

## QUESTION TAKEN ON NOTICE

### BUDGET ESTIMATES – 26 – 27 MAY 2014

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### **(BE14/374) PROGRAMME – Australian Customs and Border Protection Service**

Senator Conroy (Written) asked:

In relation to the maps circulated at the Estimates hearing, is this what the digital charts look like on board the OCV Ocean Protector?

So, if this map provided to the committee, apparently sourced from within your organisation, is correct it would appear not only that Australian ships entered Indonesia's territorial waters, but that they entered Indonesia's "Internal Waters" – as per the claim made in the Guardian newspaper. Is that correct?

- a. There is no mention of entry into Indonesia's "internal waters" in the report into the incursion into Indonesia, only references to entry into their territorial waters – are you concerned that there may have been an oversight?
- b. Do you consider internal waters to be the same as territorial waters?
- c. Since the report by the Guardian, have you revisited the review to ensure that the full extent of the breaches of Indonesia's sovereignty by Operation Sovereign Borders have been understood?

*Answer:*

The image circulated at the Estimates hearing is the subject of an ongoing investigation and it would be inappropriate to comment on its provenance or content.

To preserve operational security, the Australian Customs and Border Protection Service (ACBPS) will not comment in relation to on water operational matters, including the alleged, disposition of its assets at any point in time. Further information can be found in the *Australian Government response to the Foreign Affairs, Defence and Trade Reference Committee report: Breach of Indonesian Territorial Waters* formally tabled in the Senate on 7 July 2014.

(a) & (c) The Review was completed in accordance with the comprehensive terms of reference covering a broad range of procedural, training and systemic issues. The Review involved a full analysis of all patrols conducted during the relevant period to identify those patrols that resulted in incursions into Indonesian waters by Australian vessels, as well as causal factors.

The Chief of the Defence Force and the Chief Executive Officer, ACBPS are confident that the full extent of the breaches is understood.

(b) No. Internal waters are defined differently to territorial waters under the United Nations Convention on the Law of the Sea (UNCLOS).