

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 18

Senator Ludwig (Written) asked:

What is the average length of time a vessel is spending at sea as part of the operation?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 47

Senator Ludwig (Written) asked:

What is the exact definition of and ‘operational matter’?

a. Does it include the cost of assets and operations?

Answer:

‘Operational matters’ is a phrase commonly used to refer to activities part of a military or security operation. *Operation Sovereign Borders* is a military-led, border security operation. The term, ‘Operational Matters’, refers to information, often classified, regarding *Operation Sovereign Borders* operational activity not disclosed where this would prejudice the outcomes of current or future operations.

The categorisations that are used to define operational matters fall into four groups, and include that which might:

- provide advantage to people smugglers;
- manipulate prospective passengers;
- potentially damage bilateral or multilateral relationships; and
- endanger the safety of our people.

Similarly, early and detailed disclosure of costs and description of the expenditure surrounding certain operational activities can reveal the nature and extent of the activities and prejudice the outcome of the operation. These costs are included within the definition of ‘operational matters’ and are not disclosed.

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REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 49

Senator Ludwig (Written) asked:

When was that policy decision taken?

a. By whom?

Answer:

The definitions of “on-water activities” and “operational matters” are long-standing and not subject to a policy decision. The decision to keep this information classified was implemented at the commencement of Operation Sovereign Borders on 18 September 2013. This decision was made by the Minister for Immigration and Border Protection based on advice from Lt. General Angus Campbell and other officials.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 50

Senator Ludwig (Written) asked:

Can a matter be not ‘on-water’ but ‘operational’?

Answer:

Yes. The Joint Agency Task Force has three task groups which each deal with operational matters. Not all of these matters are considered to be on-water.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 54

Senator Ludwig (Written) asked:

It doesn't occur at all, does it? You have just made a blanket approach to a complex issue, and hidden it all - haven't you?

Answer:

This question is for the Minister for Immigration and Border Protection, the Hon Scott Morrison MP, to answer.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 55

Senator Ludwig (Written) asked:

What is the definition of a 'boat arrival' for the purposes of weekly reporting by the Immigration Minister?

Answer:

For reporting purposes, a boat is considered to have arrived when the persons in the boat have been transferred to immigration authorities after seeking to illegally enter Australia.

QUESTION TAKEN ON NOTICE

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL
AFFAIRS**

REFERENCES COMMITTEE

**A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS
HEARING: 31 January 2014**

Question No. 57

Senator Ludwig (Written) asked:

Please provide a copy of the order to change the definition

Answer:

There is no order to change the definition.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 59

Senator Ludwig (Written) asked:

When was this definition established? By whom?

Answer:

This definition was established on 16 October 2013 by the Minister for Immigration and Border Protection.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

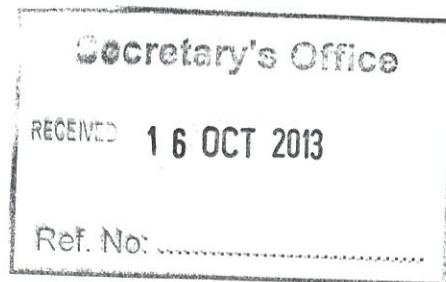
Question No. 60

Senator Ludwig (Written) asked:

Please provide a copy of the order to change the definition

Answer:

Attached is the letter from The Hon Scott Morrison MP, Minister for Immigration and Border Protection to Mr Martin Bowles, Secretary Department of Immigration and Border Protection, dated 16 October 2013.



Office of the Hon Scott Morrison MP

Minister for Immigration and Border Protection

Mr Martin Bowles
Secretary
Department of Immigration and Border Protection
Chan Street
Belconnen ACT 2617

Dear Mr Bowles,

I write to clarify the descriptive terminology that I expect to be used by my Department in relation to the following matters.

Illegal Maritime Arrivals

Article 3 of the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime defines the 'smuggling of migrants' as the 'procurement, in order to obtain, directly or indirectly, a financial benefit or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident'. 'Illegal entry' is defined as 'crossing borders without complying with the necessary requirements for legal entry into the receiving state'.

We are engaged in a whole of Government operation to stop people smuggling to Australia. This means preventing illegal entry to Australia, predominantly by sea, as described in this Convention. Accordingly I request that all reference to persons who have or have sought to illegally enter Australia by sea, be referred to by the Department as illegal maritime arrivals or IMAs because this is what we are trying to stop.

For the purpose of making references to the Migration Act you may need, in submissions or other relevant official documents, to provide further clarification by adding the further descriptor of 'IMAs, referred to in the Act as unauthorised maritime arrivals', if you consider this level of specificity is necessary to convey a specific meaning under the Act.

Detainees

All persons held in onshore detention facilities will no longer be referred to as clients, but detainees. Persons in held detention are not there to be provided with a service, they are being detained. They have been placed in detention because they have failed to comply with the processes and legal requirements that we have established regarding their entry or lawful stay in Australia. As a result, they have been detained and should be referred to in this manner. In this context persons held in community detention should be referred to as community detainees.

Transferees

All persons held in offshore processing centres should not be referred to as clients, but continue to be referred to as transferees.

IMAs on Bridging Visas

Consistent with the advice above, IMAs on bridging visas should not be referred to as clients. They should be referred to as IMAs on bridging visas.

I hope this clarifies these matters and I thank you for your assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Scott Morrison', is written over a horizontal red line.

The Hon Scott Morrison MP
Minister for Immigration and Border Protection

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 61

Senator Ludwig (Written) asked:

Turning to the MYEFO documents released late last year, page 166 in appendix A of MYEFO lists a policy decision taken for \$19.9 million for community engagement and strategic communications campaigns.

How is the money allocated to these activities being spent?

Answer:

From Feb –Jan 2017 a total of \$20m has been allocated to Operation Sovereign Borders for onshore and offshore communication activity. Under current planning:

- \$12m will be spent by December 2014 on communication activity.
- \$3m over three years will be spent on the Community Liaison Officer Program in Indonesia.
- \$5m over three years will be spent on the expansion of the public information campaign targeting crew in Indonesia.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 62

Senator Ludwig (Written) asked:

Does this campaign include “bounties” and “community wardens” as outlined in the Coalition’s election policy document on page 11 of the Coalition’s policy for a regional deterrence framework to combat people smuggling?

Answer:

The \$19.9 million for community engagement and strategic communications campaigns does not include any funding or programs for “bounties” or “Community Wardens”.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 63

Senator Ludwig (Written) asked:

Are these campaigns only taking place in Indonesia (as per the policy document)?

Answer:

MYEFO states on page 166 that:

Funding will be provided to expand and enhance existing community engagement activities in Indonesia, targeting potential illegal immigrants and crews of people smuggling ventures. Offshore anti-people smuggling communications campaigns in source and transit countries and domestic communications campaigns will also be expanded.

As per the document, campaigns will be taking place domestically and in offshore source and transit countries in addition to Indonesia.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 69

Senator Ludwig (Written) asked:

Is it before or after the Minister?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 70

Senator Ludwig (Written) asked:

When DIBP is notified, who do DIBP have the authority to further notify?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 71

Senator Ludwig (Written) asked:

What actions are taken by DIBP when a tow-back occurs?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 72

Senator Ludwig (Written) asked:

What is the procedure within DIBP to ensure that these events are recorded?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 73

Senator Ludwig (Written) asked:

What details of tow-backs are recorded by DIBP?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 74

Senator Ludwig (Written) asked:

What is DIBP's understanding of the legality of any directives from the Minister/Government relating to the recording of such information?

Answer:

It is not appropriate to provide legal advice to the Committee.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 75

Senator Ludwig (Written) asked:

Are incident reports produced following any tow-back incident?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 76

Senator Ludwig (Written) asked:

Has the Department sought legal advice from the Office of International Law (OIL) within the Attorney-General's Department about international law of the sea issues? If not, why not?

Answer:

Yes.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 77

Senator Ludwig (Written) asked:

Has the Department sought legal advice from AGS regarding international law of the sea issues? If not, why not?

Answer:

Yes. Joint legal advice was sought from the Office of International Law and AGS.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 78

Senator Ludwig (Written) asked:

Does the Department believe it is complying with the United Nations Convention on the Law of the Sea (UNCLOS)?

Answer:

The Government is confident in the legal basis to conduct Operation Sovereign Borders.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 83

Senator Ludwig (Written) asked:

How many “on-water incidents” has DIBP recorded since the beginning of OSB?

Answer:

The Minister for Immigration and Border Protection has stated that all serious on-water incidents would be reported. To date, there have been two serious on-water incidents:

- The sinking of an Indonesian vessel with loss of life off Java on 26 September 2013.
- The inadvertent incursion into Indonesia’s territorial sea by Border Protection Command assets between December 2013 and January 2014.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 87

Senator Ludwig (Written) asked:

What is DIBP's understanding of the legality of any directives from the Minister/Government relating to the recording of such information?

Answer:

It is not appropriate to provide legal advice to the Committee.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 88

Senator Ludwig (Written) asked:

What is the role of the DIBP in “on-water operations”?

Answer:

On-water operations are conducted by Australian Defence Force and Australian Customs and Border Protection Service personnel.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 89

Senator Ludwig (Written) asked:

What advice has DIBP given to the Minister/Assistant Minister regarding the use of the term “on-water operation”?

Answer:

There has been no specific advice on this topic

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 90

Senator Ludwig (Written) asked:

What is DIBP's understanding of the definition of an "on-water operation"?

Answer:

See answer to Question 46.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 91

Senator Ludwig (Written) asked:

Did the Department receive a Ministerial directive as to what constitutes an “on-water operation”?

Answer:

No such directive was received.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 117

Senator Ludwig (Written) asked:

How many on-water incidents have occurred since the start of OSB in September 2013?

Answer:

The Minister for Immigration and Border Protection has stated that all serious on-water incidents would be reported. To date, there have been two serious on-water incidents:

- The sinking of an Indonesian vessel with loss of life off Java on 26 September 2013.
- The inadvertent incursion into Indonesia's territorial sea by Border Protection Command assets between December 2013 and January 2014.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 130

Senator Ludwig (Written) asked:

What do ‘on water operations’ entail?

Answer:

See answer to Question 46

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 132

Senator Ludwig (written) asked:

What policies or guidelines are in place for the effective arrest and prosecution of people smugglers?

Answer:

The AFP applies its standard investigation practices, policies, procedures and guidelines in relation to the arrest and prosecution of people smugglers.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 141

Senator Ludwig (Written) asked:

What are the policies surrounding how Australia is working with Indonesia to curb people smuggling and trafficking operations?

Answer:

Australia has had a close and cooperative relationship with Indonesia on people smuggling for many years. Regional cooperation is crucial to deter and defeat people smuggling. Engagement with partners including Indonesia is outlined in the Government's Regional Deterrence Framework policy.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 148

Senator Ludwig (Written) asked:

Have any of these lifeboats been used for on water incidents?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 149

Senator Ludwig (Written) asked:

Have these lifeboats been used to transport IMAs back to Indonesia?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 150

Senator Ludwig (Written) asked:

If so, when did this occur? How many people were transferred to the lifeboat?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 151

Senator Ludwig (Written) asked:

What is the policy regarding the use of these lifeboats?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 152

Senator Ludwig (Written) asked:

When are they deployed and in what circumstances?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 158

Senator Ludwig (Written) asked:

What happens to the lifeboat after it is used to transport the crew and passengers back to Indonesia?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 159

Senator Ludwig (Written) asked:

Are they returned to Australia?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 160

Senator Ludwig (Written) asked:

If so, how are they returned to Australia? Who assists in this endeavour?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 161

Senator Ludwig (Written) asked:

How much does this cost?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 162

Senator Ludwig (Written) asked:

If not, who then ‘owns’ the lifeboats once they reach Indonesian shores?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 163

Senator Ludwig (Written) asked:

Are they Australian flagged vessels?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 170

Senator Ludwig (Written) asked:

At page 166 of the MYEFO document it states that “The Government will provide \$19.9 million over four years for community engagement and communications activities to help prevent and disrupt maritime people smuggling activities.” Detail what community engagement and communications activities are currently being undertaken. Can you provide a breakdown of the \$19.9m program?

Answer:

Community engagement activities are currently underway in Afghanistan, Pakistan, Indonesia and India.

Online communications activities are currently underway in Afghanistan, Pakistan, Indonesia, Malaysia, Sri Lanka, Vietnam and Thailand.

Under current planning, it is envisaged that the approximately \$20m will be spent as follows:

- \$12m will be spent by December 2014 on communications activity.
- \$3m will be spent over three years on the Community Liaison Officer Program in Indonesia.
- \$5m will be spent over three years on the expansion of the public information campaign targeting crew in Indonesia.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 174

Senator Ludwig (Written) asked:

At page 167 it states that “The Government will provide \$10.0 million over three years (including capital funding of \$1.1 million in 2013-14) to establish a Joint Agency Taskforce (the Taskforce) to implement Operation Sovereign Borders. The Taskforce is headed by a three-star military commander, and comprises representatives from several Commonwealth agencies. The funding is for the fit-out and set up of the Taskforce’s headquarters, travel costs and specialist equipment.”

- a) Provide a breakdown of the \$10 million to establish the Joint Agency Taskforce.

Answer:

The Government provided \$10m million over 3 years for the establishment and ongoing maintenance of the Joint Agency Task Force. The funding is for the fit-out and set up of the Task forces’ headquarters, travel costs and specialist equipment. The following amount has been spent on the JATFHQ to date:

Item	\$m
Office	0.022
Travel – Domestic & International	0.094
IT and Communications	0.086
General Operating	0.096
Leases (media room, car parks)	0.039
Capital	1.372
Total	1.709

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SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 175

Senator Ludwig (Written) asked:

It was reported on January 9 in The Australian Newspaper that the "Navy (is) now 'towing' back the boats" the story goes on to note that "Indonesian officials have indicated that two boats have been turned back by Australian ships from Border Protection Command, one in the middle of last month and the other last week". As of January 9 how many boats had been towed back to Indonesia?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 176

Senator Ludwig (Written) asked:

What were the names of the two boats cited in the article?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 177

Senator Ludwig (Written) asked:

How many crew and passengers were each of the boats carrying?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 178

Senator Ludwig (Written) asked:

Where were the two boats intercepted?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 179

Senator Ludwig (Written) asked:

Where were they returned to?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 180

Senator Ludwig (Written) asked:

What assets were involved in the interception?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 181

Senator Ludwig (Written) asked:

What is the time line for each of the interceptions from identification through to return?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 182

Senator Ludwig (Written) asked:

What was the process for returning the boats to Indonesia once they were in Indonesian waters?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 183

Senator Ludwig (Written) asked:

Was contact made with Indonesia once the decision to return the boats was taken?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 184

Senator Ludwig (Written) asked:

If so by which Australian official to which Indonesian official?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 185

Senator Ludwig (Written) asked:

The story in the Australian newspaper goes on to say that “Last night, the Seven Network quoted a man claiming to be a Sudanese asylum-seeker who said he was on a boat that was intercepted near an island north of Darwin by Australian authorities, who towed the vessel by rope back to Indonesian waters. The man said the vessel he was on was cut loose by the Royal Australian Navy near Indonesia's Rote Island on Sunday.” Is this an accurate description of the interception and tow back of one of the two boats from the Australian newspaper article of January 9?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 186

Senator Ludwig (Written) asked:

What happened to the boat after it was set adrift?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 187

Senator Ludwig (Written) asked:

Was the boat monitored after it was cut loose?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 188

Senator Ludwig (Written) asked:

Were navigation logs kept of each of these incidents?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 191

Senator Ludwig (Written) asked:

Can you explain how the chain of operation command operates between civilian bureaucrats and military members?

Answer:

Commander JATF reports to the Minister for Immigration and Border Protection under a single command and has the authority to coordinate government resources in the prosecution of Operation Sovereign Borders.

The Commander Border Protection Command (RADM Michael Noonan) is subordinate to CJATF, and has Operational Command of military units serving in Operation Sovereign Borders.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 194

Senator Ludwig (Written) asked:

Is there a personal directive that defines the role and provide the parameters of LTGEN Angus Campbell's involvement in operations?

Answer:

This question was answered by Defence

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 195

Senator Ludwig (Written) asked:

Is there a personal directive that defines the role and provide the parameters of RADM Michael Noonan's involvement in operations?

Answer:

This question was answered by Defence

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 196

Senator Ludwig (Written) asked:

Are there personal directives that define the role and provide the parameters of all military personnel involved the in operations?

If yes, are there differences between the various directives?

Answer:

There are directives for the Commander, Joint Agency Task Force and Commander, Border Protection Command.

No other staff members within the Joint Agency Task Force have personal directives.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 197

Senator Ludwig (Written) asked:

Can these be tabled?

Answer:

The directives for the Commander, Joint Agency Task Force and Commander, Border Protection Command have been provided by Defence.

No other staff members within the Joint Agency Task Force have personal directives.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 198

Senator Ludwig (Written) asked:

Do they establish a line of command between the Minister for Immigration and the taskforce?

Answer:

In the directive of the Commander, Joint Agency Task Force, there is a line of command established between the Commander and the Minister for Immigration and Border Protection.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 205

Senator Ludwig (Written) asked:

Can the CDF/Defence Minister provide directions on operational aspects of the operation?

Answer:

The Minister has general control and administration of the Defence Force and, under section 8 of the Defence Act 1903, the powers vested in the Chief of the Defence Force and the service chiefs "...shall be exercised subject to and in accordance with any directions of the Minister." In accordance with sub-section 8 (2) of the Defence Act 1903, command of the ADF resides with the Chief of the Defence Force. The three arms of the ADF are commanded under the Chief of the Defence Force, by the respective service chiefs.

Therefore the Minister does not engage in the tactical or operational command and control of ADF members.

This response was provided by the Department of Defence.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 220

Senator Hanson-Young (Written) asked:

When Australian authorities determine that there are children on board a boat that is to be turned around or pushed back to Indonesian territorial waters, are there special considerations about how the boat will be managed? If not, why?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.

QUESTION TAKEN ON NOTICE

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

REFERENCES COMMITTEE

A CLAIM OF PUBLIC INTEREST IMMUNITY RAISED OVER DOCUMENTS HEARING: 31 January 2014

Question No. 221

Senator Hanson-Young (Written) asked:

Who determines whether it is safe to turn a boat around or push it out of Australian territorial waters?

Answer:

This question falls within the public interest immunity claimed by the Minister of Immigration and Border Protection on 18 November 2013.