

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

Question No. 92

Senator Humphries asked the following question at the hearing on 16 October 2012:

Senator HUMPHRIES: So are we seeing deployment of assets, such as boats, in other parts of our area of maritime interest modified or reduced because of the higher level of demand for response in our north-western waters?

Mr Pezzullo: I think consistent with evidence we have given to this committee previously and I think also in response to questions on notice—I stand to be corrected—in some cases we have had to do things like curtail patrols, say, in the Southern Ocean in order to deploy the same vessel to the north. They have been judgements based on intelligence and risk decisions taken at the time.

Senator HUMPHRIES: Could you provide on notice details of what those decisions might be?

Mr Pezzullo: I will give you the answer on notice.

The answer to the honourable senator's question is as follows:

Border Protection Command (BPC) is responsible for responding to eight maritime security threats in Australia's maritime domain (AMD) utilising surface and air assets assigned from the Australian Customs and Border Protection Service and the Department of Defence. The eight threats include: illegal activity in protected areas, illegal exploitation of natural resources; marine pollution; prohibited imports and exports; irregular maritime arrivals; compromise to biosecurity; piracy, robbery and violence at sea; and maritime terrorism.

BPC positions and utilises its assets using an intelligence-led, risk-based approach. BPC monitors and assesses the threat environment on an ongoing basis, and applies robust planning procedures so that a change in the nature of threat, both in terms of the irregular maritime arrival (IMA) rate, or an escalation of other threats, may inform a different asset disposition. For example, since the 2011-12 financial year, BPC's assigned surveillance aircraft have been re-postured from the east to west coast in response to the evolving maritime security threat environment for IMA. This posture enables increased surveillance out to and beyond the Exclusive Economic Zone, which not only facilitates greater suspected irregular entry vessel (SIEV) detection, but also results in increased sightings of foreign fishing vessels (FFV), generating a greater awareness of the FFV risk in these areas.

The threat posed by IMA remains a key focal area for BPC. The arrival rate of vessels and the average numbers of potential irregular immigrants per vessel have significantly increased in 2012. Additionally, people smugglers have targeted new destination locations. This is particularly evident with the increased number of arrivals at Cocos (Keeling) Islands which has placed additional pressure on existing resources and capability. This broadening of SIEV approach corridors continues to challenge our capacity to address and respond to other maritime security threats and maintain awareness across the remainder of the AMD, as well as achieve satisfactory outcomes for client agencies. BPC meets regularly with its client agencies to review operational threat assessments and asset patrol requirements.

In order to meet operational priorities within the constraints of the available surface assets, it has been necessary at times to cancel *ACV Ocean Protector's* Southern Ocean patrols. *ACV Ocean Protector* has been tasked to provide a large hull capability to address key operational risks in northern waters, primarily in response to IMA. The onset of the monsoon season in late 2012 will

increase the demand for large hulled vessels capable of conducting operations in poor weather and rough sea conditions in the northern waters of Australia. The positioning of ACV *Ocean Protector* in north-western Australia during this period to provide a long haul capability is particularly important following the temporary deployment of Customs and Border Protection's only other long haul vessel, ACV *Triton*, to Cocos (Keeling) Islands for part of the monsoon season.

Southern Ocean patrols will continue to be undertaken by French authorities as arranged under the Cooperative Fisheries Surveillance Treaty¹. Australian Customs and Border Protection Service and Australian Fisheries Management Authority officers will be embarked on the French vessels, and will be able to enforce Australian law.

The Government's decision to provide funding for the new *Cape Class* vessels, the ADV *Ocean Shield* and a long term Ashmore Reef capability will provide an enhanced capability to BPC in the future in responding to suspected border incidents and illegal activity.

¹ The full title of the Treaty is *Treaty between the Government of Australia and the Government of the French Republic on Cooperation in the Maritime Areas Adjacent to the French South and Antarctic Territories (TAAF), Heard Island and the McDonald Islands*.