

DEPARTMENT OF THE PRIME MINISTER AND CABINET

OPTIONS FOR HANDLING UNAUTHORISED ARRIVALS: CHRISTMAS ISLAND BOAT

Officials met today 7 October 2001 to discuss options for the handling of the Indonesian vessel carrying some 190 Potential Unauthorised Arrivals (PUA's). The boarding party report there are 90 men including 4 Indonesian crew, 42 females and 54 children but this number may not be reliable. Advice from the ADF indicates that the vessel contains Iraqi PUA's who are aggressive and intent on reaching Australian soil. Unlike previous boatloads, this group was wearing lifejackets with the clear intention of frustrating official attempts to repel them. The HMAS Adelaide warned the vessel while in International waters that it was not permitted to enter Australian waters. The Suspected Illegal Entry Vessel (SIEV4) was formally identified as being of Indonesian flag and, notwithstanding the warnings given, proceeded to enter the contiguous zone.

Once in the contiguous zone, the HMAS Adelaide fired volleys in front of the vessel and boarded and returned it to International waters. This has been met with attempts to disable the vessel, passengers jumping into the sea and passengers throwing their children into the sea. Sailors from the HMAS Adelaide have returned all these passengers to the vessel and have attempted to repair the damage to the steering mechanism. Although the vessel has been supplied with additional food, water, a compass and maps (as they had thrown their Global Positioning System overboard), HMAS Adelaide does not believe it is seaworthy. Accordingly, the vessel is about to be taken under tow and, if possible, restrained overnight.

In the event that the tow is unsuccessful or the PUA's attempt to scuttle the vessel thus creating an immediate safety of life at sea (SOLAS) incident it is important to decide now on the available handling options.

In the event that the vessel scuttles itself or it is decided that the HMAS Adelaide can no longer repel it, it may be necessary to consider alternative handling options. At present there are no other naval assets in the region able to transport this number of PUA's any significant distance. The Adelaide itself has no capability to do other than hold the people on its decks in the very short term pending their transfer to either another vessel or to dry land. Defence advise it cannot steam any significant distance and certainly not to Cocos or Ashmore Islands with this number of PUA's.

As previously advised, commercial charter vessels capable of taking a significant number of people any distance require at least three weeks to arrange.

- The vessel previously located in Korea may still be available (US\$25,000 per day) and it may be prudent to take steps now to secure such a vessel as we understand that the naval vessels able to ferry (HMAS Manoora, Kanimbla, Tobruk) will, with the exception of the Tobruk, once it discharges its load at Nauru, be required for other operations.
- While additional ferrying capacity would "buy more time" in the event of any further arrivals, there remain a range of issues about the use of commercial

vessels for ferrying, including security and the nature of any unionised workforce, which would require careful management.

Subject to the seas, it may be possible to hold the vessel off Christmas Island, but it would be highly visible to the media and Defence advise that it is unlikely to be able to maintain this position for long. It would therefore seem that a ship to ship transfer for ferrying elsewhere is, at best, a long shot. In this context it is necessary to consider when and in what circumstances the people should be brought ashore and what arrangements should be made for their handling. In broad terms, there are three options if they are brought onshore: detain and process on Christmas Island; detain pending removal to another Australian processing site, or detain pending removal to an offshore site.

Christmas Island

Facilities on Christmas Island are fairly limited. Pending the construction of the demountable facility (agreed by you while in the United States and due for completion if union bans are lifted and the rain abates in 2-3 weeks) the only accommodation is in tents or the sports hall. While both can accommodate this number, the early arrival of heavy rain means that the sports hall would have to be used. We have only limited ability to secure the sports hall and there is a very real prospect that the media would gain access to the group.

- We already have a significant presence with twelve Australian Correctional Management (ACM), one DIMA, four AFP, twelve Special Constables and two Customs Officers available to provide security. Notwithstanding this we believe that a non-compliant caseload may require additional security presence and this has been arranged today for arrival within 24-48 hours.

While Christmas Island has been used to house UA's for some weeks in the past, this has proven difficult. We do not therefore, favour the use of Christmas Island for anything other than temporary detention while alternative arrangements are made. Clearly, once constructed, the demountable facility will be able to secure a group of this size appropriately but immediate completion of this facility is difficult to guarantee given current union activity and the heavy rain.

- DIMA expect that removal to anywhere other than the mainland will be met with active resistance.

Alternative Australian Processing Site

It would be possible to remove the PUA's from Christmas Island to an alternative site for detention and processing. Clearly onshore sites, whilst immediately available are not desirable. A strong signal that the people smugglers have succeeded in transporting a group to the mainland could have disastrous consequences.

- There are in the order of 2500 PUA's in the pipeline in Indonesia awaiting transport, therefore this should be avoided at all costs.

An alternative would be to construct a larger facility on the Cocos Islands adjacent to the existing quarantine buildings. The Department of Transport & Regional Services (DTRS) advise that it is possible to prepare the site, manage sewerage issues, provide sufficient water and accommodate the 70-80 staff who would be necessary for managing and any subsequent processing of up to 300 detainees by the end of the week. Accommodation for the UBA's would be provided in tents, which would need to be supplied and erected with assistance from ADF personnel. We are currently seeking advice on the availability of contract labour and charter aircraft (ADF assets are tied up in Nauru until Wednesday and thereafter may be required to support US action). It would also be necessary to erect a field kitchen and to repair some 1.5km of fencing both of which are achievable in similar time frames, provided materials and construction personnel are available. It is important to note that the fencing is, at best, a boundary marker. Realistically, this is likely to take at least a week.

- DTRS advise that the local Malay community (Muslim) may be sensitive to the creation of a full blown detention centre without prior consultation.

An outstanding issue with the use of Cocos Islands is the 71 Sri Lankans currently housed in the quarantine station. Of these, 40 are available for immediate removal with 27 having prima facie claims which must be assessed, and 4 may be subject to prosecution.

- DIMA believe there may be some prospect of removing the 40 to Sri Lanka sometime this week which would leave only the remaining 27 to be accommodated for processing and 4 for investigations. DIMA also advise that it would be desirable not to accommodate the new Iraqi group with the Sri Lankans because of the risk of contaminating the Sri Lankan group and thus jeopardise their removal. It would not be possible to create separation detention on Cocos. The only alternative options for the Sri Lankans would be Christmas Island or detention on the mainland as there are no immediate prospects of accommodating more on Nauru. While undesirable, this group are different to those arriving via Indonesia and it may be possible to argue that this group are in transit and must be held securely.

An Offshore Site

We are currently exploring a number of offshore sites. An assessment team has gone to Kiribati today but will be unlikely to report in under a week given transit times. We have had some interest from Palau who have sought further information but again this will be unlikely to generate any options in the short term. Fiji also remains an option. We are pressing for a response from the Fiji Government but this may not be possible before next Wednesday, at the earliest.