

SENATE ESTIMATES BRIEF

Group Top Issues Brief
[Group Name to be inserted] pack

INTERCEPTING AND TURNING BACK SUSPECTED IRREGULAR ENTRY VESSELS (SIEVS)

Key Message

- A turn back boats policy can be implemented so long as key pre-conditions are met.
- A turn back boats policy will have secondary and tertiary effects beyond the application of a turn back boats policy.
- Policy implementation would have significant consequences and risks to Defence.

Key Issues

- A turn back boats policy can be implemented following two key pre-conditions being met:
 - Firstly, the need to establish an agreement or arrangement between Australia and Indonesia (and between Australia and any other "point of departure" country) for the return of Suspected Irregular Entry Vessels (SIEVs) and their Potential Irregular Immigrants (PIIs).
 - The second pre-condition for sustained operations is the assignment of additional and larger capacity vessels to undertake the operation.
- From an on-water operational perspective, a one off operation to turn back SIEVs could be implemented almost immediately once the above country agreement or arrangement is in place.

[Redacted]

[Redacted] s 37(2)(b)

Resource Implications

- There would be a requirement for an increased commitment in the number of assets assigned, including Major Fleet Units (MFU) or several Armidale Class Patrol Boats (ACPBs) and appropriately trained and equipped personnel.

[Redacted]

[Redacted] s 37(2)(b)

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Comment [AJ1]: The additional capability requirement may need to be explained further.

Comment [AJ2]: [Redacted] s 37(2)(b)

Comment [AJ3]: [Redacted]

Comment [AJ4]: This may require additional justification.

Personnel Implications

- Evidence from previous experience has shown that turn boat back operations has a negative impact on personnel, leading to welfare management issues in the long term.

Chain of Command

- The decision to turn back SIEVs would be taken on a case-by-case basis, by the Government.
- The discretion to implement a SIEV turn back must rest with the Commanding Officers of the response vessels, taking account of their ongoing assessment of the situation (including assessment of the vessel and the PIIs). For safety reasons, for example a Commanding Officer may decide against turning back a particular SIEV.
- A Government's decision to turn back a SIEV and any advice from the response asset Commanding Officer would be implemented and communicated through normal Border Protection Command (BPC) chain of command.
- The nature of an operation involving turning back boats would be under significant public scrutiny. The effect of implementation and its success, or otherwise would challenge the reputation of the ADF and Customs and Border Protection.

Comment [A35]: It may be appropriate to refer to the CO's obligations under the SOLAS convention.

Way Ahead

- The ADF operating in compliance with domestic and international law, will execute government border protection policy, to the extent of its capabilities, at all times endeavouring to ensure the safety of ADF personnel and PII.

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