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Opening Statement
Legal and Constitutional Affairs Legislation Committee
Monday 18th February 2019**

Highlighted statistics current at 13 February 2019

Thank you Chair and Committee for the opportunity to provide some opening remarks.

As Australia's frontline border law enforcement agency and customs service, Australian Border Force officers and supporting staff work hard to maintain the security of our border and the integrity of our visa and customs systems. In doing so we facilitate the movement of millions of travellers and goods across our border each year.

Change

We continue to build our capability to respond to a rapidly changing environment in a flexible and agile way, to deliver quality outcomes for the Australian community. In the last twelve months we have focussed on our people and their capability, our workplace culture, investment in our maritime capability and fundamental changes to the way we do business.

Impacts

As a result, recent and much publicised concerns around the impact of budget pressures have not been realised. Predictions of record queues at airports, vessels not patrolling and an influx of guns and drugs through our border have not eventuated; because we are doing things differently.

Through deploying our officers in more flexible ways, leveraging our partnerships and collecting and using intelligence and data, we have been able to adjust our operations to meet the ever-shifting nature of border threats and increased volumes.

We are effectively balancing our resourcing decisions against our border related risks and our service levels. It is not a zero sum game and we have no desire to physically search the millions of shipping containers, passengers or mail items that enter and leave our country each year.

Operating in a tight fiscal environment has encouraged us to be even more innovative and we are finding better ways to manage the year-on-year increases in trade and travel.

Over the Christmas holiday period alone my officers processed more than 2.4 million people at international airports around the nation - more than 143,000 passengers each day and an increase of 3 per cent over the same period last year.

Change on the scale we have experienced, in any organisation, is challenging. But we have stepped up as an organisation and we are supporting our staff by encouraging them to use their skills, intuition and experience, with the knowledge that they will be given top cover when they take well-considered risks and informed decisions.

My officers are trained to operate and apply border related laws and regulations without fear or favour, and with consistency. For this they are sometimes pilloried, but their actions are critical to maintaining the effectiveness of our border controls and related policies.

We do not always get it right. I understand the Commissioner of the AFP provided insight this morning to the AFP's involvement in the case of Mr al-Araibi. Likewise I am happy to go into specifics about our actions but offer the Committee with the following summary as an overview:

- On 8 November 2018, INTERPOL distributed a Red Notice regarding Mr al-Araibi. This information was provided to ABF Officers on 9 November 2018 by the AFP.
- The ABF accessed the INTERPOL Red Notice on 22 November 2018 and ran details across Home Affairs systems. A Central Movements Alert List (CMAL) alert for Mr al-Araibi was created on the basis of the INTERPOL Red Notice.
 - There is an internal service standard of 14 days from the date of publication of the INTERPOL Red Notice for loading onto Home Affairs systems.
- When the ABF match a person to an INTERPOL alert, a 'true match' notification advice is manually sent via email from the ABF to the AFP National Central Bureau (NCB) and Department of Home Affairs Visa and Citizenship Group.
- On this occasion the 'true match' notification email was not sent by the ABF to the AFP which was an error and contrary to the agreed process. The 'true match' notification would have included the visa type.
- This is a high-volume manual process reliant on the transfer of data across multiple systems. ABF Officers manage approximately 600 notifications a month.
- When Mr al-Araibi presented for departure from Australia on 27 November 2018 (1208 AEDT), the ABF informed AFP NCB and requested advice as to whether any lawful authority existed to prevent travel. As no domestic warrant existed, Mr al-Araibi was permitted to depart.
- As mentioned by the AFP earlier today, the presence of an INTERPOL Red Notice is not known to the individual subject to the notice.

Having reviewed the circumstances surrounding Mr al-Araibi, it is clear that human error occurred within the ABF process. Our officers work around the clock, managing huge volumes

of transactions which require manual processes to bridge gaps between disparate IT systems. Human error can and will continue to occur, but it is rare.

However, we have already implemented increased oversight of our management of these types of cases. We are also working with other Home Affairs Portfolio agencies to review relevant procedures and information sharing practices to further reduce the risk of these circumstances occurring again.

Steps undertaken:

- Emails sent by the ABF to the AFP NCB and the Department of Home Affairs have been reviewed and will be expanded to explicitly detail the relevant visa type (not just visa sub-class number).
- Quality assurance processes have been implemented at shift handovers to review alerts that have been actioned, including email notification from the ABF to the AFP NCB and the Department of Home Affairs.

As a final step, we have directed ABF officers who action INTERPOL alerts at points of departure, to expressly detail the specific visa type when contacting the AFP NCB. This was not a point of failure but it acts as further assurance if earlier steps have not identified the existence of a protection visa holder.

Outcomes

The ABF has seen sustained success through its investigative, enforcement and compliance operations, in relation to both our migration and customs functions.

In the financial year to date, ABF officers have made almost 24,000 detections of illicit drugs and precursors, weighing more than 10.5 tonnes through the international mail, passenger and air and sea cargo streams. We have also made more than 1,100 detections of undeclared firearms, parts and accessories.

Since my last opportunity to address this committee, the ABF-led **Illicit Tobacco Taskforce** has continued to combat the malicious actors and organised crime syndicates that deal in illicit tobacco as part of the black economy. In January, the Taskforce seized and destroyed eight acres of illegal tobacco crops with a potential excise value of more than \$9 million, from a property in New South Wales. This was the second successful operation in 2019, with the first resulting in the arrest of two men in Melbourne over the alleged importation of illicit tobacco worth more than \$10 million in evaded revenue.

In addition to the Taskforce, we continue to stop illicit tobacco at the border. In the year to date, the ABF have made more than 170,000 detections of illicit tobacco at the border — representing more than \$386 million in evaded duty.

Combatting organised migration fraud remains an operational priority due to miscreant individuals who facilitate illegal worker exploitation, make significant profits at the expense of their victims and place local businesses at a disadvantage. Operation Battenrun, a national

operation targeting unscrupulous labour hire intermediaries, and Task Force Cadena, which detects and disrupts criminal syndicates that exploit foreign workers for criminal purposes, are two examples of our ongoing focus in this area of work.

Over recent years, the number of people in held immigration detention has significantly reduced and staff have been forced to manage an increasingly higher risk detention population. Many of those detained have had their visas cancelled on character grounds; including for being convicted of committing serious crime or being involved in serious and organised crime in Australia.

The ABF continues to work with detainees involved in organising recent protest activity; however, I strongly refute claims that conditions in our facilities are inhumane or brutal. On the contrary, we invest a significant amount of effort and resources to provide high quality facilities and amenities, a broad range of services and activities within the detention network and to ensure safety and security within the centres.

Immigration detention is used as a last resort; where possible unlawful non-citizens are accommodated in the community or in less restrictive alternative places of detention, in particular where children are involved.

Finally and perhaps most importantly given recent events, I wish to emphasise to the Committee that we maintain our high level of operational tempo in Australia's maritime domain with ABF vessels and crew working in conjunction with those of the ADF to patrol Australia's territorial waters.

The Committee would be aware of the importance of Operation Sovereign Borders in deterring and preventing the resumption of large scale people smuggling by sea to Australia and the ABFs Maritime Border Command is but one, albeit critical, foundation within that operation.

Future

The future looks bright for the ABF. We continue to focus on our operational priorities of Border Protection, Migration System and Trade Enforcement; though our challenges and work as Australia's customs service in the Trade Enforcement and Trade Modernisation space gets little of the public attention it deserves.

We have successfully cemented our place as an influencer within the international border enforcement community, as an effective partner within Australia's law enforcement community and as a critical part of the Home Affairs Portfolio.

Through implementing our strategy, Realising Our Full Potential, over the coming few years we will further enhance our capability and reinforce our signature values of integrity, professionalism, respect, accountability and teamwork.

Thank you.