

JENING STATEMENTS 31.1.2014

Thank you Senator and thank you for the opportunity of being here today and to appear before this committee. I appear today on my own initiative as the Minister responsible for Operation Sovereign Borders, not in any response to any invitation by the Committee.

I am pleased to appear alongside Lt Gen Campbell, General Hurley, Mr Pezzullo, Mr Bowles and Mr Richardson, who together with many others have played a critical role in implementing the Government's policies to stop the boats through Operation Sovereign Borders.

I will make an opening statement and with the Committee's indulgence invite General Campbell to also make a statement - and I appreciate your concession to that Chair - after which we would be pleased to take questions relating to the terms of reference before the committee.

For the past ten years the Coalition has maintained a consistent policy position on border protection.

These policies were first fashioned by the Howard Government and proved highly effective in stopping the illegal entry of vessels to Australia.

Following the 2007 election the Labor Government abolished the Howard Government's successful border protection regime.

What followed was more than 50,000 people illegally arriving in Australia on more than 800 boats and reports of more than 1,100 persons perishing at sea, attempting to make the voyage to Australia.

Our detention network collapsed under the strain, annual costs to the Department of Immigration increased from \$85 million per year to more than \$3 billion per year, accounting for more than 60% of the Department's annual budget and cumulative budget blowouts topped \$11.5 billion at the time of the last election.

As each year passed, the rate of arrivals increased to an historic level of over 4,000 people per month. We went from some four people in immigration detention who had arrived illegally by boat to more than 30,000 in the detention network and in the community at the time of the last election.

I make reference to this history Chair as it relevant to highlight the national and public interest served by implementing measures that end the chaos, cost and tragedy that has resulted from the previous Government's border policy failures.

At the last election the Coalition promised to restore the Howard Government policies. In Government we have implemented these measures and the boats are stopping.

The results have been dramatic, but the job is not yet done.

In the first 100 days, the numbers of persons illegally arriving by boat each week fell by more than 80%, compared to the average for the period following the introduction of the previous Government's arrangements with Papua New Guinea.

Since December 19, over six weeks ago, not a single boat has successfully made it to Australia and to illegally enter our waters.

For the first time in six years no such boat has got to Australia in January. The last time this happened, it was before the Howard Government measures had been abolished by the previous government.

The last time we had a full month of no arrivals was February 2009, 58 months ago.

In just four months the Coalition has equalled the record of the lowest month of arrivals, namely zero.

Our policies and, more importantly, the effective and professional implementation of our policies by the hundreds of men and women serving our country to protect our borders is stopping the boats.

These policies include not allowing vessels to illegally enter our waters at will, as occurred under the previous Government for the past five years.

It is the policy and practice of this Government to intercept any vessel that is seeking to illegally enter our waters and, where safe to do so, remove it beyond Australia's waters and contiguous zone.

This policy is about protecting Australia's sovereignty. This policy also respects Indonesia's sovereignty. It is not our policy to enter Indonesia's territorial waters. Where this has inadvertently occurred, we have made the appropriate disclosures and given the necessary apology and assurances to Indonesia, and have initiated a formal review that is underway.

I wish to stress that all Navy and Customs and Border Protection personnel serving as part of Operation Sovereign Borders do so with a high degree of professionalism and integrity.

They are trained to undertake the tasks they are performing. They perform those tasks consistent with their lawful orders and the guidelines and procedures that govern their conduct.

This Government takes seriously any slur against the character of Australian service men and women tasked to protect our borders.

It is a routine procedure to debrief and internally review operations under Border Protection Command. Such debriefs and post operational reviews identify and address any issues requiring attention, should they occur.

We do not give credibility to un-substantiated and baseless claims by triggering further formal processes of inquiry, where no credible evidence is provided to substantiate such claims.

If errors are made, or if there are serious incidents involving search and rescue situations, it is our practice to report on such events and we have done so publicly.

Maritime operations are just one component of a suite of policy measures, that comprise Operation Sovereign Borders, that were endorsed at the last election.

These other measures include:

- The operation of our offshore processing centres at Nauru and in Papua New Guinea, where persons who have illegally entered Australia are transferred for processing of their asylum claims and if found to be valid, resettlement in a country other than Australia, including Papua New Guinea – this policy has required increased investment due to underfunding of \$1.2 billion by the previous Government and the expansion of capacity and changes to operating procedures to ensure the effectiveness of this policy. If offshore processing had been left in the state we inherited from the previous Government, it would have been overwhelmed within months and failed like all of Labor previous policy efforts in this area. We are successfully salvaging the offshore processing arrangements;
- The implementation of our regional deterrence framework is another measure through our cooperation with regional partners to disrupt and prevent the transit of persons into and through our region using people smuggling networks, to illegally enter Australia – this has also included providing the funding support necessary to our agencies support these operations with our partners that was absent under the previous government;
- Thirdly, the denial of permanent residence in Australia for persons who have arrived illegally by boat, which continues to be unsuccessfully opposed by Labor and the Greens.

Operation Sovereign Borders is a military led border security operation, drawing together more than 15 agencies, run by a Joint Agency Taskforce under the command of Lieutenant General Angus Campbell.

Our operations are conducted discreetly, consistent with our 'no surprises' commitment to other countries in the region and to ensure the ongoing viability and sustainability of these operations.

Prior to the last election the Coalition gave an undertaking that we would take advice from the Joint Agency Task Force to be formed to implement Operation Sovereign Borders, on the public release of information relating to operations.

The Government honoured this commitment and, as a consequence, operational information is not publicly released or subject to public commentary by the Government.

The Government believes that disclosure of such operational information, which includes but is not limited to on water tactics, training procedures, operational instructions, specific incident reports, intelligence, posturing and deployment of assets, timing and occurrence of operations and the identification of individual attempted voyages, passenger information, including nationalities involved in those voyages, as this would prejudice current and future operations, it would put people at risk people who are involved in our operations and

unnecessarily cause damage to Australia's national security, defence and international relations.

In short, in the Government's view, it would not be in our national interest or the public interest, to disclose this information that would impede our ability to continue to stop the boats.

This Operation is working Chair – the boats are stopping. The way we manage information, is an important part of this operation. While I respect the Senate, which my presence here today without invitation and on my own initiative hopefully demonstrates, to comply with the request though would impede the continued success of our operations. In my view this would be reckless and irresponsible, especially given the significant progress that is being made.

I will ask General Campbell in a few moments to go into further detail on the operational reasons for the Government's approach to the public release of information, in his opening statement,

The suggestion though that broader information on Operation Sovereign Borders has not been provided is false, as the documentation already provided to the Senate demonstrates.

Weekly updates are provided detailing

- the numbers of persons who have illegally entered Australia by boat and transferred to immigration authorities,
- the number of transfers to offshore processing facilities and the standing population of those facilities as well as at Christmas Island,
- the number of voluntary and involuntary returns, and
- the details of any incidents, arrests or significant disruptions as appropriate.

During the establishment phase of Operation Sovereign Borders, weekly media conferences were held. They are now held as required in this post establishment phase and weekly statements are issued.

I continue to conduct interviews, appear at press conferences, and respond to media enquiries on a regular basis and appear here today.

The way information is used is a tool in any operation. This is true for military as well as civilian operations.

The Government has offered private and confidential briefings on Operation Sovereign Borders to both the Greens and the Opposition.

I note the Greens have declined this briefing.

The Opposition spokesperson on Immigration and Border Protection had an initial briefing last year and has agreed to receive a further briefing, however, has delayed that briefing until at least the second week of February when Parliament resumes, and is yet to confirm a date.

After initially being advised that the Leader of the Opposition would not be participating in this confidential briefing by the shadow spokesperson's office, I note that there has been public comment that he will now participate, but we are yet to be advised of his availability.

Chair, I note that the terms of reference before this Committee relates to the claim of public interest immunity concerning the production of documents relating to Operation Sovereign Borders. I note that this is not an inquiry more generally into Operation Sovereign Borders and its operations, but rather specifically in relation to the public interest immunity claim.

Accordingly I and the officials present will be pleased to respond to matters that relate strictly to the claim of public interest immunity as outlined in point (a) of your terms of reference.

In relation to point (b) I note that it is not within the scope of my responsibilities or expertise, as a humble member of the House of Representatives, appearing before Senators, or the officials present to provide any insights on the authority of the Senate. That, Chair, is a matter for the Committee.

With your indulgence Chair, and thank you for your concession on this and that of the Committee, I will now invite General Campbell to also make an opening statement.