.

The cost of this measure will be met from within the existing resourcing of the Department of Immigration and Citizenship.

OFFICE OF THE COMMONWEALTH OMBUDSMAN**Commonwealth Ombudsman — scrutiny of processing of refugee claims****Expense (\$m)**

	2010-11	11-12	12-13	13-14	14-15
Office of the Commonwealth Ombudsman	-	-	-	-	-

The Government will provide \$0.9 million over two years to the Office of the Commonwealth Ombudsman (OCO) to sustain its independent scrutiny of the Department of Immigration and Citizenship's processing of refugee claims made by irregular maritime arrivals. The cost of this measure will be met from within the existing resources of the OCO.

DEPARTMENT OF REGIONAL AUSTRALIA, REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT**Border Security — Christmas Island infrastructure****Capital (\$m)**

	2010-11	2011-12	2012-13	2013-14	2014-15
Department of Regional Australia, Regional Development and Local Government	-	13.0	21.5	9.1	-

The Government will provide \$43.6 million over three years to address the increased demands on Christmas Island infrastructure for the housing of irregular maritime arrivals. The funding will deliver four projects:

- \$10.5 million to upgrade the sewerage pressure main;
- \$4.6 million to extend the Christmas Island Hospital by building a community health service wing to support provision of community health services, as well as trauma and torture counselling to asylum seekers;

- \$19.5 million to construct a fuel storage facility to consolidate storage of fuels in one location and address a greater demand for fuel as a result of increased air and maritime operations and electricity generation; and
- \$9.0 million to extend the wharf at Flying Fish Cove to improve passenger safety during disembarkation from Customs and Navy vessels.

SAVINGS

Australian Customs and Border Protection Service

Offsets for non-acquisition costs of the Cape (Bay) Class Replacement Vessels

- As part of the 2010-11 Budget, the Government agreed to the replacement of the eight *Bay* Class vessels.
- As part of the 2011-12 Budget process, the additional (over those of the *Bay* Class) operating costs of these vessels are being met from savings in this Budget including \$137.7 million from across the Attorney-General's portfolio between 2014-15 and 2019-20.
- These offsets include:
 - Government Efficiencies (Customs and Border Protection) - \$32.9 million over six years from 2014-15 to 2019-20
 - Internal Capital Efficiencies (Customs and Border Protection) - \$24.0 million over six years from 2014-15 to 2019-20
 - Proceeds of Crime (Insolvency and Trustee Service Australia and Attorney-General's Department) - \$18.5 million over five years from 2015-16 to 2019-20
 - Reduction in Passenger Facilitation (Customs and Border Protection) - \$49.3 million over five years from 2015-16 to 2019-20, and
 - Efficiencies in responding to Illegal Foreign Fishing (Customs and Border Protection) - \$13.0 million over five years from 2015-16 to 2019-20.
- This proposal will continue to deliver genuine ongoing savings past 2019-20 to offset the anticipated ongoing *Cape* Class operating costs.

Aerial surveillance – discontinuation of the Dornier capability

- These measures will provide savings of \$64 million between 2011-12 and 2019-20 by reducing aerial surveillance in areas of low risk. This consists of:
 - the continuation of a reduction in aerial surveillance from the 2010-11 Budget, producing savings of \$25.8 million between 2014-15 and 2019-20, and
 - the discontinuation of the Dornier capability, producing savings of \$38.2 million between 2011-12 and 2019-20.

- This includes savings of \$20.8 million between 2011-12 and 2014-15.
- These savings will be delivered by discontinuing the use of the Australian Maritime Safety Authority's Dornier aircraft that currently undertake 950 hours of aerial surveillance per annum, generally in areas south of the major people smuggling threat areas.
- It should be noted that AMSA will still retain the Dornier aircraft. This savings measure relates to Customs and Border Protection's leasing of the assets.
- The Government applies a risk based approach to targeting aerial surveillance efforts.
- This measure will reduce the routine aerial surveillance coverage in the lower risk areas south of Cairns in the east and south of Port Hedland in the west.
- However, surveillance coverage of north-west Australia, which is a potential area of approach for people smuggling ventures and where potential illegal foreign fishers are likely to be present will be maintained.
- These measures will become ongoing savings after 2019-20.

Office of the Commonwealth Ombudsman

Reduction in Staff

- This 2011-12 Budget measure involves the Office of the Commonwealth Ombudsman reducing staffing levels (for activities other than scrutiny of refugee claims processing and other detention matters) achieving savings of \$0.9 million over two years.

ATTACHMENT B

BUDGET MEASURES 2010-11

- The 2010-11 Federal Budget included a significant cross-portfolio investment for border protection and counter-people smuggling measures.
 - The Prime Minister's Budget media release cites that more than \$1.3 billion was allocated over six years to strengthen Australia's national security and border protection regime. Of this \$1.3 billion, the release cites a \$654 million investment in a comprehensive, whole-of-government strategy to combat people smuggling and help address the problem of irregular boat arrivals.
 - The \$654 million package is referred to in the Attorney-General's Budget media release and in most public reporting thereafter.
 - Note that some of these measures are not directly related to people smuggling, but rather contribute to the broader national security agenda. In addition, a number of measures are included that were funded in the 2008-09 Updated Economic and Fiscal Outlook.
- The 2010-11 Federal Budget included further investments in border protection and counter-people smuggling.
 - **DIAC received \$9.5 million** over two years to on regional initiatives to address irregular population flows in source and transit countries. The measure includes:
 - assistance to the Sri Lankan Government to enhance the integrity of Sri Lanka's passport issuing system through the introduction of biometric technologies;
 - deployment of officers to overseas locations to continue DIAC's contribution to whole-of-government efforts to disrupt people smuggling networks and to work with regional partners to build a Regional Cooperation Framework.
 - **DIAC received \$16.4 million over two years** in additional funding for the International Organization for Migration to continue to support the Indonesian Government to provide for the care and support of irregular migrants and enable voluntary repatriation where possible.
 - **DIAC received \$9.7 million over two years** to assist the Afghanistan Government to manage its borders by introducing an international standard passport and visa issuance system and to establish an identity management unit.

- **DIAC received \$7.0 million** to continue to encourage the voluntary return of unsuccessful asylum seekers to their country of origin by offering individually-tailored reintegration assistance packages and thereby reduce both the time they spend in detention and the costs associated with this.
- **Customs and Border Protection received \$15.7 million** over two years to extend the lease of the *Ashmore Guardian* vessel from 1 July 2011 to 30 June 2013.
 - The *Ashmore Guardian* provides Customs and Border Protection with a specialist vessel suitable for patrolling against threats to Ashmore Reef. It will be primarily used to counter people smuggling operations, apprehend illegal foreign fishers and monitor environmental compliance.
- **Customs and Border Protection received \$42.6 million** over four years to commence the replacement of the Bay Class patrol vessels used by Customs and Border Protection to patrol against, and respond to, civilian threats to Australia's maritime domain, including maritime people smuggling.
 - This funding will support the procurement, construction and commissioning process, crew training and anticipated additional crew, and vessel running costs. Capital costs are subject to commercial negotiation.
- **AGD received \$50.0 million** over three years (including capital of \$45.4 million) to upgrade essential services on Christmas Island.
 - The funding will enable the delivery of additional infrastructure for water management and power generation, and increased education and health services to the Christmas Island community. The funding also supports an examination of the need for additional infrastructure upgrades.
Note: responsibility for Christmas Island has been transferred to the Department of Regional Australia, Regional Development and Local Government, and the funding for this measure has also been transferred..
- **AGD received \$47.3 million** over four years (including capital funding of \$25.1 million) to maintain essential services and expand infrastructure on Christmas Island.
 - The funding will enable ongoing maintenance of infrastructure facilities, provide additional housing and support the continuation of health and education services to the Christmas Island community.
Note: responsibility for Christmas Island has been transferred to the

Department of Regional Australia, Regional Development and Local Government, and the funding for this measure has also been transferred..

- **ACC received \$14.5 million** over four years (including capital funding of \$0.6 million) to establish a Criminal Intelligence Fusion Capability.
 - Key law enforcement staff from across the Commonwealth with access to law enforcement databases will be co-located within the ACC to improve sharing of intelligence between partner agencies in relation to serious and organised crime, including people smuggling.
- On 7 July 2010, the Government committed a further \$24.8 million investment to supporting our regional partners to help disrupt the business of people smuggling.
 - The boost to law enforcement agencies in our region is a further step by the Government to strengthen our border protection arrangements and ensure fair, sustainable and effective processes to manage irregular migration across the region.
 - Extra support is being progressively provided to law enforcement agencies in Indonesia, Malaysia, Thailand, Pakistan and Sri Lanka, building on our pledge to tackle people smuggling through regional co-operation. The package includes:
 - Extra patrol boats, surveillance aircraft and communications equipment to help the Indonesian National Police detect and disrupt people smuggling ventures in Indonesian waters.
 - New land-based policing surveillance and investigative equipment for partner law enforcement agencies in Indonesia, Malaysia, Thailand, Pakistan and Sri Lanka.
 - Seven more Australian Federal Police officers for a twelve-month period to increase our presence in the region and boost the team that works with our regional law enforcement partners during 2010/2011 (due to expire 30 June 2011).

Developing the computer forensic capabilities of the Indonesian National Police.

ATTACHMENT C

BUDGET MEASURES 2009-10

Australian Customs and Border Protection Service

Measure	Total	09-10	10-11	11-12	12-13
Maritime surveillance – extension of contract for ACV Triton <ul style="list-style-type: none"> The lease of the Australian Customs and Border Protection vessel ACV <i>Triton</i> has been extended to June 2011. The vessel is leased to operate in Australia's northern waters to support surveillance and enforcement activities against illegal foreign fishing and maritime people smuggling. 	\$53.4	\$26.8	\$26.6		
<i>Related capital:</i>	\$54.3	0.8			
International Engagement to Prevent and Disrupt Maritime People Smuggling <ul style="list-style-type: none"> Funding has been provided to establish new Customs and Border Protection Service posts in Colombo and Kuala Lumpur and additional Customs officers have been deployed to an existing post in Jakarta. The officers work with other regional posts to coordinate operations, liaise with counterpart border agencies and strengthen regional prevention and disruption efforts consistent with international law. A regional capacity-building fund has also been established for the development and implementation of projects aimed at improving port security and border management processes in source and transit countries. 	\$15.1	\$5.7	\$5.1	\$2.1	\$2.1
Post Interdiction Management of Suspected Illegal Entry Vessels – includes increased towing and disposal <ul style="list-style-type: none"> Vessels apprehended in Australia's northern waters are towed to facilities in Broome or Darwin and, if required, destroyed by the Australian Fisheries and Management Authority on behalf of the Australian Customs and Border Protection Service. 	\$22.0	\$8.0	\$8.1	\$2.9	\$3.0
Communications campaign <ul style="list-style-type: none"> A region-wide communications campaign is being developed and delivered to counter people smugglers' marketing of maritime people smuggling ventures as a safe, low-risk option. A campaign is underway in Sri Lanka, with similar initiatives under development in Indonesia, Malaysia and Pakistan. An onshore campaign targeting Diaspora communities is being developed by the Department of Immigration and Citizenship. <i>Additional funding from a S32 transfer of Administered Funds from the Department of Immigration and Citizenship</i> <i>\$3.5 million over the period 09-10 to 12-13</i>	\$4.0	\$1.3	\$2.3	\$0.0	\$0.0
Increased aerial surveillance of Australia's northern waters <ul style="list-style-type: none"> Aerial surveillance has been increased to 2,215 hours per year in 2009-10 and 2010-11. When added to the existing base of activity, this provides a consolidated capacity of 19,428 hours per year of aerial surveillance in 2009-10 and 2010-11 and 17,213 hours per year of aerial surveillance for the two years thereafter. 	\$16.4 (\$62.9)	\$8.2	\$8.2	\$0.0	\$0.0

<ul style="list-style-type: none"> When added to the existing \$46.5 million funding base, this measure totals \$62.9 million. 					
Increased maritime response capability <ul style="list-style-type: none"> The Southern Ocean Patrol Vessel (ACV <i>Oceanic Viking</i>, now ACV <i>Ocean Protector</i>), which is routinely deployed to patrol the Southern Ocean, is now deployed in Australia's northern waters for 80 days per year. The vessel has conducted its first people smuggling patrol in northern waters and has been used to transport irregular maritime arrivals to Christmas Island. 	\$6.3	\$3.4	\$2.9	\$0.0	\$0.0
Illegal foreign fishing in northern waters – continuation of funding for on-land support services <ul style="list-style-type: none"> Provides for on-land capability in support of on-water surveillance and response to illegal foreign fishing in Australia's northern waters. Enables the apprehension and investigation of illegal foreign fishers in remote localities and fisheries compliance activities. This is not a people smuggling measure. <p>* Continues an existing measure; already provided for in the forward estimates.</p>	(\$39.1)*				
Maritime surveillance – Bay class vessel replacement project <ul style="list-style-type: none"> Commercial tender process for options to replace the Bay class vessels, which contribute to Australia's capacity to patrol and respond to maritime border threats, and are reaching the end of their anticipated operating life. Includes funding for DOFD to run a Gateway Review of the project. Gateway Reviews are quality assurance processes aimed at ensuring the intended outcomes of major projects are achieved. Strictly speaking, this is not a people smuggling measure. 	\$1.1	\$1.1			
Southern Ocean Maritime Patrol and Response Program <ul style="list-style-type: none"> Funding over five years (including \$60.3 million in 2013-14) to meet the lease and operating costs of a vessel capable of operating in the Southern Ocean and the cost of satellite services. Patrols in the Southern Ocean (including the Heard and McDonald Islands Exclusive Economic Zone) seek to detect, apprehend and deter illegal foreign fishing. The Program also protects Australian sovereignty and contributes to sea search and rescue missions. Strictly speaking, this is not a people smuggling measure. 	\$240.7	0.0	\$60.5	\$59.6	\$60.3
	\$299.0 (\$444.1)	\$55.5	\$113.9	\$64.6	\$65.4

Australian Federal Police

Measure	Total	09-10	10-11	11-12	12-13
Combating people smuggling - enhancing AFP and regional capacity	\$38.6	\$15.0	\$12.5	\$5.7	\$5.4
<ul style="list-style-type: none"> Additional Australian Federal Police (AFP) and ACBPS officers have been attached to the People Smuggling Strike Team to enhance the AFP's capability to investigate organised criminal elements by engaging with foreign law enforcement agencies to dismantle syndicates. Enhancements to the surveillance and technical capability of the Indonesia National Police have commenced to improve its effectiveness in combating people smuggling. AFP liaison officers have been deployed to Sri Lanka, Pakistan, Indonesia, Malaysia and Thailand to support Australia's interests and to pursue strategies to address transnational organised crime, including people smuggling. 					
<i>Related capital:</i>	\$2.9	\$2.9			
	\$41.5	\$17.9	\$12.5	\$5.7	\$5.4

Department of Immigration and Citizenship

Measure	Total	11-12	12-13	13-14	14-15
Initiatives to address irregular population flows – Engagement with Indonesia (Regional Cooperation Arrangements)	\$16.4	\$8.2	\$8.2	\$0.0	\$0.0
<ul style="list-style-type: none"> Additional funding has been provided for the Regional Cooperation Arrangements in Indonesia, whereby the Department of Immigration and Citizenship funds the International Organization for Migration (IOM) to support the Indonesian Government to provide for the care and support of irregular migrants and enable voluntary repatriation where possible. 					
Initiative to address irregular population flows – Regional Initiatives	\$9.5	\$6.1	\$3.4	\$0.0	\$0.0
<ul style="list-style-type: none"> Funding has been provided for a capacity building project in Sri Lanka to enhance the integrity of that country's passport issuing system through the incorporation of biometric technology. DIAC will continue a number of offshore roles enabling it to continue its contribution to whole-of-government efforts to disrupt people smuggling networks and to work with regional partners to build a regional cooperation framework. * <p>* This is not a new measure; it continues the existing terminating measure for another two years.</p>					
Afghanistan Passport and Visa Issuing System (APIS/AVIS) Capacity Building Project Phase III and Identity Management (in support of a return agreement with Afghanistan)	\$9.7	\$6.1	\$3.7	\$0.0	\$0.0
<ul style="list-style-type: none"> Funding for the Afghan Government to complete an upgrade of its passport system so it can issue passports that meet international standards and to set up an identity verification unit to enable verification of Afghan nationality. This will assist the Afghan Government to issue travel documents to facilitate return of unsuccessful asylum seekers. 					
Continuation of the Reintegration Assistance Program	\$7.0	\$7.0	\$0.0	\$0.0	\$0.0

<ul style="list-style-type: none"> The program will be continued to support the return of unsuccessful asylum seekers to their country of origin by offering individually-tailored assistance packages as incentive. * <p>* This is not a new measure; it continues the existing terminating measure for another year.</p>					
	\$38.0	\$25.1	\$13.0	\$0.00	\$0.00

Department of Foreign Affairs and Trade

Name	Total	09-10	10-11	11-12	12-13
International engagement to prevent and disrupt maritime people smuggling	\$8.7	\$4.1	\$4.6	\$0.0	\$0.0
<ul style="list-style-type: none"> Engagement with key regional countries on people smuggling has been increased, including provision of support for sub-regional consultations under the auspices of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process). Annual Bali Process meetings at both ministerial and senior official level have also been funded. A full-time Ambassador for People Smuggling Issues has been re-established, along with a support unit to the Ambassador and 28 new positions in 8 regional posts to engage host governments on people smuggling. These include representatives from DFAT, AFP, DIAC and ACBPS. 					
<i>Related capital:</i>		\$1.1			
	\$9.7	\$5.2	\$4.6	\$0.0	\$0.0

Attorney-General's Department

Name	Total	09-10	10-11	11-12	12-13
Strengthening regional people smuggling laws and prosecutions	\$2.3	\$1.125	\$1.129	\$0.0	\$0.0
<ul style="list-style-type: none"> The Attorney-General's Department is working with regional countries to develop or strengthen people smuggling laws and maximise opportunities to successfully extradite and prosecute people smugglers and their associates, and increase international legal cooperation in people smuggling matters. 					
	\$2.3	\$1.15	\$1.15	\$0.0	\$0.0

Commonwealth Director of Public Prosecutions

Measure	Total	09-10	10-11	11-12	12-13
Specialist prosecution unit	\$11.3	\$4.6	\$6.7	\$0.0	\$0.0
<ul style="list-style-type: none"> A specialist team has been established in the CDPP to provide legal advice during investigations, assessment of briefs of evidence and prosecutions for people smuggling offences. This team also contributes to the drafting of material for requests for extradition and mutual assistance as well as participation in the training and liaison coordinated by the Attorney-General's Department for agencies of foreign governments. 					
	\$11.3	\$4.6	\$6.7	\$0.0	\$0.0

Department of the Prime Minister and Cabinet

Measure	Total	09-10	10-11	11-12	12-13
Australian Government management of border security and maritime people smuggling	\$2.4	\$1.2	\$1.2		
<ul style="list-style-type: none"> To manage border security and maritime people smuggling issues, including the development of policy advice and support for the newly-created Border Protection Committee of Cabinet, funding has been provided to the Department of Prime Minister and Cabinet. 					
<i>Related capital:</i>		\$0.4			
	\$2.8	\$1.6	\$1.2		

2008-09 Measures to Combat Maritime People Smuggling

- In addition to these 2009-10 Budget measures, the \$654 million figure quoted in budget media releases includes a number of measures from the 2008-09 Updated Economic and Fiscal Outlook (UEFO), as follows.

UEFO Measure	Agency	Total
Combating People Smuggling – enhancing cooperation with BAKORKAMLA in Indonesia	CBP	\$0.7
Combating People Smuggling – developing regional law enforcement capacity	AFP	\$4.1
Combating People Smuggling – enhancing Australia's approach to people smuggling	AFP	\$2.7
Combating People Smuggling – enhancing maritime cooperation with Indonesia	CBP	\$0.5
Combating People Smuggling – border intelligence capacity and management	DIAC	\$5.8
Combating People Smuggling – immigration and border agency training	DIAC	\$2.6
Combating People Smuggling – Indonesian border management capacity building partnership	DIAC	\$7.5
Combating People Smuggling – protection management	DIAC	\$5
Combating People Smuggling – regional capacity building assistance through a	DIAC	\$2.1

reinvigorated Bali Process		
Combating People Smuggling – regional mechanisms to counter people smuggling	DIAC	\$12.9
Unidentified UEFO expenses	–	\$20.1
		\$53.7

QTB – Vessel Sinking – Java Dec 2011

Current Issue:

- *A maritime people smuggling vessel with over 200 passengers onboard sank in Indonesian waters on 17 December 2011.*

Brief talking points:

- I am aware of media reports at the time suggesting a greater number of people were on board - this remains unconfirmed.
- I am aware of media reports also suggesting about 40 minors were onboard - this remains unconfirmed.
- I am advised that Indonesian authorities have released details of the deceased. This process, including formal identification, is ongoing.
- On the day of the incident, DIAC established a hotline to assist with determining the whereabouts of missing people. The hotline closed on 29 December 2011. DIAC received 93 enquiries about the incident, which included calls made to the hotline, emails and information provided from persons in detention. Details of these enquiries have been passed to Indonesian authorities and other relevant Australian agencies.
- I am aware of media reports indicating 10 people, including 5 military personnel, were arrested for their involvement in the incident. This matter is part of an ongoing Indonesian National Police investigation - it is inappropriate for me to comment on this investigation any further.
- I am aware of media reports of an Australian ("Mr. X") being involved in this venture. The AFP is liaising with the Indonesian National Police on the matter - it is inappropriate for me to comment any further.

Key Facts:

- The vessel sank around 11:00am AEDST south of Prigi Beach, Central Java, Indonesia on 17 December.
- Indonesian search and rescue advise that around 250 persons were onboard and that 47 passengers and two Indonesian crew were rescued. Around 100 people are presumed missing
- Indonesian National Police advise that 103 deceased passengers have been

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~~In Confidence~~
Question Time Brief

recovered, including 4 children. Of these, 19 have been formally identified. Disaster victim identification and post mortem activities are ongoing.

Possible Additional Questions

Did Australian agencies provide any information about the vessel to the Indonesian authorities?

I am unable to discuss operational information as to do so may compromise sources or methods employed by our law enforcement and border agencies. If relevant information is received that may assist disrupting people smugglers or vessels before they depart, we pass that information to our Indonesian counterparts.

Australian authorities first became aware of the incident at 1909hrs (local time) on 17 December, (2309hrs AEDST) when the Australian Federal Police received information of a vessel in distress near the Tengelle Jawa Timur area.

Australian Support

- BASARNAS requested AMSA search and rescue assistance on 19 December 2011. In response and under the command of Border Protection Command, a Royal Australian Air Force (RAAF) AP-3C Orion maritime surveillance aircraft, a Coastwatch DASH-8 surveillance aircraft and the Armidale class patrol vessel HMAS Ararat were tasked to assist with the search and rescue.
- DIAC established an incident hotline for the period 17 – 29 December 2011. While open, the hotline received about 148 enquiries. Details from all enquiries have been made available to the Australian Federal Police, Customs and Border Protection and the Indonesian National Police for further evaluation.
- Indonesian National Police advise that 103 deceased passengers have been recovered. Of these, 19 have been formally identified. Disaster victim identification and post mortem activities are on-going.

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Whole-of-Government Ministerial Talking Points

People smuggling, Irregular Maritime Arrivals and relevant global issues

As at 8 March 2012

ISSUE: GOVERNMENT RESPONSE TO PEOPLE SMUGGLING – BUDGET COMMITMENTS

- In the 2011-12 Budget, the Government continued to invest to protect Australia's national borders and continue the ongoing fight against people smuggling:
 - The Government will continue to work closely with Australia's regional partners and is investing:
 - \$33.3 million to address irregular population flows in source and transit countries and build greater regional cooperation
 - \$23.8 million to engage with and support regional partners in the development of initiatives to prevent and deter people smuggling
 - \$10.8 million to deploy dedicated Australian Federal Police officers to support anti-people smuggling operations by law enforcement agencies in Malaysia, Pakistan, Thailand, Indonesia and Sri Lanka, and
 - \$8.0 million to help Customs and Border Protection disrupt maritime people smuggling in co-operation with law enforcement and border protection agencies throughout the region.
 - The 2011-12 Budget includes \$6.7 million to work with regional partners to strengthen legal frameworks and build capacity to combat people smuggling and transnational organised crime. This funding builds on the whole-of-government strategy to combat people smuggling and address the problem of irregular maritime arrivals.
 - The Government has committed to continued investment in infrastructure and equipment:
 - \$77.1 million to continue Australia's anti-people smuggling surveillance and detection operations, and
 - \$43.6 million to upgrade key infrastructure on Christmas Island, including extensions to the wharf at Flying Fish Cove.

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- The Government is committed to deterring dangerous people smuggling ventures before they depart for our shores and efficiently dealing with irregular immigration by investing:
 - \$9.7 million to improve the integrity of Afghanistan's passport system
 - \$7.0 million to support the sustainable return of irregular maritime arrivals to their country of origin
 - \$3.0 million in a counter people smuggling communications campaign in source and transit countries, and
 - \$1.5 million to destroy suspected irregular entry vessels after interception.
- The measures announced in the 2011-12 Budget build on the investments in border protection and people smuggling deterrence that were made in the 2009-10 and 2010-11 Budgets.
- In the 2009-10 Budget, the Government committed \$654 million to fund a comprehensive whole-of-government strategy to combat people smuggling and enhance border protection. This included a significant investment to strengthen operations and deter people smuggling in the region.
- In the 2010-11 Budget, the Government built on this through \$1.2 billion in additional cross-portfolio investment to further bolster Australia's border and aviation security.
- In addition, the 2010-11 Budget included \$32.9 million over four years for investment in work with Indonesia to better manage the issue of people smuggling within Indonesia and the region.
- On 7 July 2010, the Government committed a further \$24.8 million investment to supporting our regional partners to help wreck the business of people smuggling.

ISSUE: REGIONAL COOPERATION FRAMEWORK

- The Australian Government believes that international cooperation is the most effective way to address irregular migration in the region.
- Ministers at the Fourth Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process) agreed to establish a regional cooperation framework on 30 March 2011.
- This result delivers on the Prime Minister's commitment made on 6 July 2010 to put such a framework in place and reflects sustained diplomatic activity by the Australian Government.

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- The framework represents a significant step forward and a clear recognition by Bali Process members of the need for a cooperative international response to an enduring and complex regional and global challenge.
- The framework is based on the concept of burden-sharing and cooperation between source, transit and destination countries. It promotes enhanced consistency in asylum processing, the sustainable return of people found not to be owed protection, and durable solutions for those determined to be refugees. It lays the foundation for the implementation of practical bilateral and sub-regional arrangements that will contribute to a coordinated regional response.
- Participants at the Bali Process Ad Hoc Group Senior Officials' meeting in Sydney on 12 October 2011 agreed to establish a Regional Support Office as a means to implement the Regional Cooperation Framework. The Regional Support Office will provide a mechanism for delivering initiatives and activities that address core issues underpinning irregular migration in the region.
- Australia will continue to work with other interested countries in the region, in consultation with UNHCR and IOM, to establish the Regional Support Office in Bangkok to implement the framework.

Malaysia Arrangement and High Court decision

- On 13 October 2011, the Prime Minister announced that the Government remained committed to the arrangement with Malaysia and to an associated processing centre in Papua New Guinea.
 - To implement this arrangement, legislative changes to the *Migration Act 1958* are necessary.
- As part of the proposed arrangements, people whose claims to be refugees are being determined may, in certain circumstances, be released from immigration detention and granted bridging visas which would allow them to reside legally in Australia until their cases are finalised.
- We are continuing to work with countries in the region and international organisations to develop a sustainable regional response to irregular migration.

ISSUE: PEOPLE SMUGGLING LAWS AND PROSECUTIONS

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- The Government is committed to targeting criminal groups who organise, participate in and benefit from people smuggling activities.
- People smuggling is a crime under Australian law.
- Since September 2008, 236 individuals have been convicted of people smuggling offences (as at 29 February 2012).
 - Of these, there were 231 convictions of maritime people smuggling crew and five convictions of people smuggling organisers.

On 29 November 2011, the *Deterring People Smuggling Act 2011* commenced.

- The amending legislation made it clear that the term “no lawful right to come to Australia”, contained in the people smuggling offences in the *Migration Act 1958*, refers to Australian domestic legal requirements to have a visa that is in effect.
- The amending legislation ensures that people smuggling offences operate the way courts have consistently interpreted the provisions since 1999.
- On 1 June 2010, the *Anti-People Smuggling and Other Measures Act 2010*, commenced, which harmonised the people smuggling offences under the *Criminal Code* and the Migration Act, and established two new offences:
 - providing material support or resources for people smuggling, with a maximum penalty of 10 years’ imprisonment and/or a fine of \$110,000, and
 - people smuggling involving exploitation or danger of death or serious harm, applying to ventures entering Australia, with a maximum penalty of 20 years’ imprisonment and/or a fine of \$220,000. The offence under the Migration Act also carries a mandatory minimum penalty of eight years imprisonment with a five year non-parole period.
- During the 2010 Federal election, the Government committed to introducing a new offence of people smuggling resulting in death. The offence will target the most serious consequences of people smuggling where lives are lost.

Mandatory minimum penalties for people smuggling offences

- Under Australian federal criminal law, mandatory minimum penalties apply to a very limited number of serious, aggravated people smuggling offences in the *Migration Act 1958*.
- Mandatory minimum penalties apply to deter this conduct due to the risk of loss of life, and to ensure that courts consistently apply penalties commensurate with the seriousness of the crime.

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- Mandatory minimum penalties under the Migration Act do not apply to minors.
- On 8 February 2012 the Greens introduced the Migration Amendment (Removal of Mandatory Minimum Penalties) Bill 2012 into the Senate which would remove mandatory minimum penalties for aggravated people smuggling offences under the Migration Act.
- The Bill has been referred to the Senate Legal and Constitutional Affairs Legislation Committee, which is due to report on 22 March 2012.

Where are people smuggling offences prosecuted?

- The Commonwealth is working collaboratively with States and Territories to prosecute people smuggling matters.
- Prosecutions for offences under Commonwealth law committed outside Australia may occur in any State or Territory jurisdiction in accordance with constitutional arrangements for federal offenders.
- As with other Commonwealth offences, these matters are prosecuted in accordance with the procedures in the particular State or Territory in which they are being heard.
- The Commonwealth is working proactively and cooperatively with the States and Territories to ensure that transfers for prosecution occur quickly and efficiently, and that crew are distributed equitably across jurisdictions.

Who makes the decision to investigate or prosecute?

- The Australian Federal Police (AFP) is the primary agency responsible for investigating breaches of Commonwealth criminal law, including people smuggling offences.
- The Commonwealth Director of Public Prosecutions (CDPP) is responsible for prosecuting people smuggling offences under Commonwealth criminal law.
- The AFP and CDPP make decisions about criminal matters independently of Government.
- Decisions relating to the investigation of people smuggling crew are operational matters for which the Australian Federal Police is responsible.
- The AFP is committed to providing all appropriate support to the Indonesian National Police with a focus on investigating facilitators and organisers for people smuggling activity.

Why are Indonesian people smuggling crew minors being prosecuted?

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- Minors are only prosecuted with people smuggling offences in exceptional circumstances on the basis of their significant involvement in a people smuggling venture or multiple ventures.
- People smuggling is a serious crime, and there is an incentive for people smuggling crew to claim to be minors as mandatory minimum penalties do not apply to minors.
- Australia has a robust process in place to verify claims about a person's stated age to ensure that courts can consider all available and relevant evidence when determining age.
- No one currently serving a sentence for a people smuggling offence has been determined by a court to be a minor.

New procedures for age assessment and determination

- The Government has put in place measures to ensure that people smuggling crew who are assessed to be minors are removed to their country of origin as quickly as possible.
- DIAC now conducts age assessments and quickly removes crew assessed to be minors back to their country of origin.
- These new processes significantly reduce the time people smuggling crew DIAC assesses to be minors spend in detention.
- Since 1 December 2011, 43 Indonesian crew DIAC have been removed (as at 7 March 2012).
- If the individual is a suspected repeat offender, or where a serious incident has occurred on board the vessel they arrived on, DIAC refers the matter to the AFP for investigation.
- These processes include taking steps as early as possible to seek information from the individual's country of origin, such as birth certificates, offer voluntary dental X-rays, and use interview techniques to help determine age.
- During the AFP investigation, if there is doubt about whether the individual is aged over or under 18 years of age, the AFP conducts an age determination process in accordance with the *Crimes Act 1914*.
- These processes include taking steps as early as possible to seek information from the individual's country of origin, such as birth certificates, offer voluntary dental X-rays, and use interview techniques to help determine age.
- Where age is not able to be clearly established, the person being investigated or prosecuted will be given the benefit of the doubt and returned to their country of origin without charge.

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- Importantly, a person who is charged and claims to be a minor is able to apply to a court to be bailed into an appropriate immigration detention facility for minors.

The Commonwealth Director of Public Prosecutions (CDPP) does not oppose bail where such applications are made, and the court is likely to grant bail.

- The Government takes its obligations under the Convention on the Rights of the Child seriously and is committed to ensuring that people assessed as minors are treated appropriately.

If asked about the numbers of people smuggling crew claiming to be minors or minors removed

- Since September 2008, 127 people smuggling crew have been returned to their country of origin because they were assessed to be a minor; were given the benefit of the doubt by law enforcement authorities; or were found by a court to be a minor (as at 8 March 2012).
- There were seven people currently before the courts on people smuggling charges who are actively claiming to be minors (as at 5 March 2012). Consideration of these claims by the courts is at various stages.

If asked about the Australian Human Rights Commission inquiry

- On 21 November 2011 the Australian Human Rights Commission (AHRC) announced an inquiry into the use of wrist and dental X-rays for age determination.
- Commonwealth agencies are cooperating fully with the AHRC inquiry into the age assessment processes for people smuggling crew claiming to be minors.

If asked about the Greens' Fairness for Minors Bill?

- Senator Hanson-Young introduced the Crimes Amendment (Fairness for Minors) Bill which would make X-ray evidence inadmissible in age determination hearings, and impose timeframes for the commencement of people smuggling prosecutions and age determination processes.
- The Bill has been referred to the Senate Legal and Constitutional Affairs Legislation Committee for an inquiry, which is due to report on 22 March 2012.

ISSUE: VESSEL SINKING OFF JOHOR, MALAYSIA

- On 2 February 2012, a boat carrying 27 people capsized in waters off Johor, Malaysia.
- As at 6 February 2012, 9 bodies have been recovered, 18 people have been rescued, and the survivors – reportedly of Afghan and Iraqi origin – were in police custody in Johor.

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- The Royal Malaysian Police believe that all people on board the sunken vessel have now been accounted for.

ISSUE: PRIGI BEACH MARITIME INCIDENT, JAVA, INDONESIA

- On Saturday 17 December 2011 an asylum seeker vessel capsized in waters south of central Java, Indonesia
- The Indonesia search and rescue agency, BASARNAS, reported that approximately 250 people were on board the vessel at the time of the incident. However, this figure remains unconfirmed at this time.
- As at 6 January 2012, 49 people (including two alleged crew) have been rescued and sadly the number of deceased stands at 103. These numbers are subject to change and we cannot confirm any details at this stage.
- At the request of the Indonesia National Police, the Australian Federal Police deployed members based in Indonesia to assist with the identification and investigation of those responsible for organising the venture. AFP assistance is ongoing.
- Post continues to support the INP investigation into a failed PS venture that occurred in East Java on 17 December 2011, resulting in the deaths of up to 200 PII.
- It would be inappropriate to comment on matters currently being investigated by Indonesian authorities or those that might have a bearing on intelligence.

ISSUE: CHRISTMAS ISLAND TRAGEDY

- On 15 December 2010, a vessel (SIEV 221) carrying a number of asylum seekers foundered on rocks at Rocky Point, Christmas Island.
- Of the estimated 92 people onboard, there were 42 survivors and 30 deceased recovered. A further 20 passengers were reported missing and subsequently determined by the Western Australia Coroner to be deceased.
- A Coronial inquest into the tragedy concluded on 23 February 2012.
- The Coroner made 14 Recommendations which are directed towards enhancing surveillance to the north of Christmas Island, improving the capability for an emergency at sea response from Christmas Island and reducing risks for naval personnel involved in rescue operations.

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- Throughout the enquiry the Commonwealth provided significant assistance to the Coroner.
- Now that the Coroner has delivered his findings we will take the time to fully consider the Coroner's report and recommendations.
- Prosecutions have commenced in Western Australian courts against an alleged organiser of the venture and its crew.
- Customs and Border Protection has released an Internal Review entitled the SIEV 221 Internal Review which covers the agency's response to the 15 December 2010 Christmas Island tragedy.
- The Government tabled its response to the report of the Joint Select Committee on the Christmas Island Tragedy on 12 October 2011.

For more detail, please refer to the 'POST-CHRISTMAS ISLAND TRAGEDY TALKING POINTS'

ISSUE: DANGERS OF PEOPLE SMUGGLING / INFORMATION CAMPAIGNS

- The 17 December 2011 tragedy at Java, Indonesia and the 15 December 2010 tragedy at Christmas Island highlight the dangers associated with people putting their trust in people smugglers.
- Australia's search and rescue zone covers 10 per cent of the area of the earth, more than 1.4 million square nautical miles. A Dash 8 aircraft could fly more than 50,000 square nautical miles in a seven-hour mission.
- It is possible for a boat to get to Christmas Island and not be detected.
 - Since 24 November 2007, there have been 10 undetected arrivals to offshore places and one undetected mainland arrival. This equates to an interception rate of 95 per cent for the period.
 - By comparison, there were 31 undetected arrivals from March 1996 – November 2007. This equates to an interception rate of 87 per cent for that period.
- The Government is committed to breaking the people smuggling model and removing the incentive for individuals to use people smugglers to move from country to country.
- A priority for the Government will be to continue developing strong cooperative relationships with both Indonesia and other regional partners.

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- This cooperation with countries like Indonesia, Malaysia, Sri Lanka, India and Thailand has helped deter thousands of potential irregular immigrants who might otherwise have attempted the dangerous voyage to Australia by boat.
- People smugglers can't be trusted to put their clients' safety above their own greed. People smugglers are known to provide vessels which are unseaworthy and undersupplied.
- That is why, in addition to our strong law enforcement cooperation with regional partners, the Government is delivering public information campaigns throughout the region to ensure potential irregular immigrants are aware of the perils of a boat journey to Australia.
- The campaign we launched in Malaysia, for example, highlighted the exploitative practices of people smugglers, as well as alternative migration options. We are doing everything we can to counter the smugglers' deceptive marketing so that more people don't unwittingly find themselves in life-threatening situations on the high seas.

ISSUE: HUMANITARIAN RESPONSE

- Alongside its tough response to people smugglers, the Government provides a humanitarian response to refugees and works to improve the situation of displaced populations in the region.
- Australia is one of just a handful of countries that operate well-established and successful refugee resettlement programs and remains in the top three resettlement countries with the USA and Canada.
- Australia also works to improve the situation of displaced populations in the region by providing substantial support to the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) and by funding other International Organisations and Non-Governmental Organisations to assist displaced persons through the Displaced Persons Program (DPP).
- Australian Government funding provided to the UNHCR in 2011 totals \$56.5 million, making the Australian Government the 9th largest donor to UNHCR in the 2011 budget year. The Government's support to UNHCR and other humanitarian organisations continues to assist refugees, displaced persons and other vulnerable populations in our region and around the world.
- Australia undertakes capacity building activities to assist host and transit countries develop and implement effective regimes to manage displaced persons and counter people smuggling.

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- The establishment of the Regional Cooperation Framework this year was a key milestone in the region's response to irregular migration. It demonstrates a clear recognition by the region of the need for cooperative international arrangements to improve the treatment of asylum seekers and to undermine the people smuggling trade. Its establishment reflects the culmination of significant Australian diplomacy to engage with key regional partners and international organisations to secure the endorsement of a cooperative approach.

What is the Government doing about failed asylum seekers?

- Another key part of the Government's approach is to continue to look at ways of ensuring the efficient and humane return of irregular arrivals who are assessed not to be refugees and not to be owed other protection obligations under international law. The return of failed asylum seekers will assist to undermine the business model of the people smugglers.
- In November 2010, Minister Bowen announced a new reintegration assistance package, which will increasingly facilitate the sustainable and dignified return of failed asylum seekers to their country of origin.
- The Department of Immigration and Citizenship seeks to negotiate returns frameworks with countries of origin designed to ensure the sustainable return of asylum seekers who are found not to have any basis for remaining in Australia.
- For instance, the Australian Government signed a Memorandum of Understanding (MoU) on Migration and Humanitarian Cooperation with Afghanistan and the UNHCR on 17 January 2011.
 - Crucially, this MoU also allows for the sustainable return to Afghanistan of Afghans found not to be owed protection by Australia.
 - The UNHCR and Afghan Government are both fully supportive of the MoU and there is no confusion as to the meaning of the terms.
 - No asylum seeker will be returned before their claims are thoroughly assessed through our rigorous and fair refugee status and other international obligations assessments, which are undertaken on a case-by-case basis in accordance with our international legal obligations.
 - Ideally, returns will be voluntary; but where an Afghan asylum seeker does not have a legitimate claim to our protection and does not agree to depart of their own volition - even with the reintegration support available to them - arrangements will be made to return them to their home country under the terms of the MoU.

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- We are also exploring frameworks of cooperation with other source countries.

ISSUE: PUSH FACTORS / DATA

- The Australian Government welcomes the UNHCR report on Asylum Levels and Trends in Industrialised Countries for the first half of 2011.
- The report notes that in the first six months of 2011 there were 198,303 asylum claims recorded in the 44 countries included in the report, an increase of 17 per cent over the same period in 2010.
- At the same time, the report records a 19 per cent decrease in the number of asylum claims in Australia during the first half of 2011 compared to the first half of 2010 (from 6137 claims to 4955).
- The number of asylum claims in Australia remains well below those recorded by many other industrialised countries.
- The top five receiving countries for asylum claims in the first half of 2011 were:
 - the United States of America (USA) (36,370)
 - France (26,120)
 - Germany (20,119)
 - Sweden (12,597)
 - United Kingdom (12,175).
- Europe accounted for three quarters (73 per cent) of all claims lodged among the industrialised countries mainly due to increases in the number of asylum claims lodged in Italy, Malta and Turkey, resulting particularly from events in North Africa and the Middle East.
- The composition of Australia's asylum seeker caseload will change depending on factors in asylum seekers' home countries.
- Other factors that may have contributed to the decrease in asylum claims in Australia could include the loss of life from the tragedy at Christmas Island in December 2010, continued engagement with regional governments on managing irregular migration and increased cooperation through the Bali Process and the development of the Regional Cooperation Framework.

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- The five top source countries of asylum seekers in the 44 industrialised countries in the first half of 2011 were Afghanistan (15,319), China (11,685), Serbia (10,339), Iraq (10,068) and Iran (7560).
- The number of Sri Lankans arriving in Australia has fallen, for example, as a result of changes of circumstances in northern Sri Lanka.

ISSUE: REGIONAL COOPERATION

- The Government's close cooperation with regional partners is delivering significant results in the fight against people smugglers.
 - Since September 2008, Indonesia, Malaysia, Thailand, India and Sri Lanka have effected 354 disruptions involving over 9520 foreign nationals seeking passage to Australia.
 - In the same period the Australian Federal Police have arrested 526 people in connection with people smuggling activities, of whom 236 have been subsequently convicted, with sentences of up to six years imprisonment. Another 199 defendants are currently before the courts.
- Australia shares a strong and productive relationship with Indonesia and has established a joint framework to address people smuggling.
 - The Australian and Indonesian Governments share the view that people smuggling is abhorrent and collaborate closely in the fight against it both bilaterally and in regional forums such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.
 - Indonesia's Parliament passed legislation on 7 April 2011 that criminalises people smuggling. The new law came into effect on 5 May 2011.
 - Under the new laws, convicted people smugglers will face a minimum of five years and a maximum of 15 years imprisonment.
 - Indonesia achieved its first conviction for people smuggling offences under the new law on 4 October 2011 when Indonesian national Gustaf Rudolf Bonyak Tutul ('Dolof') was sentenced to 5 years imprisonment and a fine of 500 million rupiah by a court in Lampung.

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- Between 17-23 June 2011, the AFP facilitated an Indonesian National Police (INP) delegation to Darwin and Melbourne to interview Indonesian crew members for the purpose of intelligence gathering and to further Indonesia's criminal investigations.
- On 4-5 July 2011, representatives from the AFP met with members of the INP in Melbourne to further discuss bilateral cooperation in combating people smuggling.
- Liaison between AFP and the INP has contributed to a number of alleged high-level Indonesian-based people smugglers being investigated and arrested by the INP.
- Since September 2008, Indonesian authorities have effected 278 disruptions involving 7552 foreign nationals seeking passage to Australia. In that time, Indonesian authorities have also arrested 165 alleged people smugglers.
- The Australian Government has invested strongly in protecting our borders, including through increasing the assets patrolling our borders.
- Cooperation with Sri Lankan authorities has also grown.
 - Since April 2009, Sri Lankan authorities have disrupted 22 suspected people smuggling ventures, with 413 passengers being detained. In that time, Sri Lankan authorities have also arrested 93 alleged people smugglers.
- Australia has developed an excellent relationship with Malaysia on people smuggling.
- This has been advanced by the posting of two Customs and Border Protection officers in June 2009 to our High Commission in Kuala Lumpur and establishing the high level Malaysia-Australia Working Group on People Smuggling and Trafficking in Persons.
 - This Working Group, which met most recently in Melbourne on 14 and 15 November 2011, is materially enhancing our countries' cooperation to counter maritime people smuggling, including through closer intelligence sharing arrangements, legal cooperation and harmonisation, and capacity building activities.
 - Since March 2009, Malaysian authorities have effected 31 disruptions involving 930 foreign nationals seeking passage to Australia.
 - In 2010, the Malaysian Parliament passed legislative amendments to criminalise people smuggling. The new laws entered into force on 15 November 2010. Under the new laws convicted people smugglers could face imprisonment for up to 20 years.

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- On 12 July 2011, Australia and Malaysia signed a memorandum of understanding (MoU) titled “Cooperation and Assistance Relating to Civil Maritime Law Enforcement Operations” in Malaysia. Under the auspices of the Malaysia-Australia Working Group on People Smuggling and Trafficking in Persons, Malaysia and Australia have agreed that the primary maritime security authority for each country – Malaysia Maritime Enforcement Agency (MMEA) and Border Protection Command (BPC) respectively – undertake cooperative activities in the maritime security arena.
- BPC (and Customs and Border Protection more broadly) and MMEA have been cooperating on maritime security issues since 2007 and the MoU signing formalises the partnership and provides a positive framework for continued collaboration on cooperative measures in areas such as information exchange; human resource development; research and development; and other areas of cooperation relating to civil maritime law enforcement operations.
- Australia is working to develop a closer relationship with Pakistan to address people smuggling.
 - A Pakistan-Australia Joint Working Group on Border Management and Transnational Crime was established in 2010 to enable future cooperation on transnational crime issues, including people smuggling, between Australia and Pakistan.
 - The second meeting of the Joint Working Group was held in Islamabad on 12-13 September 2011.

CONSULTED AGENCIES

Clearance	Name	Appointment	DATE
PMC	s47F	Border Protection Working Group	29/3/2012
DFAT		People Smuggling, Refugees and Immigration Section	6/3/2012
AFP		AFP People Smuggling Operations	7/3/2012
DIAC		Director Media	1/3/2012
Defence		Director Plans StratCom	7/3/2012
AGD		Strat Comms Branch	8/3/2012
Customs and Border Protection		A/NM Border Strategies and Priorities Branch	7/3/2012

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UNCLASSIFIEDMOB ^**Number**^**Ministers' Office Brief—Office of the Attorney-General / Office of the****Minister for Home Affairs and Justice****Maritime People Smuggling – Whole-of-Government****Issue**

This brief provides a summary of whole-of-government measures being undertaken in relation to maritime people smuggling.

Talking points**Government Investment**

- **Over the past three Budgets, the Government has invested more than \$2 billion to bolster Australia's border protection regime.**
- **Because of this investment, there have been over 350 disruptions offshore involving more than 9,585 potential irregular immigrants and around 360 arrests.**
- **In Australia, there have been 534 arrests and 238 convictions through Australian courts.**
- **The Government has a significant number of both aerial and maritime assets patrolling our borders.**
- **These resources have resulted in the prevention of more than 99% of all vessels aiming to reach Australian territory from reaching the mainland. Under the former Government, almost 1 in 10 boats reached the mainland.**

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- The Government announced that it had awarded the Australian-owned company Austal a \$350 million contract to build and support eight new Customs and Border Protection Cape Class patrol boats.
- It is anticipated that the first Cape Class patrol boat will be delivered by early 2013 and the full fleet is expected to be operational by September 2015.
- The Government will continue to invest in its key border protection agencies to ensure Australia's border protection regime remains highly effective.

Operational cooperation with regional partners

- The Government believes that international cooperation is the most effective way to address irregular migration in the region. The Government's close cooperation with regional partners is delivering significant results in the fight against people smugglers.
- **INDONESIA** - Australia shares a strong and productive relationship with Indonesia and has established a joint Framework to address people smuggling.
 - In 2009, the Indonesian National Police (INP) Chief established a dedicated taskforce to combat people smuggling within Indonesia.
 - Liaison between AFP and INP has contributed to a number of alleged high-level Indonesian-based people smugglers being investigated and arrested by the INP. Since September 2008, Indonesian authorities have effected 279 disruptions involving

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7,616 foreign nationals seeking passage to Australia and arrested 165 alleged people smugglers.

- **The Indonesian Parliament recently passed laws criminalising the terrible crime of people smuggling.**
- **Under Indonesia's new laws, convicted people smugglers will face a minimum of five years jail and a maximum of 15 years behind bars.**
- **MALAYSIA - Australia has also strengthened its relationship with Malaysia, including by posting new officers in June 2009 to our Embassy in Kuala Lumpur, and by establishing the Malaysia-Australia Working Group on People Smuggling and Trafficking in Persons.**
 - **This Working Group, which met most recently in Melbourne on 14 and 15 November 2011, has materially enhanced our countries' cooperation to counter maritime people smuggling, including through closer intelligence sharing arrangements, legal cooperation and harmonisation, and capacity building activities.**
 - **Since March 2009, Malaysian authorities have effected 31 disruptions involving 930 foreign nationals seeking passage to Australia.**
 - **On 15 November 2010, new laws criminalising people smuggling came into force in Malaysia. Convicted people smugglers now face imprisonment for up to 20 years.**

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- **SRI LANKA** - Cooperation with Sri Lankan authorities has also grown considerably over recent years.
 - On 9 November 2009, Australia signed a Memorandum of Understanding (MOU) with Sri Lanka on legal cooperation against people smuggling.
 - The AFP established an Office in Colombo in June 2009, and Customs and Border Protection posted an officer, to enhance cooperation. Since April 2009, Sri Lankan authorities have disrupted 22 suspected people smuggling ventures, involving 413 passengers and arrested 93 alleged people smugglers.
- **THAILAND**- Thai authorities have been active in pursuing the disruption of people smuggling operations and the arrest of those responsible.
 - Since November 2009, Thai authorities have effected 14 disruptions involving 388 persons and have arrested 9 suspects.
- **INDIA**- Indian authorities have been active in pursuing the disruption of people smuggling operations and the arrest of those responsible.
 - Since March 2010, Indian authorities have effected 9 disruptions involving 239 people, and have made 20 arrests.

Combating People Smuggling Funding

- In April 2010, the Government announced its intention to introduce a more comprehensive regulatory regime for remittance dealers in

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order to support broader Government measures to combat people smuggling.

- In April and July 2010, the Government released for public consultation discussion papers outlining proposed measures to stop international funds transfer services being used to fund people smuggling and serious crime.
- On 9 February 2011, the Government introduced the 'Combating the Financing of People Smuggling and Other Measures Bill 2011'.
- Parliament passed the Bill and it received the Governor-General's assent on 28 June 2011.
- This will help stem the flow of money for people smuggling ventures as well as other serious crimes. This is another concrete example of this Government's commitment to stopping dangerous and inhumane people smugglers from profiting from this serious crime.
- In addition, the Government is funding a specialist Criminal Intelligence Fusion Centre within the Australian Crime Commission to detect and prevent organised crime, including operations set up to finance people smuggling into Australia.
- The Government is investing \$14.5 million over four years in the Centre, which will integrate financial data and criminal intelligence across relevant agencies, including the Australian Taxation Office, Centrelink and the Australian Federal Police.

People Smuggling Penalties

- On 1 June 2010, the *Anti-People Smuggling and Other Measures Act 2010* came into effect. The Act strengthens and harmonises

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Australia's people smuggling offences to deter people smuggling and provides agencies involved in combating people smuggling and other serious threats to Australia's border and territorial integrity with the appropriate tools.

- **The Act includes additional offences targeting those who finance or provide support for people smuggling activities as well as strong penalties that recognise the seriousness of people smuggling offences, including:**
 - **a new offence of providing material support for people smuggling with a maximum penalty of ten years imprisonment and/or a fine of \$110,000**
 - **a new offence of people smuggling involving exploitation or danger of death or serious harm, applying to ventures entering Australia, with a maximum penalty of twenty years imprisonment and/or a fine of \$220,000**
 - **ensuring that where a person is convicted of multiple people smuggling offences, mandatory minimum penalties set out in the Migration Act are applied, and**
 - **providing greater clarity and consistency by harmonising people smuggling offences in the Migration Act and the Criminal Code.**
- **The Act also enables Australia's national security agencies to collect foreign intelligence about people smugglers and their networks.**

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UNCLASSIFIED**Dangers of People Smuggling/Communications**

- People smugglers are exploitative criminals who lie to their customers who pay exorbitant fees to engage in such risky ventures. Their vessels are too often unseaworthy and undersupplied.
- The tragedy of SIEV 221, which ran aground on Christmas Island with heavy loss of life in December 2010, the November 2011 boat sinking off Pangandaran, Indonesia where 8 more lives were lost, the 17 December 2011 sinking of a vessel south of central Java Indonesia with as many as 250 people on board and the 2 February sinking of a vessel off Johor, Malaysia with 9 deaths demonstrates that people smuggling endangers lives. The most vulnerable are willing to take these risks and the organisers continue to exploit them. That is why, in addition to strong law enforcement cooperation with regional partners, the Government is delivering communications campaigns throughout the region to ensure potential irregular immigrants are aware of the perils of a boat journey to Australia.
- These campaigns are designed to educate and inform potential irregular immigrants in order to counter the smugglers' deceptive marketing so that more people do not unwittingly find themselves in life-threatening situations on the high seas.
- In addition, we have completed a campaign in Indonesia in 2010 to raise awareness among Indonesian communities of the dangers of people smuggling and the consequences of involvement in this activity. The 2010 campaign was delivered in those communities at risk of becoming involved in people smuggling activity, targeting potential crew members, fishermen, boat owners, boat builders, and coastal industry workers. By raising awareness among these

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communities of the risks and penalties of involvement in people smuggling, the campaign was designed to make it more difficult for people smuggling organisers to source vessels and recruit crew.

- Social marketing campaigns of this nature are a proven way of alerting people to the risks and consequences of potentially harmful activities. Such campaigns are commonly undertaken in response to illicit drug use, domestic violence and many other issues.
- Anti-people smuggling campaigns are not new to the Australian Government. Under the Howard Government, campaigns were run in the Middle East to deter people from joining people smuggling ventures.
- The Government contracted the International Organization for Migration (IOM) to conduct an anti-people smuggling campaign in Sri Lanka. Saatchi and Saatchi were contracted by IOM but the company's involvement in the campaign was minimal and ended in August 2009.
- Indications are that this campaign was effective.
 - An IOM evaluation found that because of the campaign, many more people had a realistic understanding of the risks and consequences of people smuggling.
 - The evaluation also found that 96% of those surveyed said the campaign messages had changed their mind about being involved in irregular migration.

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- There was a significant decrease in the number of ventures departing Negombo and Chilaw. While the campaign alone is not enough to explain this decline, it is a contributing factor.

'Push' Factors

- Conflict, political and personal insecurity, human rights violations, economic disadvantage and social conditions are driving people to seek safety and improved living conditions. Recent global events, such as the Arab Spring, suggest this is unlikely to change.
- In its latest Global Trends Report (June 2011) UNHCR estimated that at the end of 2010, there were 43.7 million forcibly displaced people worldwide, of which 15.4 million were refugees or in refugee-like situations and 27.5 million were internally displaced.
- More than 25.2 million people were receiving protection or assistance from UNHCR at the end of 2009.
- According to UNHCR's report Asylum Levels and Trends in Industrialised Countries – first half 2011 (published October 2011) in the first six months of 2011 there were 198,303 asylum claims recorded in the 44 countries included in the report, an increase of 17% over the same period in 2010.
- At the same time, the report records a 19% decrease in the number of asylum claims in Australia during the first half of 2011 compared to the first half of 2010 (from 6,137 claims to 4,955).
- The number of asylum claims in Australia remains well below those recorded by many other industrialised countries.

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- The top five receiving countries for asylum claims in the first half of 2011 were: USA (36,370), France (26,120), Germany (20,119), Sweden (12,597) and the United Kingdom (12,175)
- Europe accounted for three quarters (73%) of all claims lodged among the industrialised countries; mainly due to increases in the number of asylum claims lodged in Italy, Malta and Turkey, resulting particularly from events in North Africa and the Middle East.
- In 2009, there were 2,726 arrivals in 60 vessels intercepted in Australian waters. In 2010 there were 6,555 arrivals in 134 vessels, and in 2011 there were 4,565 arrivals in 69 vessels. So far this year there have been 1,209 arrivals in 16 vessels.
 - Since the survey period of the UNHCR's 2010 report, Italy alone has received over 52,000 asylum seekers by sea. This is more than the Italian total for the entire year of 2010.

Humanitarian Response

- Australia is one of just a handful of countries that operate well-established and successful refugee resettlement programs and remains in the top three resettlement countries with the USA and Canada.
- Australia also works to improve the situation of displaced populations in the region by providing substantial support to the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) and by funding other International Organisations and Non-Governmental

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Organisations to assist displaced persons through the Displaced Persons Program (DPP).

- Australian Government funding provided to the UNHCR in 2010 totals \$50.4 million. Australia was the 11th largest donor to UNHCR in the 2010 budget year. The Government's support to UNHCR and other humanitarian organisations continues to assist refugees, displaced persons and other vulnerable populations in our region and around the world.**
- Australia undertakes capacity-building activities to assist host and transit countries develop and implement effective regimes to manage displaced persons and counter people smuggling.**
- The establishment of the Regional Cooperation Framework last year was a key milestone in the region's response to irregular migration. It demonstrates a clear recognition by the region of the need for cooperative international arrangements to improve the treatment of asylum seekers and to undermine the people smuggling trade. Its establishment reflects the culmination of significant Australian diplomacy to engage with key regional partners and international organisations to secure the endorsement of a cooperative approach.**
- Christmas Island can accommodate about 2,000 further people across a range of facilities and family configurations.**
- At close of business on Christmas Island on 15 March 2012, there were 348 IMAs on Christmas Island, plus 6 crew. There is an adequate level of departmental staff stationed on the Island to cope with a surge in arrivals.**

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- It is Government policy that authorities take all irregular maritime arrivals (IMAs) to Christmas Island.
- IMAs are managed in accordance with the Government's Immigration Detention Values, which ensure that all people in immigration detention are treated fairly and humanely.
- The Australian Government has a variety of flexible accommodation options available for use on Christmas Island to manage this process.
- IMAs and crew can, as necessary, be transferred to suitable accommodation options on the Australian mainland.
- DIAC continues to explore a range of options to accommodate IMAs on the mainland as required.
- All relevant agencies are consulted when IMAs and crew are moved to the Australian mainland.
- People in immigration detention will remain in appropriately secure detention arrangements while their immigration outcome is resolved.

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Irregular Maritime Arrivals – Calendar Year Totals: 1996–2012

Year	Boats ¹	People (excl. crew) ²
1996	19	660
1997	11	339
1998	17	200
1999	86	3721
2000	51	2939
2001	43	5516
2002	1	1
2003	1	53
2004	1	15
2005	4	11
2006	6	60
2007	5	148
2008	7	161
2009	60	2726
2010	134	6555
2011	69	4565
2012 (YTD)	16	1209

¹ Excludes boats returned from whence they came.

² The total figure **does not** include:

- 2 Burmese rescued from a floating esky;
- 2 Afghans, 1 Sri Lankan, 1 Indian and 1 Indonesian found on Deliverance Island;
- 2 Sri Lankans found on Saibai Island in the Torres Strait;
- 78 Sri Lankans rescued by the ACV *Oceanic Viking* in Indonesian waters in October 2009, and transferred to Indonesia;
- 5 people reportedly lost at sea from SIEV 143; or
- Casualties among the passengers of the vessel which sank off Prigi Beach on 17 December 2011.

The total figure **does** include 5 Deceased from SIEV 36 and 12 deceased from SIEV 69. SIEV 69 is subject to ongoing coronial investigation. The total figure also includes 50 deceased from SIEV 221.

NB: The matter of 6,130 non-crew arrivals for 2001 as opposed to 5,516 (as sometimes reported, such as in the Customs Figures publication available on our website) includes those people turned around and returned from whence they came.

Details inclusive of the most recent arrival, SIEV 310, intercepted on 13/3/2012

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UNCLASSIFIED**Background**

Issue raised by: request of 29 November 2011 by the office of the Minister for Home Affairs.

The increase in recent arrivals reflects a global trend, with the volume of people fleeing countries in our region continuing to be high. The number of asylum applications in Australia is relatively low when compared to some other industrialised nations

People smugglers are criminals willing to risk the lives of other people aboard their vessels and the Australian Government remains committed to the fight against people smuggling. People smugglers will face tough penalties if they attempt to breach Australia's borders. Recent situations where people have tragically lost their lives highlight the dangers faced by irregular migrants who place their trust in people smugglers.

Australia's border protection system adopts a layered surveillance program which enables an intelligence-led, risk-based approach to interceptions. The Australian Government has made significant investments to combat people smuggling activity. Over the past three Budgets, the Government has invested more than \$2 billion to bolster Australia's border protection regime. The Government's close cooperation with regional partners is also delivering significant results in the fight against people smugglers.

The Government has also moved to strengthen its response to people smuggling by addressing the funding of people smuggling.

Alongside its tough response to people smugglers, the Government provides a humanitarian response to refugees and works to improve the situation of displaced populations in the region.

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