

likelihood of detection and, therefore, the possibility of being arrested and apprehended. It is basically a function of how far away they are from the mainland. Do you think that the people smugglers in Indonesia would be aware of that situation? Do you think they avail themselves of intelligence to that degree about what happens in Australia?

Commissioner Keelty—Yes, they do. We have clear evidence that people smugglers are changing their activities in response to policy that is delivered here in Australia. A glowing example is the intelligence that we have received about New Zealand suddenly becoming a destination as opposed to Australia, and also the very tangible example in recent days of the vessel that has arrived in East Timor.

Senator SCULLION—Along the same lines, Commissioner, you say you do not have a great deal to do with investigating actual asylum seekers; your role is to deal with the people who smuggle people. You may have some information on this; you may be able to assist us. You have said that the people who are seeking a migration outcome in Australia—*asylum seekers*—have an understanding. They are aware of *SIEVX* and they now seek assurances on safe arrival and those sorts of things. If they are aware of that, do you think they would be aware that they can no longer gain a migration outcome by landing on those islands if this excision legislation takes place? Do you think they would then be insisting that that is not where they end up? Do you think they would be able to avail themselves of that level of information? That has been widely reported here.

Commissioner Keelty—Yes, I do. Some of it is through deliberate strategies on behalf of the Australian government agencies, where we promote the need to come through legitimate channels to migrate to Australia. There is a campaign that is, in fact, put in place in Indonesia to advise potential passengers that islands have been excised. There is no doubt in my mind that that would be promulgated amongst the people. One of the things that operates, I guess, in our favour, in terms of the intelligence aspects of this, is that the people who are waiting to move out of Indonesia are often grouped in various locations. The information gets back to them very quickly about events that have occurred. We have seen good examples of that through the intelligence interchanges that we have had through the successful or otherwise arrival of vessels during *Operation Relex*.

Senator SCULLION—Since September, since the first excision took place, do you think that has had a substantive impact on the fact that we have not had people leave? Do you think it is because people are saying, ‘We don’t want an outcome in those places, because it doesn’t give us what we want’? Do you think that has had an impact?

Commissioner Keelty—I think it has. In terms of measurement, it goes back to the answer I gave to the deputy chair: *Operation Relex* happened at around the same time, so to give you some empirical data about it would be difficult. If I quickly add up those figures I gave you, from 1999 to 2001 there were in the order of 100 boats arriving at Ashmore Reef. That is a lot of boats arriving at Ashmore Reef in what, ostensibly, is a two- to three-year period, and then now, suddenly, there are none.

Senator SCULLION—When the chair asked a question previously, I think he was leading towards the idea that this is not really a disincentive package—that is, that this is something where people will just avoid the islands and come to the mainland if they are seeking a

migration outcome. Do you think the intelligence that you gather indicates that it is actually working as a disincentive package so people will be choosing to go elsewhere? Or do they simply say, 'We now have to go to the mainland.' What is your appreciation of that?

Commissioner Keelty—I do not think it will change the fact that there will be people trying to get to Australia per se. It will be a deterrent, but there will always be people who are trying to beat the system. This will, however, eliminate that option for them. I think that is important strictly on humanitarian grounds, because of what we have seen at Ashmore Reef; I do not know how some of those people have survived there without water or food. If the people smugglers had to change their operations to find a small atoll or a small deserted island that was part of Australia's territory then they would—that is clear. This is because, unlike the drug smuggler, who has to get the product ashore and then distribute it, the people smuggler only has to get their commodity—and I use that word sensitively—to an Australian territory where the people can put their hand up and claim asylum. That is what they are doing, and that is what this is about from a criminal perspective; it is about getting them to the nearest point to put their hand up. That is why the excision of the islands would be of assistance to us.

Senator SCULLION—From a practical point of view—and I ask you this simply because you said you have had a lot of exposure to the boats and the people who facilitate these operations—what would the differences be between the sort of boat you would need to get from Kupang to Ashmore Reef and the sort of boat you would need to get from Kupang to mainland Australia?

Commissioner Keelty—Those boats would have to be substantially different; Ashmore Reef is still a long way from Australia's mainland. Perhaps a better example is the Torres Strait. The journey between New Guinea and the first and most northern island in the Torres Strait can almost be made at low tide—you can almost walk it. Throughout the Torres Strait, we see the use of banana boats, which are not much of a vessel whatsoever; in fact, a banana boat is a runabout. If you go up to the Torres Strait, the way you get around is by runabout. So very little in terms of the sophistication of vessel or means of travel is required in some of these places. In answer to your question, you would certainly need a much more substantial vessel to get from parts of Indonesia to mainland Australia than you would need to get to Ashmore Reef.

Senator SCULLION—We have seen an awful lot of boats—substantial vessels—arrive on mainland Australia in earlier times, and they have subsequently been destroyed or disposed of; I am assuming they do not boomerang back and get used again. I am going to the availability of the sort of resources you would need to get from, let us say, Indonesia or Kupang to mainland Australia. Would there be lots of vessels that could do that? There might, for example, be a lot of vessels you could use to get to Ashmore Reef, but would there be the same amount of vessels in which you could, for example, then steam from there to mainland Australia? Do you know much about that sort of situation?

Commissioner Keelty—I do not know specific details but, if I can compare it to other types of crime that we see, you would need different vessels. The vessels are probably not as plentiful in a place like Kupang. If you travel further west to some of the more substantial Indonesian islands you might find better vessels available, and any number of vessels are available in other parts of Asia. But you would certainly be limited. You would have to change your tactics yet again.

Senator SCULLION—What I am going to is that this proposed excision will make the percentage of those vessels available that are actually able to make the voyage far lower. Would that be right?

Commissioner Keelty—That would be right. The people smugglers would have to rethink their strategies, and the cost involved—the infrastructure cost to them in committing the crime—would increase.

Senator SCULLION—Mr McDevitt, could you share with me the activities, in a generic sense, of the people who are people smugglers? Do they just smuggle people, or are they often involved in legitimate business activities? What do they do when they are not people smuggling?

Federal Agent McDevitt—It would be fair to say that they engage in a range of activities and that the motive is predominantly one of profit. They tend to be opportunists in relation to whatever criminal enterprises may present themselves. You heard the commissioner speak about commodities. The reality is that if there is easy money to be made from facilitating the illegal movement of people that might be the activity that these people engage in, or they may determine that facilitating the movement of drugs, weapons or some other commodity may be the best enterprise to engage in at that particular point in time. It is a long answer, but certainly these people are generalists rather than specialists.

Senator STEPHENS—We heard from DIMIA this morning about a funded regional cooperation model that is being used to assist in processing claims for asylum seekers. Does the AFP have any formal role in that regional cooperation model?

Federal Agent McDevitt—We participate in a number of cooperative efforts around the region, but it would be fair to say that most of the AFP's efforts are focused on engaging with the Indonesian National Police and other police and law enforcement agencies in the region. That is really the main aim for the AFP.

Senator STEPHENS—Another issue that was raised in the previous submission was that the outcome of that regional cooperational model was to share the burden of the migration outcomes for some of these people seeking refugee status. Does the AFP have a formal role—rather than just an advisory or intelligence gathering role—in that whole process?

Federal Agent McDevitt—It would be fair to say that the product the AFP brings to the table is generally from an intelligence perspective and also relates to facilitation of, and liaison with, law enforcement in the region.

CHAIR—Thank you very much for your assistance.