

## QUESTION TAKEN ON NOTICE

### BUDGET ESTIMATES – 26 – 27 MAY 2014

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### **(BE14/609) PROGRAMME – Internal Product**

Senator Xenophon (Written) asked:

1. Under what legislative framework – Act and or regulations - will the Border Force operate?
2. What will be the structure of the Border Force? Will it follow a military type structure? Will there be a ranking system for officers and enlisted ranks? If so, what are the ranks to be adopted?
3. What training will be given to staff?
4. Will officers be subject to the disciplinary system under the Defence Force Discipline Act? Will it be subject to international legal jurisdictions such as the International Court of Justice or International Criminal Court or tribunals set up under the auspices of the UN Security Council or other UN bodies?
5. What safeguards or oversight mechanisms will be in place verify the effectiveness of the Border Force and by which complaints or allegations of misconduct or abuses can be made?
6. Given the Department of Immigration and Border Protection and the Australian Customs and Border Protection Service will be consolidated into a single Department of Immigration and Border Protection, which agency will be responsible for maintaining Custom's current biosecurity activities including in-airport monitoring and management of incoming plant and animal material?
7. What biosecurity expertise will the Border Force employ?
8. How much of the \$480.5 million package has been allocated to improving Australia's biosecurity measures?
9. I note the package will also include \$70.9 million for trade and travel, including the introduction of a 'trusted trader' framework – How would this operate?
10. What level of priority will be given to tackling biosecurity risk in relation to national security issues?
11. In a speech to the Lowy Institute on May 9, the Hon Scott Morrison MP stated the "measures to support the new agency will also result in improved revenue outcomes for the Government".
  - a. How much revenue and savings have been forecast from the new agency?
12. What consideration has been given to the implications of the establishment of the Border Force on foreign relations?

*Answer:*

- 1-3. The structure, legislative framework and staff training elements of the Australian Border Force (ABF) are not yet finalised.

4. The *Defence Force Discipline Act 1982* applies to defence members and defence civilians and does not apply to members of the ABF. The jurisdiction of the International Court of Justice (ICJ) or the International Criminal Court (ICC) does not change with the introduction of the ABF.
5. There are a number of safeguards and oversight mechanisms which currently apply to the Australian Customs and Border Protection Service (ACBPS) that will likely apply to the ABF.
- 6–7. The Department of Agriculture maintains primary responsibilities for biosecurity. Questions relating this matter should be directed to the Department of Agriculture.
8. ACBPS received \$480.5 million over the forward estimates as part of the 2014-15 Budget to support delivery of the ongoing ACBPS reform programme. This funding does not relate to Australia's biosecurity measures.
9. ACBPS is developing a Trusted Trader Programme to enhance the competitiveness of Australia's traders and better align Australia with international standards and evolving models of trade. The Trusted Trader Programme seeks to provide trade facilitation benefits to those economic operators with strong security practices and a history of compliant behaviour.
10. Questions relating to biosecurity should be directed to the Department of Agriculture.
11. Reform initiatives to enhance ACBPS's intelligence, targeting and enforcement capability are expected to collect an additional \$208 million over the forward estimates.
12. The creation of the ABF is not anticipated to adversely impact foreign relations.