

**Australian Border Force Commissioner
Mr Roman Quaedvlieg**

**Opening Statement to the Legal and Constitutional Affairs
Legislation Committee
Estimates Hearing
Monday, 19 October**

Chair, I'm pleased to make this short opening statement in my new role as the Commissioner of the Australian Border Force – the ABF.

The Secretary of the Department of Immigration and Border Protection, Mr. Michael Pezzullo will/has reflect/reflected on some of the recent work of the new Department. My statement focuses on the operational activities of the Australian Border Force.

The *Australian Border Force Act* established the ABF as the operational arm of the DIBP on 1st July this year. In essence, the ABF's operational remit is a combination of the operational functions of the former Customs Service and the former Immigration Department. No more, no less.

Similarly, the powers available to ABF officers are simply an amalgamation of the powers that were available to the officers of the former Customs and Immigration. While some of those antecedent powers have been re-packaged, for example disclosure provisions, no fundamentally new powers have been bestowed on the ABF.

One lesser known function of the ABF is the responsibility for enforcement and collection of border-related revenue such as duty owed on excisable goods like tobacco. The oversight of compliance with Australian trade rules, and the collection of owed duties, resides with the ABF Commissioner, whom has a dual role as the Comptroller-General of Customs. Last financial year we collected more than \$15 billion in duty.

The ABF's more visible roles however are on overt display every day across Australia's border continuum. As a statistical snapshot for the Committee, on average in the course of a week ABF officers:

- clear more than 600 000 arriving air passengers and 22 000 arriving sea passengers
- clear more than 600 000 imported air cargo consignments and 55 000 sea cargo consignments
- collect more than \$300 million in revenue
- seize 450 importations of illicit drugs
- inspect more than 1 million incoming international mail items
- survey 3 000 000 million square nautical miles of our maritime domain
- cancel more than 1000 visas for non-compliance by holders
- locate more than 300 unlawful non-citizens and 50 illegal workers in the community; and

- currently managing 2688 persons in our detention centres and community detention facilities.

Most of the ABF's operational priorities for this year won't be a surprise to the Committee. They are:

- illicit drugs, with a particular emphasis on methamphetamine or ice
- illicit firearms
- people smuggling and human trafficking
- illicit tobacco with an emphasis on organised crime involvement
- counter-terrorism, focussing on the movement of 'foreign fighters' across the border
- serious and organised revenue evasion
- illegal foreign fishing; and
- exploitation of the visa program

While drugs, guns, and people smuggling have always been, and will continue to be, core operational priorities for the ABF and are well understood by the Committee, I want to draw out several of the other priorities for the Committee's understanding.

The ABF has been monitoring the movement of 'foreign fighters' across Australia's border since August last year through the deployment of Counter Terrorism Unit teams in our eight major international airports – Sydney, Melbourne, Brisbane, Perth, Cairns, Gold Coast, Adelaide and Darwin.

Their role is primarily to assist security and intelligence agencies by monitoring and preventing persons travelling from Australia to unlawfully participate in foreign conflicts, and to manage those persons seeking to return to Australia when they return from those conflict areas. This is critical work in support of Australia's national security.

Enforcement of visa system exploitation is crucial in maintaining the integrity of our migration programs. We are seeing increasing exploitation of our visa system by organised actors, onshore and offshore. We intend to apply the full spectrum of operational tools and powers to this illegal activity.

The recent establishment of joint Taskforce Cadena in conjunction with the Fair Work Ombudsman to target the exploitation of Working Holiday Makers is an example of this approach. In the past few months this task force has undertaken five compliance operations, detaining 60 unlawful non-citizens and arresting three persons for breaches of the Migration Act. The task force is currently assessing 31 allegations of organised labour exploitation and has developed a target list of 65 entities, a priority cohort of which are 13 labour hire companies.

Similarly, we will continue routine visa compliance activities to maintain the hygiene of Australia's visa system. This includes supporting partner agencies with immigration compliance advice and support where they undertake broader enforcement activities. The recently cancelled Operation Fortitude in Melbourne was to be one such example of where the ABF provides a support role to these activities.

Our role in that operation was limited to six ABF visa compliance officers in two static locations, over two evenings, in Melbourne's CBD, providing a secondary advisory and support service where the lead agencies referred matters requiring immigration expertise.

This activity is a routine and regular component of our responsibilities. Last financial year we provided support to over 300 operations led by partner enforcement agencies across Australia.

Unfortunately in the case of Operation Fortitude the ABF issued a complementary media release which was factually wrong in describing its role. This resulted in public confusion, concern and distress - for which I apologise.

We undertook a comprehensive review of internal media procedures in the immediate aftermath of this cancelled event which resulted in a number of recommendations and which are now fully implemented.

A number of staff were also formally counselled.

We currently have an operational focus on the importation of illicit tobacco. This illegal activity not only leads to substantial revenue leakage but is increasingly being committed by serious and organised criminal entities which employ sophisticated methodologies and use profits from this activity to reinvest into other crime.

In the last three months alone we have seized over 100 tonnes of illicit tobacco at Australian seaports and we have worked with our off-shore partners to seize almost 60 more tonnes of illicit tobacco headed to Australia. The evaded excise on this quantity of tobacco had it passed the border would have been \$60 million.

I'm also pleased to report that we have been able to dedicate a greater degree of surveillance resources to illegal and foreign fishing activities over the course of this calendar year.

Not only were we able to conduct a long-range 42-day patrol in the Southern Ocean to fulfil our commitments to police those waters, our Maritime Border Command vessels conducted boardings of three renowned illegal foreign fishing vessels as they sailed under false flags near our Indian Ocean territories while returning from illegal fishing activities in the Southern Ocean.

Those interceptions were consequently crucial to the detention of those vessels - and the seizure of their illegal catches - by our off-shore maritime partners. The Commander of the Maritime Border Command can provide more detail on those activities if the Committee so wishes.

On the 1st July the ABF also assumed responsibility for the operation of Australian immigration detention facilities.

In the three months since, we have initiated a large body of work to improve the operation, security and amenity of these facilities and the persons held within them.

One example is the use of a nationally consistent model for deciding where in the network to place detained persons, taking into consideration individual vulnerabilities, risk factors, medical needs, family needs, links to communities, and like factors.

Another example is the delivery of a specialised training course for ABF officers in charge of detention facilities which includes in its curriculum operational issues such as professional command and control and other input from entities such as the Australian Human Rights Commission.

The Deputy Commissioner for ABF Operations and his officers can provide more detail on current operations and our reform program in the detention network if the Committee desires.

Thank you for the opportunity to make this short statement.