



The Coalition's *Operation Sovereign* *Borders Policy*

July 2013

Key Points

If elected, a Coalition government will establish a military-led response to combat people smuggling and to protect our borders – *Operation Sovereign Borders*.

An incoming Coalition government will treat the border protection crisis as a national emergency and tackle it with the focus and energy that an emergency demands.

A senior military commander of 3-star ranking will lead *Operation Sovereign Borders*.

The Chief of the Defence Force will recommend the appointment of the 3-star commander, as well as a command and control model for this major operation.

The commander will report directly to the Minister for Immigration, who will have portfolio responsibility for *Operation Sovereign Borders*.

Our current disjointed institutional arrangements within government do not provide an optimal structure for securing our borders. Instead, they run the continued risk of simply justifying more lame excuses for why things don't happen.

There are more than 12 separate government agencies that have involvement in, or responsibility for, the security of our borders, yet the boats still keep coming and too much is falling between the cracks.

This is a dynamic situation and static policies that don't have the capacity to adapt and change to circumstances, and the tactical responses of people smugglers, will fail.

Stopping the boats cannot be achieved through inter-departmental committees, working groups and international dimensions alone.

There must be one person responsible with all the necessary resources of government at his or her command.

The scale of this problem requires the discipline and focus of a targeted military operation, placed under a single operational and ministerial command and drawing together all the necessary resources and deployments of government agencies.



Introduction

The Scale of the Problem Caused by Labor

Labor has failed on our borders like no other government in Australia's history.

Illegal arrivals by boat to Australia have increased from an average of just two people per month under the former Coalition government to the current rate of more than 3,000 people per month.

The number of people in the immigration detention network or on bridging visas in the community who have arrived illegally by boat has increased from just four people in 2007 to more than 23,000 today.

More than 1,000 people have perished at sea after people smugglers' boats sank.

More than 6,000 children have had their lives put at risk by travelling on people smugglers' boats to Australia.

More than 14,500 desperate people have been denied a place under our offshore humanitarian programme because those places have been taken by people who have arrived illegally by boat. These people are genuine refugees, already processed by United Nations agencies, but they are denied a chance at resettlement by people who have money in their pocket to buy a place via people smugglers.

The total cost to Australian taxpayers for managing illegal boat arrivals has increased from \$85 million in 2007-08 to \$3 billion in 2013-14.

Between 2007-08 and 2013-14, the budget for managing illegal boat arrivals has blown-out by \$10.3 billion. This is real money that could have been spent on Australian schools, hospitals or improving our infrastructure.

Labor's border failure is the consequence of Labor's failed policies and failed resolve.

Labor weakened Australia's borders by abolishing the proven border protection policy regime established by the Howard Government and has provided an open invitation to people smugglers throughout their six years in office.



Since 2007, Labor has pursued 11 failed approaches to border protection:

- Extended appeal rights and legal assistance – November 2008
- The Afghan and Sri Lankan Asylum freeze – April 2010
- The East Timor Solution – July 2010
- The Afghan Return Solution – January 2011
- A Regional Processing Framework – March 2011
- Manus Island Mark 1 – August 2011
- Community release with work rights – November 2011
- Full appeals to the RRT and Federal Court- March 2012
- The Malaysian people swap – May 2012
- The Houston Expert Panel – August 2012
- The PNG ‘arrangement’ – July 2013 (yet to be implemented)

All of Labor’s policies have failed.

Labor has consistently demonstrated that they have neither the resolve nor the competence to combat people smuggling.

When it comes to securing our borders, Labor’s heart is simply not in it.

The Coalition’s Commitment to Border Protection

The Coalition has a clear and consistent policy commitment to border protection.

It was Prime Minister John Howard who declared that “we will decide who comes to this country and the circumstances in which they come.” This was a statement of national sovereignty and the need for Australia to control our borders.

A Coalition government will restore real policies that live up to this declaration.



To do otherwise puts peoples' lives at risk, disregards the safety and morale of our border protection forces, shows contempt for taxpayer money, and effectively sells-out our immigration regime to the people smugglers.

Australians deserve a government that will take control of our borders and restore faith in our immigration system, including our generous humanitarian intake.

For years the Coalition has advocated a strong and consistent policy stance that focuses single-mindedly on deterrence. These policies are well known and include:

- **restoration of Temporary Protection Visas (TPVs) for those found to be refugees** – These visas deny access to family reunions and provide the opportunity to revisit people's refugee status when conditions in their home country change. This policy denies permanent residency, citizenship and therefore a product for people smugglers to sell;
- **establishing genuine and rigorous third country offshore processing on Nauru and Manus Island** – Offshore processing is consistent with our current laws and ensures resettlement in Australia is not guaranteed;
- **instructing the Australian Defence Force to turn back boats where it is safe to do so** – Where possible, we will also provide support to source and transit countries, in particular Sri Lanka and Indonesia, to intercept vessels departing their shores;
- **intercepting all identified vessels travelling from Sri Lanka** outside our sea border and arranging for the immediate return of all passengers in accordance with safe transfer arrangements to be established with the Sri Lankan Government; and
- **employing s91W of the *Migration Act* to deny refugee status for those who are reasonably believed to have deliberately discarded or destroyed their identity documentation** – Unlike Labor's weak proposal to put those people at the back of the queue, under a Coalition government, they won't even make the queue – we will refuse to process them.

These measures are intended to provide the maximum deterrence to people smugglers by denying them a product to sell to often vulnerable people.



The Importance of Regional Co-Operation

A key element of the Coalition's policy approach has been regional cooperation. It was the Howard Government that established the Bali Process in partnership with Indonesia in 2002.

However, the Coalition has always considered that regional cooperation is not a substitute for taking strong action ourselves.

The Coalition emphasises deterrence measures as part of our regional policy approach, including:

- providing bilateral support to improve maritime surveillance and response capabilities for search and rescue operations within each country's search and rescue zone, including reception facilities in those countries;
- support for, and participation in, joint enforcement, disruption, intelligence gathering and surveillance operations on people smuggling;
- encouraging the establishment of tougher laws to combat people smuggling within the region;
- encouraging the development of tougher border controls within the region to discourage Australia-bound asylum seekers through improved border security, advance passenger clearance systems, and data and intelligence sharing by border agencies; and
- supporting regional efforts to facilitate safe return to source countries, including re-admission agreements and placement of independent observers to monitor the safety and treatment of returnees.

We would also work with, and assist countries of, first asylum within our neighbourhood to address the humanitarian and resettlement needs of asylum seekers generated from within our region.



A Comprehensive 'Regional Deterrence Framework'

The Coalition's policies on border protection represent a 'Regional Deterrence Framework' to combat people smuggling.

The Coalition's Regional Deterrence Framework comprises integrated measures in four key areas:

1. External disruption and deterrence measures with regional partners to combat people smuggling;
2. Detection and interception of Suspected Illegal Entry Vessels (SIEVs) and safe transfer of passengers to an external location;
3. Detention of SIEV passengers at third country locations and assessment of their asylum claims to determine their refugee status; and
4. Return SIEV passengers to origin country or for those with valid asylum claims resettlement to a third country or as a last resort to Australia with a temporary protection visa only.

Our approach to regional cooperation links the actions of destination, transit and source countries with the objective of deterring and disrupting people smuggling at every point in the chain, with individual country plans fashioned to address specific actions in each jurisdiction.

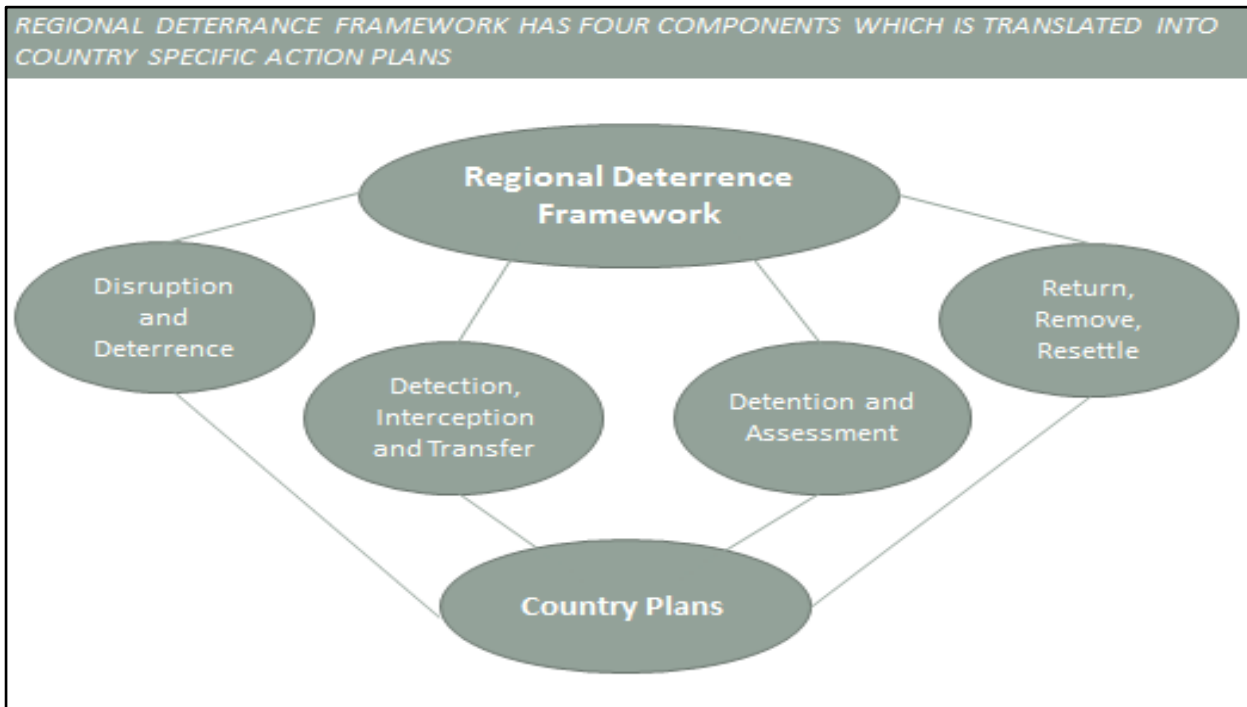
At the heart of our approach is the recognition that our regional partners have many challenges to address, of which people smuggling is just one.

Australia must take the initiative and responsibility not only for our own actions, but must engage and support regional partners. We recognise that working with other countries is necessarily complementary, rather than a substitute for action in Australia and by Australia.

We also recognise that if we fail to take the initiative then we can hardly expect regional partners to assist us to solve the problem. In short, any successful regional solution for Australia must begin with our government demonstrating our resolve at home and on our borders by 'taking the sugar off the table.'



The Coalition's Regional Deterrence Framework is illustrated below.



The Way Forward

The Coalition will both implement deterrence policies and accelerate regional co-operation.

But the scale of the problem requires a fresh, decisive approach.

To ensure we stop the boats, an incoming Coalition government will establish a military-led response to combat people smuggling and to protect our borders – *Operation Sovereign Borders*.



The Plan

1. *Operation Sovereign Borders*

If elected, a Coalition government will establish a military-led response to combat people smuggling and to protect our borders – *Operation Sovereign Borders*.

A senior military commander of 3-star ranking will lead *Operation Sovereign Borders*.

The Chief of the Defence Force will recommend the appointment of the 3-star commander, as well as a command and control model for this major operation.

The commander will report directly to the Minister for Immigration, who will have portfolio responsibility for *Operation Sovereign Borders*.

Our current disjointed institutional arrangements within government do not provide an optimal structure for securing our borders. Instead, they run the continued risk of simply justifying more lame excuses for why things don't happen.

This is a dynamic situation and static polices that don't adapt and change to circumstances and the tactical responses of people smugglers will fail.

This cannot be achieved through inter-departmental committees and working groups.

There must be one person responsible with all the necessary resources of government at his or her command.

The scale of this problem requires the discipline and focus of a targeted military operation, placed under a single operational and ministerial command and drawing together all the necessary resources and deployments of government agencies.

As we have learned from Labor's many failures in border protection, each failure only worsens the problem and makes a solution harder to achieve.

Having an idea is one thing – being able to implement it is another.

Too often Labor has had policies designed for announcement rather than implementation, only to unravel later, as is already occurring with the Government's latest announcement in relation to PNG.



Notwithstanding Labor's numerous inadequate policy responses on border protection, a key failing has been their inability to implement them.

The key contributing factors to the failed implementation have been:

- failure to integrate the operations of the respective agencies that are critical to the task of stopping the boats; and
- failure to create any sense of urgency or priority about this task within government.

An incoming Coalition government will treat the border protection crisis as a national emergency and tackle it with the focus and energy that an emergency demands.

Authority and accountability for border protection are fragmented across numerous agencies, portfolios and Ministers.

The multiplicity of agencies and reporting lines provide for conflicting strategies, siloed operations, disconnected systems, fractured accountability, inadequate information sharing, duplication and dilution of scarce resources, higher costs and institutional resistance to cooperation.

The 'Captain Emad' saga was just one high profile example that exposed these failings – the customs and immigration agencies and the Australian Federal Police were oblivious to each other's activities, allowing 'Captain Emad' to sail in and fly out of the country, as ministers and departments blamed each other for the failure.

To implement policies that will successfully stop the boats requires strong and clear government leadership, backed up by competent management to execute tasks and respond to events and conditions as they arise.

A national emergency cannot be managed through inter-departmental committees and working groups under bureaucratic control. The scale of this problem requires the discipline and focus of a targeted military operation, placed under single ministerial command and drawing together all necessary government resources.

A Coalition government will hit the ground running by moving to address Labor's failures of policy, resolve and implementation through the establishment of *Operation Sovereign Borders*.

The mission of *Operation Sovereign Borders* will be simple: stop the entry of detected SIEVs into Australian territory.



The mission of *Operation Sovereign Borders* will be achieved through the integrated implementation of the Coalition's Regional Deterrence Framework policies across all relevant government agencies.

Operation Sovereign Borders will successfully drive this implementation by establishing a single chain of command – with a whole of government mandate – by bringing together the resources needed and establishing the sense of urgency required to get this job done.

2. Operation Sovereign Borders Joint Agency Taskforce

A Coalition government will establish a Joint Agency Taskforce to run *Operation Sovereign Borders*, drawing together resources and deployments from the following agencies formally assigned by their respective ministers under a single command, namely:

- The Department of Prime Minister and Cabinet
- The Department of Immigration and Citizenship
- The Department of Foreign Affairs and Trade
- The Department of Defence
- The Australian Defence Force
- The Department of Foreign Affairs and Trade
- The Attorney General's Department
- Border Protection Command
- The Australian Customs and Border Protection Service
- The Australian Federal Police
- The Australian Maritime Safety Authority
- The Office of National Assessments
- The Australian Secret Intelligence Service
- The Australian Security Intelligence Organisation
- Australian Signals Directorate
- Australian Geospatial-Intelligence Organisation



The Australian Defence Force will be tasked to lead implementation of *Operation Sovereign Borders* and to design, raise, deploy, command and support the 'Operation Sovereign Borders Joint Agency Taskforce'.

The Chief of the Defence Force will present a preferred command and control model for the Operation Sovereign Borders Joint Agency Taskforce headquarters and recommend a 3-star commander to lead the operation.

The commander will report directly to the Minister for Immigration, who will be assigned portfolio responsibility for *Operation Sovereign Borders*, reporting to the Prime Minister.

The Operation Sovereign Borders Joint Agency Taskforce will be supported by four operational task groups, each executing their own specific action plans, reporting to the Operation Sovereign Borders Joint Agency Taskforce command as follows:

- Disruption and Deterrence Task Group – led by the Australian Federal Police;
- Detection, Interception and Transfer Task Group – led by Border Protection Command;
- OffShore Detention and Assessment Task Group – led by the Department of Immigration and Citizenship; and
- Return, Remove, Resettle Task Group – led by the Department of Immigration and Citizenship.

A single point of authority will also be established in each relevant Australian diplomatic mission to ensure clear accountability authority for decision-making, direction and coordination of activities.

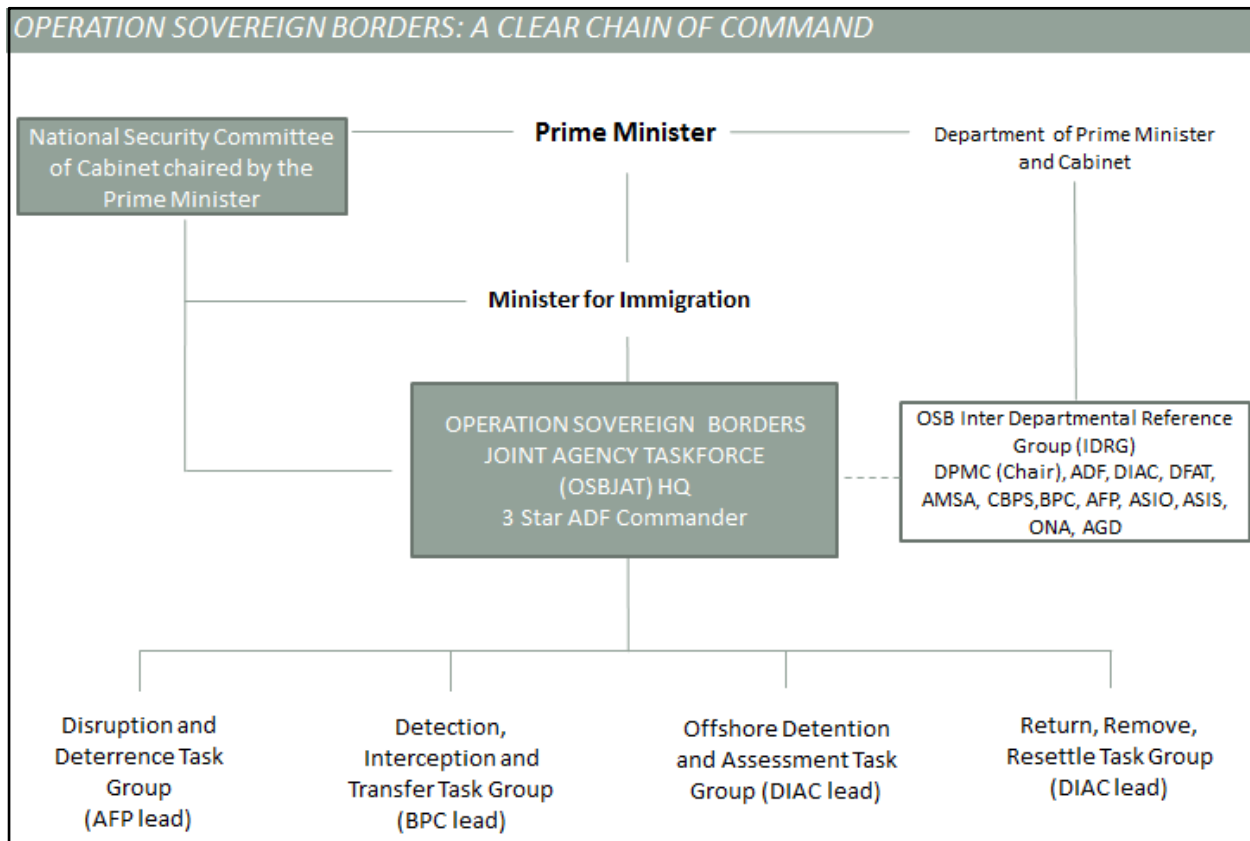
The Operation Sovereign Borders Joint Agency Taskforce commander's first task will be to work with relevant agencies to identify the necessary assets and deployments required.

The National Security Committee of Cabinet (the NSC) will oversee *Operation Sovereign Borders* and hold additional regular scheduled meetings to focus solely on this operation, separate to their standing agenda, attended by the Chief of the Defence Force.

An '*Operation Sovereign Borders* Inter-Departmental Reference Group' will be established comprising the Secretaries and Chief Executives of Departments and Agencies assigning assets and resources to the Operation Sovereign Borders Joint Agency Taskforce, chaired by the Department of Prime Minister and Cabinet.



The *Operation Sovereign Borders* Inter-Departmental Reference Group will not direct or oversee the Operation Sovereign Borders Joint Agency Taskforce's operations, but provide a clearing house to address any interagency issues or support needs relating to *Operation Sovereign Borders* and the Joint Agency Taskforce outside of the operational context.



Headquarters of the Sovereign Borders Joint Agency Taskforce

The headquarters – to be established by the commander based on the proposal advised by the Chief of the Defence Force – will comprise key support and enabling functions including intelligence, legal services, communications, international relations, finance and risk management.

The headquarters will, in particular, establish a communications group, drawing together relevant agencies, the Prime Minister's Office and relevant ministers' offices to coordinate all information and communications relating to the Operation Sovereign Borders Joint Agency Taskforce operations to ensure there are strict protocols and disciplines on the release of operational information.



The appointment of a 3-star commander to run *Operation Sovereign Borders*, reporting to a single senior cabinet minister responsible across portfolios, will send the strongest possible message about the Coalition's resolve to defeat the people smugglers.

This message will not only be sent to the Australian people, making good on the Coalition's promise to hit the ground running, but even more importantly to the people smugglers and their prospective passengers who must understand, from day one, that the rules have changed.

It will also be an important message for our regional partners and those working in our responsible agencies who are critical to the success of this operation.

Operational Imperatives of the Operation Sovereign Borders Joint Agency Taskforce

While the Coalition understands that it is imperative to have a clear sense of urgency in establishing these arrangements, we will also not rush to failure, as Labor have done on so many occasions.

In the first few weeks of operations, the Operation Sovereign Borders Joint Agency Taskforce commander will need to focus on establishing the headquarters and putting the infrastructure in place to run the operation.

During this transitional period, the Minister for Immigration, as the responsible Minister for *Operation Sovereign Borders*, will work through the National Security Committee of Cabinet and existing agencies to implement immediate actions, principally through Border Protection Command, the Department of Immigration and Citizenship, and the Australian Federal Police.

The establishment of an *Operation Sovereign Borders* Inter-Departmental Reference Group, chaired by a Deputy Secretary from the Department of Prime Minister and Cabinet with specific tasking to support the achievement of the Coalition government's commitment to stop the boats, will provide a necessary forum to work through any issues arising between departments and existing agencies, without distracting the Operation Sovereign Borders Joint Agency Taskforce from its core operational tasks.

These issues must be resolved by department and agency heads, working to the direction of the Prime Minister's Department.



Priorities of Operation Sovereign Borders' First 100 Days

Key initiatives to be undertaken in the first 100 days by *Operation Sovereign Borders* are outlined in the table below.

The establishment of the Operation Sovereign Borders Joint Agency Taskforce will allow contributing ministers, departments, agencies and their secretaries and chief executives to be unencumbered by the burden of operational responsibilities in this demanding area that might distract from other critical priorities of an incoming government.

Key initiatives to be undertaken in the first 100 days by <i>Operation Sovereign Borders</i>
Issue protocols for <i>Operation Relex II</i> , to turn back boats where it is safe to do so.
Commence increasing capacity at offshore processing centres.
Commence leasing and deploying additional vessels to relieve patrol vessels of passenger transfers.
Conduct Ministerial visits to Indonesia, Sri Lanka, Nauru and PNG to discuss operational matters.
Establish <i>Operation Sovereign Borders</i> headquarters and create the joint agency taskforce.
Reintroduce Temporary Protection Visas.

In the case of the Department of Immigration and Citizenship, this will mean focusing on the significant legacy caseload of an expected 30,000 asylum seekers expected to be resident in Australia by the time of the election.

More than two thirds of this caseload will likely be on bridging visas in the community or in community detention. Under Labor, processing of claims will not have commenced for the vast majority of this caseload.



The tasks associated with resolving Labor's legacy asylum caseload include the introduction of temporary protection visas, changes to the assessment processes, and in relation to the community release programme improved accommodation guidelines, community and police consultation procedures and behavioural codes.

This process will be managed by the Department of Immigration and Citizenship, separately to the Operation Sovereign Borders Joint Agency Taskforce, and will be the subject of separate policy announcements.

COST

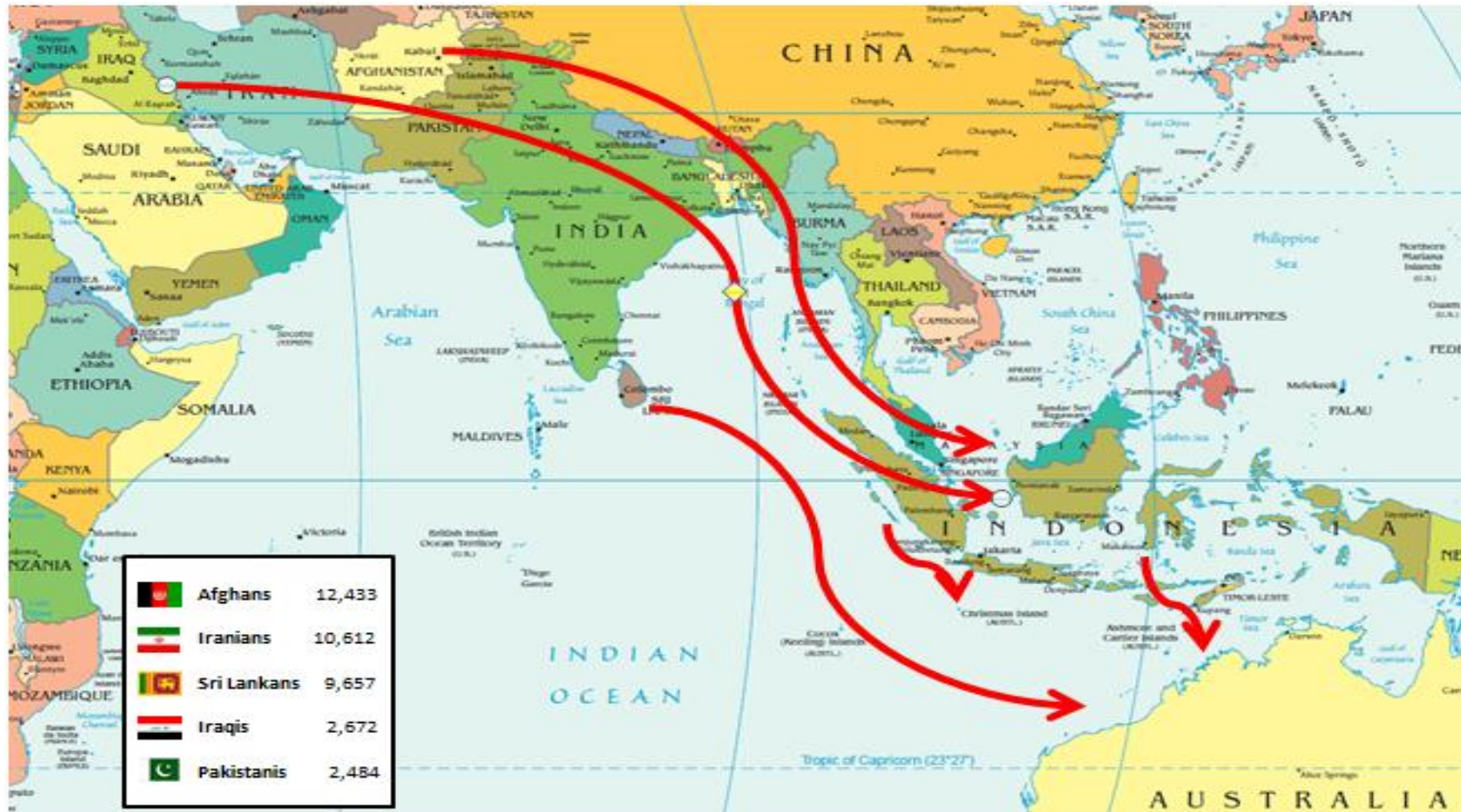
The Coalition will provide \$10 million in special operations funding to establish the Operation Sovereign Borders Joint Agency Taskforce headquarters, not including seconded resources from participating agencies. This will cover the cost of swiftly establishing the headquarters, allowing for the need for specialised (and secure) facilities, as well as an additional reserve to ensure urgent requirements identified by the Taskforce commander are not delayed by the need to seek extra funding.

This funding will be provided through Defence and subject to the proposal put forward by the Chief of the Defence Force.

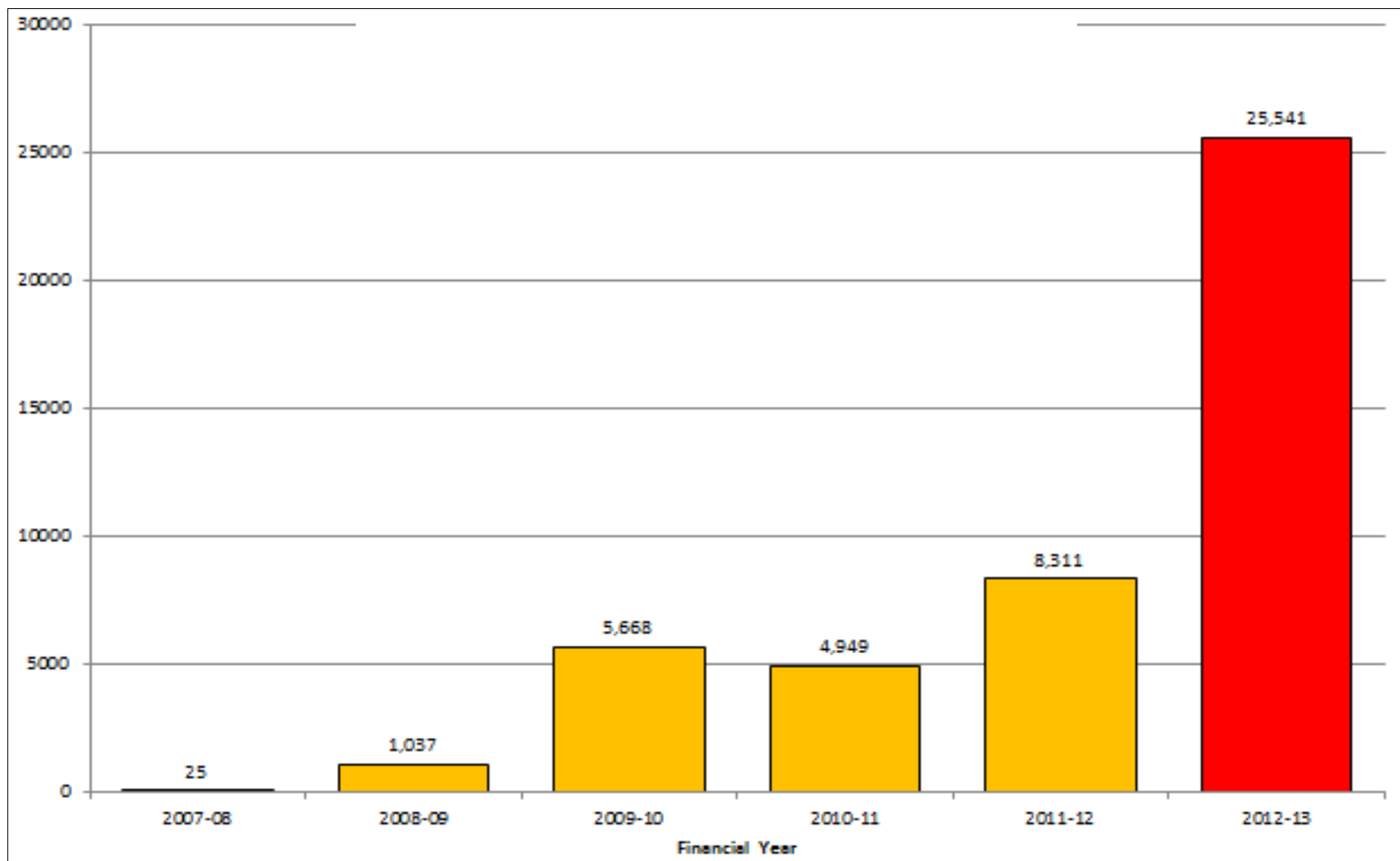
The costing of individual measures to be undertaken by *Operation Sovereign Borders* will be the subject of separate policy announcements.



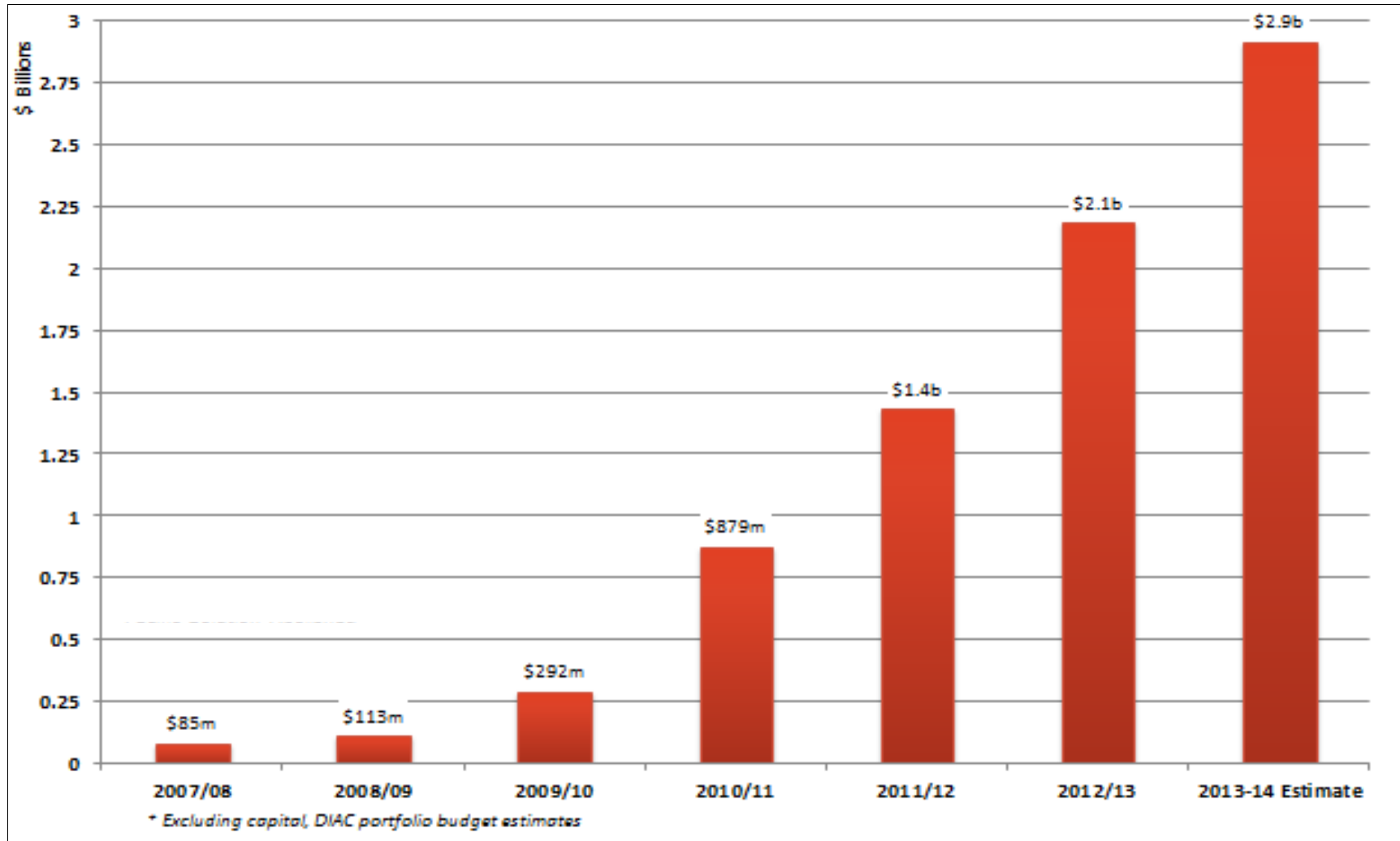
Attachment A – Labor’s record: 48,300 illegal boat arrives since 2007



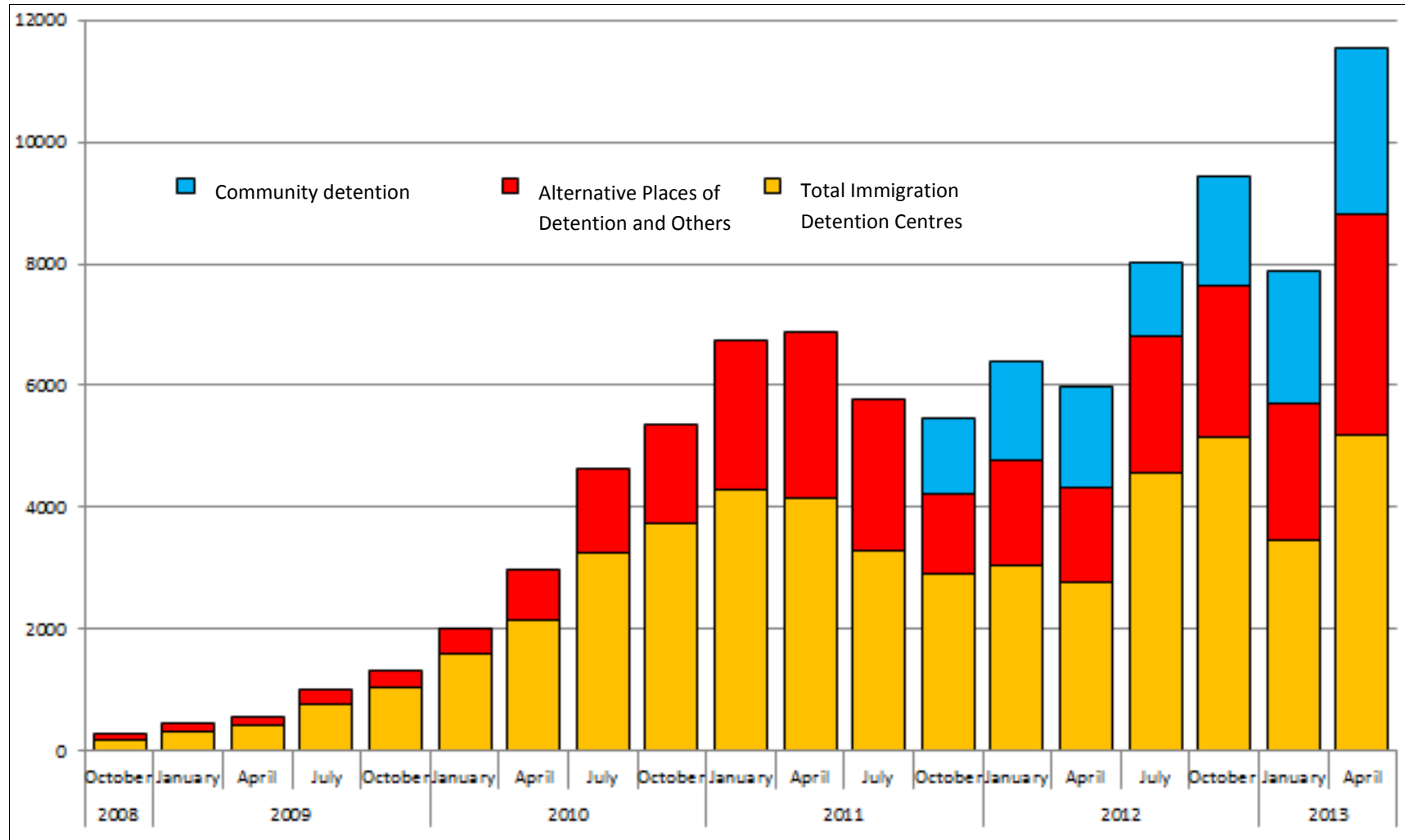
Attachment B – Number of persons arriving illegally by boat



Attachment C – Annual spending on illegal boat arrivals



Attachment D – Australia's detention population



Hope.
Reward.
Opportunity.



THE NATIONALS *for Regional Australia*

For further details of the Coalition's Plan go to
www.realsolutions.org.au