

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 25 February 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE14-322)

Senator Conroy (Written) asked:

Did operational headquarters or command provide any advice or issue any orders during any of the operations that resulted in the Australian vessels moving into, or further into, Indonesian territorial waters?

Answer:

Australian Government policy relating to Operation Sovereign Borders is described in the Coalition's Policy on Regional Deterrence Framework to Combat People Smuggling of August 2013. This policy covers a spectrum of response options available under the Operation that were translated into operational instructions to both Commander Border Protection Command (COMBPC) and assigned ADF and ACBPS units. Two key policy constraints were articulated in these instructions:

- a. Activities are only to be conducted when deemed safe to do so by the Commanding Officer of the assigned BPC vessels, and
- b. Activities are only to be conducted outside 12 nautical miles from Indonesia's archipelagic baseline.

Both constraints were recognised in planning conducted by operational headquarters staff and were clearly articulated in mission instructions. Directions issued to the operational headquarters and assigned units were clear that OSB patrols were not to enter Indonesian waters. It is clear in the documentation examined by the Review, that planning conducted by the operational headquarters concluded that OSB patrols could be achieved consistent with these constraints.