



Australian Government
Attorney-General's Department

Priorities and Coordination Division

09/29632

31 March 2010

Ms Julie Dennett
Committee Secretary
Senate Standing Committee on
Legal and Constitutional Affairs
Parliament House
CANBERRA ACT 2600

Dear Ms Dennett

Clarifications and corrections to Hansard

I write concerning evidence provided by officers from the Attorney-General's Portfolio provided to the Senate Standing Committee on Legal and Constitutional Affairs at the Additional Estimates hearing of 8 February 2010.

Following the hearing, officers from the Attorney-General's Portfolio who provided evidence to the Committee reviewed the proof copy of Hansard. Consequently, I wish to submit the following corrections and clarifications on behalf of the Attorney-General's Portfolio.

Evidence of Mr Carmody

In an exchange with Senator Hanson-Young regarding the protocols of informing Government agencies of sightings of suspected irregular entry vessels, Mr Carmody states on page 84 of the Hansard, "It is certainly part of the protocol that all government agencies involved in this issue are informed of such events" and on page 85, "Sorry, Senator, it is normal practice, as I said, for agencies and at times the Minister's Office to be informed depending on the circumstances of the vessel." The Australian Customs and Border Protection Service wishes to clarify that it is normal practice for details of possible ventures to be circulated regularly to relevant agencies and Ministers' Offices. This includes the Prime Minister's Office.

Evidence of Ms Grant

In an exchange with Senator Back regarding rules of engagement on the *Oceanic Viking* on page 104-5 of the Hansard, Ms Grant states, "The particular operation we are speaking about had an operational order that described the use of force that was permitted for this particular operation, which was personal defence equipment only. The rules of engagement, which are a higher level, involving the machine guns, do not come into play." The Australian Customs and Border Protection Service wishes to clarify that the Customs and Border Protection Commander onboard the ACV *Oceanic Viking* was provided with a supplementary Operational Order that stated anti-piracy measures could be taken in consultation with the Master of the ACV *Oceanic Viking*. This

Operational Order authorised the mounting of the 12.7mm General Purpose Machine Guns (GPMGs) from sunset until sunrise during the transit of the Sunda Strait. The Customs and Border Protection Commander was instructed to stow the GPMGs during daylight hours, unless the risk is assessed to have risen, at which time the Customs and Border Protection Commander was to consult with the Master of the ACV *Oceanic Viking*. The Customs and Border Protection Commander was instructed that should they deem it necessary to inform passengers of these actions, they should clearly outline the reason for the weapons and the risk of piracy in the region.

The use of the 12.7mm GPMGs is authorised for self-defence against piracy, consistent with the CEO Order 2 *Rules of Engagement*.

Evidence of Mr Mann

On page 117 of the Hansard, Mr Mann states that there are eight international airports in Australia. There are in fact six international airports in Australia.

The action officer for this matter is Tara Cheyne who can be contacted on (02) 6141 2740.

Yours sincerely



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