

Chapter 1

Introduction

Background

1.1 On 17 January 2014, the Minister for Immigration and Border Protection, the Hon Scott Morrison MP, announced that 'Border Protection Command assets had, in the conduct of maritime operations associated with [OSB], inadvertently entered Indonesian territorial waters on several occasions, in breach of Australian Government policy'.¹ Minister Morrison stressed that it was the 'firm policy and commitment' of the Government 'not to violate the territorial sovereignty of Indonesia in relation to any operations conducted under [OSB]'.² He noted that formal apologies on behalf of the Australian Government would be made to the Indonesian government.³

1.2 At the same press conference, Lieutenant General Angus Campbell emphasised that at no time were Australian vessels authorised to enter Indonesian waters and that the personnel on the vessels believed they were at all times operating outside of Indonesian waters.⁴

1.3 On 21 January 2014, Customs and Defence announced that a joint review would be conducted to investigate the circumstances under which Australian naval vessels entered Indonesian territorial waters. The inquiry would cover the period between 1 December 2013 and 20 January 2014.⁵

1.4 The joint review concluded on 10 February 2014 and a public version released on 19 February.⁶ The summary of the review's findings and recommendations

1 Transcript of press conference, 'Operation Sovereign Borders Update', Minister for Immigration and Border Protection the Hon Scott Morrison MP and Lieutenant General Angus Campbell DSC AM, 17 January 2014, p. 1.

2 Transcript of press conference, 'Operation Sovereign Borders Update', Minister for Immigration and Border Protection the Hon Scott Morrison MP and Lieutenant General Angus Campbell DSC AM, 17 January 2014, p. 1.

3 Transcript of press conference, 'Operation Sovereign Borders Update', Minister for Immigration and Border Protection the Hon Scott Morrison MP and Lieutenant General Angus Campbell DSC AM, 17 January 2014, p. 2.

4 Transcript of press conference, 'Operation Sovereign Borders Update', Minister for Immigration and Border Protection the Hon Scott Morrison MP and Lieutenant General Angus Campbell DSC AM, 17 January 2014, p. 4.

5 Media release, 'Joint Customs-Defence Media Release – Review of positioning of vessels engaged in Operation Sovereign Borders', 21 January 2014, <http://news.defence.gov.au/2014/01/21/joint-customs-defence-media-release-review-of-positioning-of-vessels-engaged-in-operation-sovereign-borders/> (accessed 24 March 2014).

6 Media release, 'Joint Review of Positioning of Vessels Engaged in Operation Sovereign Borders is completed', Australian Customs and Border Protection Service, 19 February 2014, <http://newsroom.customs.gov.au/releases/joint-review-of-positioning-of-vessels-engaged-in-operation-sovereign-borders-is-completed> (accessed 24 March 2014).

indicated that two Royal Australian Navy (RAN) frigates had crossed into Indonesian territory four times during the period, while Customs vessels did so on another two occasions. The report confirmed that '[o]n each occasion the incursion was inadvertent, in that each arose from incorrect calculation of the boundaries of Indonesian waters rather than as a deliberate action or navigational error'.⁷

Conduct of the inquiry

1.5 On 5 March 2014, the Senate referred matters relating to breaches of Indonesian territorial waters to the Foreign Affairs, Defence and Trade References Committee 'with effect from 20 March 2014 for inquiry and report by midday 27 March 2014'.⁸ The committee advertised the inquiry on its website and through social media and called for submissions. The committee received three public submissions. These are published on the committee's website and listed at Appendix 1.

1.6 The committee held a public hearing on 21 March 2014 and invited witnesses from the relevant departments and agencies as well as academics. Witnesses who appeared at the hearing are listed at Appendix 2.

Structure of the report

1.7 The report consists of three chapters. Following this introduction, Chapter two examines evidence provided to the committee at a public hearing on 21 March in relation to the maritime incursions. Chapter three provides the committee's conclusions and recommendations.

7 *Joint Review of Positioning of Vessels Engaged in Operation Sovereign Borders*, paragraph 10.

8 *Journals of the Senate*, 5 March 2014, p. 564.