



Australian
BORDER FORCE

FACT BOOK 2021

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Michael Outram APM ABF Commissioner



Michael Outram APM was sworn in as the Commissioner of the Australian Border Force (ABF) on 14 May 2018.

Michael joined the Australian Customs and Border Protection Service on 9 March 2015 and was sworn in as the ABF's Deputy Commissioner Operations on 1 July 2015.

Michael has 39 years of experience in a diverse range of law enforcement organisations and settings, including community policing, intelligence operations, protective and major event security, public order management, the investigation of serious crime and border management.

Between 2011 and 2015, as an Assistant Commissioner with the Australian Federal Police (AFP), Michael was responsible for the AFP's national protective security function. During this time Michael led the AFP's planning and support for the G20 Summit in Brisbane and the AFP's response to the downing of Malaysian Airlines Flight 17 over the Ukraine.

Michael joined the AFP from the Australian Crime Commission (ACC). In 2004 Michael was appointed as the ACC's Executive Director, Serious and Organised Crime and he was responsible for the national and international investigative and intelligence functions of the Agency.

Michael's career in Australia started in 2002 at the Independent Commission Against Corruption in New South Wales. His migration to Australia followed a secondment in 2000, to the New South Wales Police Service. He was seconded from the London Metropolitan Police Service in the UK, where he joined as a police cadet in 1980 and served as a police officer from 1982.

Michael was awarded the Australian Police Medal in 2014 in recognition of his outstanding service in law enforcement. In 2014 he was also awarded a Master of Business & Technology degree by the University of New South Wales and a university prize for academic achievement. In April 2018, Michael completed the Harvard Kennedy School executive education programme 'Leadership in Crises', which he attended having won a Sir James Wolfensohn Public Service Scholarship.

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Justine Saunders APM

Deputy Commissioner National Operations



Justine Saunders APM joined the ABF on 29 October 2018. In June 2020, Justine commenced her current role of Deputy Commissioner ABF Operations (now National Operations). In this role, Justine has responsibility for providing high-level strategic direction across all operational activities around the border. This includes the management of travellers, goods and cargo, as well as immigration detention, enforcement and maritime operations.

Prior to commencing in this role, Justine was Deputy Commissioner ABF Support and had responsibility for delivering strategic capabilities to bring to affect the ABF'S operational outcomes.

Justine brings to the Deputy Commissioner position a significant breadth and depth of experience from across law enforcement and government, and has consistently demonstrated her ability to handle complex operational, capability and policy challenges with success.

Justine is an experienced leader who has the ability to drive and guide successful change through collaboration, consultation and negotiation. Prior to joining the ABF, Justine was a member of the Australian Federal Police (AFP) for 29 years and a member of the senior executive since 2005.

Previously as the Chief Police Officer of the ACT, Justine ensured ACT Policing delivered on government and community expectations in terms of operational delivery, whilst also driving and implementing significant cultural and capability reforms aimed at developing a sustainable and effective policing service for the future.

As an Assistant Commissioner in the broader AFP, Justine had responsibility for managing strategic relationships with key government stakeholders and law enforcement partners domestically and internationally, and had portfolio responsibilities for strategic policy, governance, corporate communications and support to the Commissioner as Chief of Staff.

Justine holds a Master of Leadership and Management (Policing), Bachelor of Social Sciences (Policing Studies) with Distinction and Graduate Certificate in Applied Management.

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Dwayne Freeman

Deputy Commissioner Operational Strategy and Coordination Group



On 11 December 2020, Mr Dwayne Freeman was announced as the Deputy Commissioner Operational Strategy and Coordination Group (DC OSC).

Following a restructure in October 2020, the Operational Strategy and Coordination Group was established, consisting of Operational Coordination and Planning, ABF Workforce, and Close Support Command. As the inaugural Deputy Commissioner for this Group, Dwayne is responsible for providing strategic and operational planning, workforce management, and civil maritime, technical and surveillance capability support to achieve ABF outcomes.

Dwayne joins the Australia Public Service following an extensive career in the private sector, most recently as the Chief Executive Officer (CEO) Abbot Point Operations for Adani Australia from 2016-2020. As CEO, Dwayne developed and led the strategic

development, transformational change and operation of the multi-billion dollar bulk export facility in Bowen QLD. In addition, Dwayne was accountable for the project leadership of the proposed multi-billion dollar port expansion project including stakeholder engagement and the development of a greenfield heavy-haul train business to operate in North Queensland.

Dwayne has previously worked in senior executive roles in Tier one logistics and supply chain companies in Australia namely Asciano Ltd, formally Australia's largest national rail freight and port operator (2007-2014), and TOLL Holdings (2003-2007). Dwayne has demonstrated results and experience in a broad range of industries and specialties including business development, M&A, capital raising, finance, strategy, operations, transformation, program management, stakeholder engagement and has previously held directorship positions and on industry boards/committees.

Dwayne commenced his career as an apprentice electrician. He holds a Bachelor of Commerce (Accounting) from the University of Newcastle. Dwayne also became a Certified Practising Accountant in 2001 (CPA Sydney), and has completed the General Manager Program at the Melbourne Business School. Dwayne is based in Brisbane.

Dwayne's prior experience in dealing with difficult and diverse roles, and as an influential, innovative, and collaborative transformational leader will make him a tremendous asset to the ABF in navigating through the reform and implementation of the new operating model.

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Vanessa Holben Group Manager Customs



Vanessa is the Deputy Comptroller-General of Customs in the Australian Border Force and leads the Customs Group responsible for ensuring Australia's customs and border policy settings allow for the unimpeded movement of legitimate goods across the border and preventing the movement of prohibited goods. Customs Group also leads Australia's whole-of-government response to modern slavery and human trafficking, including in respect of supply chains and criminal justice.

Prior to this, Vanessa was the First Assistant Secretary of the National Coordination Mechanism (NCM) within the Department of Home Affairs. The NCM was established to coordinate and facilitate non-health response measures to the COVID-19 pandemic, through strategic and operational engagement with stakeholders across the Commonwealth, states and territories, industry and the private sector.

Vanessa has also held the role of First Assistant Secretary, Aviation and Maritime Security Division, the security regulator for the aviation, maritime and offshore oil and gas sectors. In this role, Vanessa was responsible for providing advice and assurance to Government on transport security policy, regulation, compliance and practice.

Vanessa has held other senior executive roles in the Australian Border Force including as the Assistant Commissioner responsible for offshore regional processing arrangements, including regional capacity building efforts, and the onshore immigration detention network.

She holds a Bachelor of Arts, majoring in Criminology.

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Malcolm Skene

Group Manager Industry and Border Systems



Malcolm Skene commenced in his current role on 8 February 2021.

Malcolm Skene joined the Australian Border Force (ABF) in February 2021 to take up the role of Group Manager, Industry and Border Systems. In this role, Malcolm is responsible for leading the ABF's engagement with industry and the modernisation of the border through technological advancement, operational change and system reform.

Malcolm brings to the ABF extensive experience in the infrastructure sector and transport-related assets. Immediately prior to joining the ABF, Malcolm was with AustralianSuper's infrastructure team, where he was responsible for leading the team's investment management activities and oversight of portfolio companies. He was previously a board director on a number of portfolio company boards. Prior to joining AustralianSuper in 2016, Malcolm held senior management positions at major airport operating businesses and investors in Australia, Europe, and the United Kingdom. He has worked across a variety of disciplines over the past 20 years including Finance, Strategy and Planning, Operations, Business Improvement and Technology.

Malcolm's senior leadership, extensive commercial and operational experience across industry will be invaluable in the continuing development of the Industry and Border Systems Group.

Malcolm holds an MBA from the University of Cambridge, with Dean's honours, a BA & BComm (Dean's List) from the University of Melbourne, and is a graduate of the Australian Institute of Company Directors.

Malcolm is based in Melbourne.

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Rear Admiral Mark Hill CSC RAN

Commander JATF Operation Sovereign Borders and Maritime Border Command



Mark Davenport Hill was born in Adelaide, South Australia and joined the Royal Australian Naval Reserve in 1979 before transferring to the RAN.

Rear Admiral Hill saw his first sea command as a Lieutenant in the minesweeper *Brolga*, followed by commands in HMA Ships *Brunei* and *Rushcutter*. As a Lieutenant Commander he assumed command of the new minehunter HMAS *Gascoyne* and commissioned the ship.

In addition to his sea service, Rear Admiral Hill has served on operations ashore in East Timor, Iraq and Afghanistan, including a period in command of Task Group Afghanistan. In January 2019, he deployed as the Deputy Commander Joint Task Force 633, which commanded and administered the 1600 ADF personnel undertaking operations in the Middle East and Afghanistan. Mid-way through his appointment he assumed Rear Admiral rank and commanded the Joint Task Force until January 2020.

Rear Admiral Hill is currently the Commander of the Joint Agency Task Force, Operation Sovereign Borders and Commander Maritime Border Command.

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1 Overview

1.1 Our Role

The Australian Border Force (ABF) supports national prosperity by facilitating legitimate trade and travel and supports national security by securing Australia's border.

The ABF is positioned as a global leader in border enforcement to protect Australia's borders and ensure our customs and border processes can meet today's challenges and future requirements.

As Australia's customs service, the ABF is the second highest revenue collector for Australia.

Our Mission	
<i>To protect Australia's border and enable legitimate travel and trade.</i>	
Our Vision	
<i>To be a global leader in border law enforcement and trusted partner that helps build a safe, secure and prosperous Australia.</i>	
Our Strategic Priorities	
<i>Leadership Officer Capability</i>	
<i>Operational Excellence</i>	
Our Signature Values	
<i>Integrity</i>	<i>Professionalism</i>
<i>Respect</i>	<i>Accountability</i>
<i>Teamwork</i>	

The Portfolio Budget Statements (PBS) 2020-21 for the Home Affairs Portfolio included three Outcomes and 16 Programs for the Department of Home Affairs and the ABF. The ABF contributes to two out of the three outcomes across seven programs.

Outcome 1
Protect Australia's sovereignty, security and safety through its national security, emergency management system, law enforcement, and managing its border, including managing the stay and departure of all non-citizens.
Outcome 3
Advance Australia's economic interests through the facilitation of the trade of goods to and from Australia and the collection of border revenue.

A summary of our activities is provided below:

- The ABF's role in border protection involves facilitating traveller and cargo clearance while preventing the cross border movements of illicit goods and individuals who represent a threat.
- The ABF plays a crucial role in maintaining the integrity of the migration and visa system, which enhances Australia's economic interest, and promotes a prosperous and cohesive society.
- Our work with partner agencies helps identify, target and disrupt high-level criminal activity associated with the unlawful movement and exploitation of people.
- Despite the impact of the COVID-19 pandemic, the ABF maintained a range of activities focused on ensuring the integrity of Australia's borders and facilitating legitimate trade and travel. From 1 July 2020 to 31 January 2021, there were:
 - 18,083 detections of illicit drugs (an increase of 70 per cent by number and 144 per cent by weight compared to the same period in 2019-20),
 - 785 undeclared firearms, parts and accessories detected, (a slight decrease on the same period in 2019-20), and
 - 101,694 detections of undeclared illicit tobacco weighing 641.2 tonnes at the border (an increase of 110 per cent by weight for the same period in 2019-20).
- In 2019-20, over 15.7 million air travellers were processed at the border.
- Continued growth in cargo volumes saw 57.74 million air cargo consignments processed in 2019-20, compared to 53.05 million in 2018-19 (8.84 per cent increase), and 4.49 million sea cargo consignments processed compared to 3.39 million in 2018-19 (32.74 per cent increase).
- Throughout 2019–20, as a result of the COVID-19 pandemic impacts, the volume of international mail decreased in comparison to 2018–19; however, detections in international mail increased to 179,151 in 2019–20, compared to 79,685 in 2018–19 (124.8 per cent increase).
- In 2019-20 the Department of Home Affairs' whole-of-government approach to detecting and deterring illegal foreign fishing in the Australian Maritime Domain proved to be extremely effective, with over 50 boarding, educate and disembarks, a number of apprehensions that led to over 20 personnel processed, and seizures of 32 fish aggregating devices, three ghost nets and 10 marine hazards.
- Australia's onshore immigration detention network has adapted to reflect changes to the detainee cohort, including the risks posed by those with serious criminal convictions. As at 2 March 2021, there were 1466 people in Australian immigration detention against a funded capacity of 1000 people.

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2 Corporate Information

2.1 Our relationship with the Department of Home Affairs

The ABF is an operationally independent body with a statutory head known as the Commissioner. The Commissioner is also the Comptroller-General of Customs for the purposes of the *Customs Act 1901*.

While the ABF is operationally independent, it forms four groups within the Department of Home Affairs with the Department's Secretary as the *Public Governance, Performance and Accountability Act 2013* (PGPA) accountable authority for the ABF, with budgetary and employment responsibilities.

The Department provides the ABF with strategic policy, intelligence support, planning and coordination support, and corporate and enabling services such as ICT, technology and human resource services.

2.2 Governance arrangements

The functional and legislative inter-relationship between the ABF and the Department of Home Affairs requires a level of alignment between respective governance arrangements, including avenues for reporting and escalation of decision-making where required.

The ABF's senior executives participate as members in the Department of Home Affairs' governance framework. The ABF has complementary governance arrangements in place that align to the Department of Home Affairs, governing and monitoring our operational priorities and performance. This provides the primary mechanism for organisational stewardship, accountability, and operational performance monitoring.

2.3 Budget

The Secretary is the *Public Governance, Performance and Accountability Act* accountable authority for the ABF, as well as the employer of ABF officers with the exception of the statutorily appointed Commissioner. The ABF is operationally independent, although it is established within the Department of Home Affairs for budgetary, employment and administrative purposes.

The ABF sits within the Department of Home Affairs construct as its operational arm, and comprises four groups:

- National Operations Group
- Operational Strategy and Coordination Group
- Customs Group
- Industry and Border Systems Group.

The Commands and Branches within these Groups work cooperatively to deliver a framework of management, operational policy and support required to effectively deliver border operations. Please refer to [Appendix 1](#).

The ABF's performance measures are reported as part of the Department of Home Affairs' annual report. The ABF's operating budget for the 2020-21 financial year is \$941.24 million.

2.4 Operating Model

On 26 October 2020, the ABF commenced implementing a new operating model to better support its longer-term strategic intent and enhance its capabilities to meet future challenges through a strengthened regional presence. The new operating model is connecting delivery to decision-making. It is positioning leadership closer to industry, law enforcement partners, and other stakeholders, promoting strategic engagement and the co-design of solutions.

In October 2020, three Assistant Commissioners (SES Band 2 officers) were redeployed to locations in Sydney, Brisbane, and Melbourne, with a fourth to be redeployed to Perth in 2021.

Additionally, the Deputy Commissioner Operational Strategy and Coordination (SES Band 3) is based in Brisbane and the Group Manager for Industry and Border Systems is based in Melbourne.

2.5 Our People

ABF officers are employed under the *Public Service Act 1999* with the Secretary as the PGPA authority and the employer of all ABF officers excluding the Commissioner who is statutorily appointed by the Minister. The ABF workforce is made up of Border Force Officers (BFOs) who are part of the Border Operations vocational stream. BFOs are operationally ready, must be sworn, are generally uniformed and are able to be deployed at short notice across a range of operating domains. Noting interdependencies with Home Affairs, a number of teams across the ABF have a blend of ABF and Home Affairs officers.

Since its stand-up in July 2015, the ABF continues to transition to a modern, border law enforcement agency capable of operating as a world leading customs organisation, while protecting our border from new challenges. ABF officers:

- are professional, highly skilled and well-supported with training and opportunities to expand their knowledge and skills,
- have the highest levels of personal and professional integrity,
- are challenged with exciting work and new opportunities every day,
- are part of a highly capable team, and
- are proud of the work they do and are highly motivated to get the job done.

On 10 November 2020, Commissioner Michael Outram APM launched the ABF's *Realising Our Full Potential 2020-25* strategic plan. The next five years will see important changes to our operating environment. *Realising Our Full Potential* focuses on what needs to be done over the next two years and looks beyond to longer-term objectives up to 2025. We will strengthen our regional presence to better position the ABF to help design a border that enables economic recovery, while maintaining the security and safety of our community. The plan builds on our considerable achievements and capabilities to respond to current and future challenges. It outlines improvements through continuing the ABF's strategic priorities: Leadership, Officer Capability and Operational Excellence.

These priorities will strengthen our operational performance and build on our reputation as a professional, disciplined law enforcement agency.

A breakdown of the ABF workforce demographics *

APS Classification	Headcount at 31 January 2021	%
APS 1-2/Trainee/Cadet	784	13.1%
APS 3	1433	24.0%
**APS 4	678	11.5%
APS 5	1285	21.5%
APS 6	976	16.3%
EL 1	546	9.1%
EL 2 and EL 2.1	206	3.5%
SES	55	0.9%
Total	5970	

* Headcount numbers reflect long-term and short-term acting arrangements.

** There were 7 graduates included in the APS 4 Classification numbers. Graduate numbers have been obtained from the Entry Level Program team.

*** Includes casual employees.

Age Distribution	%
Under 25 years	4.2%
25 to 34 years	18.4%
35 to 44 years	29.2%
45 to 54 years	30.6%
55 to 60 years	10.5%
Over 60 years	7.1%

Gender	%
Female	43.53%
Male	56.45%
Indeterminate	0.02%

Other key workforce statistics	%
Aboriginal and Torres Strait Islander employees	2.86%
Employees with a disability	1.17%

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2.6 Our Partners

Close partnerships, collaboration arrangements and coordination efforts with Commonwealth, State and Territory agencies, international counterparts and organisations, and industry partners are critical to delivering effective outcomes. Our current partners include:

Key agencies	
Department of Home Affairs	Department of Defence
Australian Federal Police (AFP)	Department of Agriculture, Water and the Environment (DAWE)
Australian Fisheries Management Authority (AFMA)	Department of Finance
Department of Infrastructure, Transport, Regional Development and Communications (DITRDC)	Australian Trade and Investment Commission (Austrade)
Department of Health (DoH)	Department of the Prime Minister and Cabinet (PM&C)
Australian Taxation Office (ATO)	State and Territory law enforcement agencies
Australian Intelligence Community	Department of Foreign Affairs and Trade (DFAT)
State and Territory corrections	Commonwealth Ombudsman & External scrutiny bodies
Attorney Generals Department (AGD)	Australian Criminal Intelligence Commission (ACIC)
Department of the Environment and Energy (Parks Australia)	Australia Maritime Safety Authority (AMSA)
Great Barrier Reef Marine Park Authority	Department of Industry, Innovation and Science
Comcare	Therapeutic Goods Administration (TGA)
Industry	
Australian Trusted Trader members	Customs Brokers
Australia Post	Air and sea port authorities
Oil and gas industry	Airlines
International Organisations	
World Customs Organisation (WCO)	Australian Human Rights Commission (AHRC)
United Nations High Commission for Refugees (UNHCR)	International Committee of the Red Cross (ICRC)
International Organization for Migration (IOM)	Oceania Customs Organisation (OCO)
Border 5	
Regional Partners	
Customs, Immigration and Partner agencies in regional Countries that ABF has a presence.	

The ABF at a glance 2019-20

People and goods



35m

travellers
(passenger and crew)
who crossed the
Australian border

32.73m

air travellers
(passenger and crew)
who crossed the
Australian border

2.27m

sea travellers
(passenger and crew)
who crossed the
Australian border

20.27m

travellers processed
using automated
systems

57.7m

air cargo
consignments cleared

Investigations and compliance



994

illegal workers
located

18,487

unlawful
non-citizens located

765

businesses accredited
as Australian Trusted
Traders since inception

2,541

undeclared firearms,
parts and accessories
detected at the border

40,223

illicit, prohibited
and restricted drug
detections at
the border

184

Illegal Worker
Warning Notices issued
to employers and
business sponsors

10,881.52kg

major illicit drugs and precursors detected at the border

Detention



25

illegal foreign
fishers taken into
immigration detention

1,523¹

people in Australian
immigration detention
(mainland and Christmas
Island) at 30 June 2020

838

people in the community
under Residence
Determination

1. Immigration detention includes people in immigration detention facilities and alternative places of detention.

3 Our Operating Environment

3.1 National presence

The ABF's operational headquarters are located in Canberra and has a permanent presence in all Australian states and territories, and international representation in 19 countries.

As at 31 January 2021, the national ABF headcount was 5970, including intermittent irregular employees (IIES) who are employed on a casual basis assisting during surge or daily and seasonal peak processing periods.

Nationally, the ABF operates across numerous areas, including international airports, international mail and cargo facilities, seaports, wharves and cruise terminals, regional and remote areas, within the Australian Maritime Domain (AMD), and across the immigration detention network. Currently, the ABF has a permanent presence at the 10 major international airports and is responsible for 68 ports appointed under section 15 of the *Customs Act 1901*.

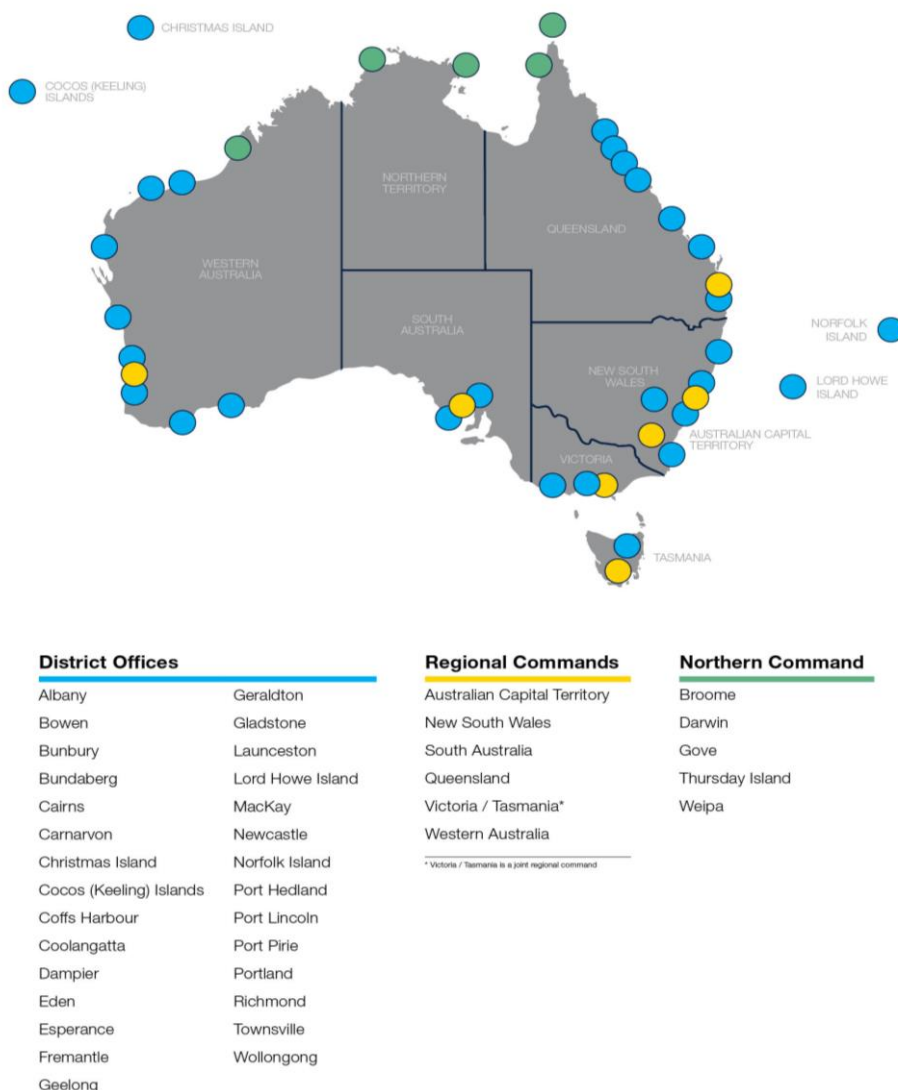


Figure 1 - ABF Regional Commands, District Offices, Northern Command locations

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3.2 International

Informed by intelligence and operating upstream in the border continuum, under a six pillar framework - Prevention, Deterrence, Disruption, Enforcement, Engagement and Facilitation - the ABF's overseas network of officers are deployed to detect and disrupt threats to the border and the broader community before they reach Australia, while promoting and facilitating trade and travel.

The ABF's international officers support the broader Department of Home Affairs' international network, working collaboratively to advance Australia's priorities and interests internationally. The ABF's international footprint includes 18 officers on long-term posting and eight Airline Liaison Officers (ALOs) on short-term missions.

The ABF's ALO Program maintains a strong position at key international departure points and hubs to detect and disrupt improperly documented travellers; deter irregular migration to Australia; and support legitimate travel. ALOs work closely with airlines, airport security groups, and host government authorities offshore to achieve this mission.

3.3 Australian Maritime Domain

The ABF is the primary Australian Government civil law enforcement organisation in the Australian Maritime Domain (AMD), undertaking civil maritime operations to detect, deter, respond to, and prevent illegal activities in the AMD.

Australia's current surveillance capacity is deployed on the basis of available intelligence concerning civil maritime security threats to cover priority threat axes.

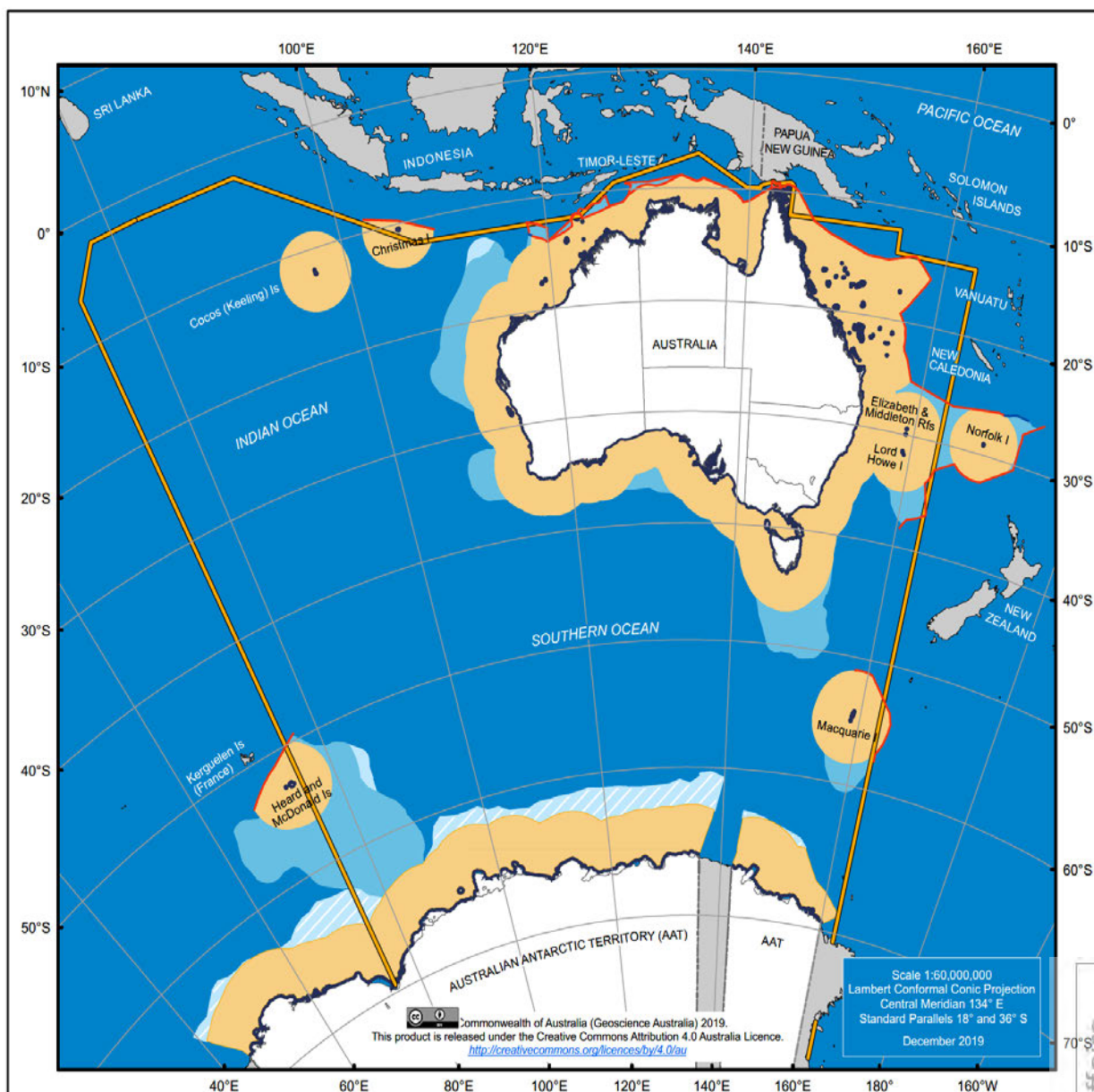
The eight Civil Maritime Security threats

There are eight defined civil maritime security threats:

1. Unauthorised Maritime Arrivals (UMA)
2. Prohibited Imports and Exports (PI&E)
3. Illegal Exploitation of Natural Resources (IENR)
4. Illegal Activity in Protected Areas (IAPA)
5. Compromise to Biosecurity (C2B)
6. Maritime Terrorism (MT)
7. Piracy, Robbery or Violence at Sea (PRVS)
8. Marine Pollution (MP).

The image below outlines the AMD. The dark blue area is the Contiguous zone, where contraventions of customs and immigration laws can be enforced, the green area is the Exclusive Economic Zone (EEZ), where fishing, environmental and resources laws are applicable, and the pink areas are continental shelf extensions to seabed and subsoil resources as allowed by the United Nations. The area bounded in orange constitutes Australia's search and rescue region as well as the area in which Australia assumes responsibility as the Security Forces Authority for coordination of response to incidents of piracy, robbery and violence at sea.

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Australia's Maritime Jurisdiction

- Limit of Australian Search and Rescue Region
- Treaty boundary with opposite or adjacent State
- 200 nautical mile line off an opposite or adjacent State
- Area of Australia's territorial sea and internal waters
- Area of Australia's exclusive economic zone as defined by the UN Convention on the Law of the Sea and certain treaties (not all in force)

- Area of Australia's continental shelf beyond the exclusive economic zone as proclaimed by the Seas and Submerged Lands (Limits of Continental Shelf) Proclamation 2012 and/or as defined by certain treaties (not all in force)
- Area of Australia's continental shelf beyond the exclusive economic zone considered by the Commission on the Limits of the Continental Shelf and yet to be resolved
- Area of Australia's continental shelf beyond the exclusive economic zone off the Australian Antarctic Territory that Australia requested the Commission not consider for the time being

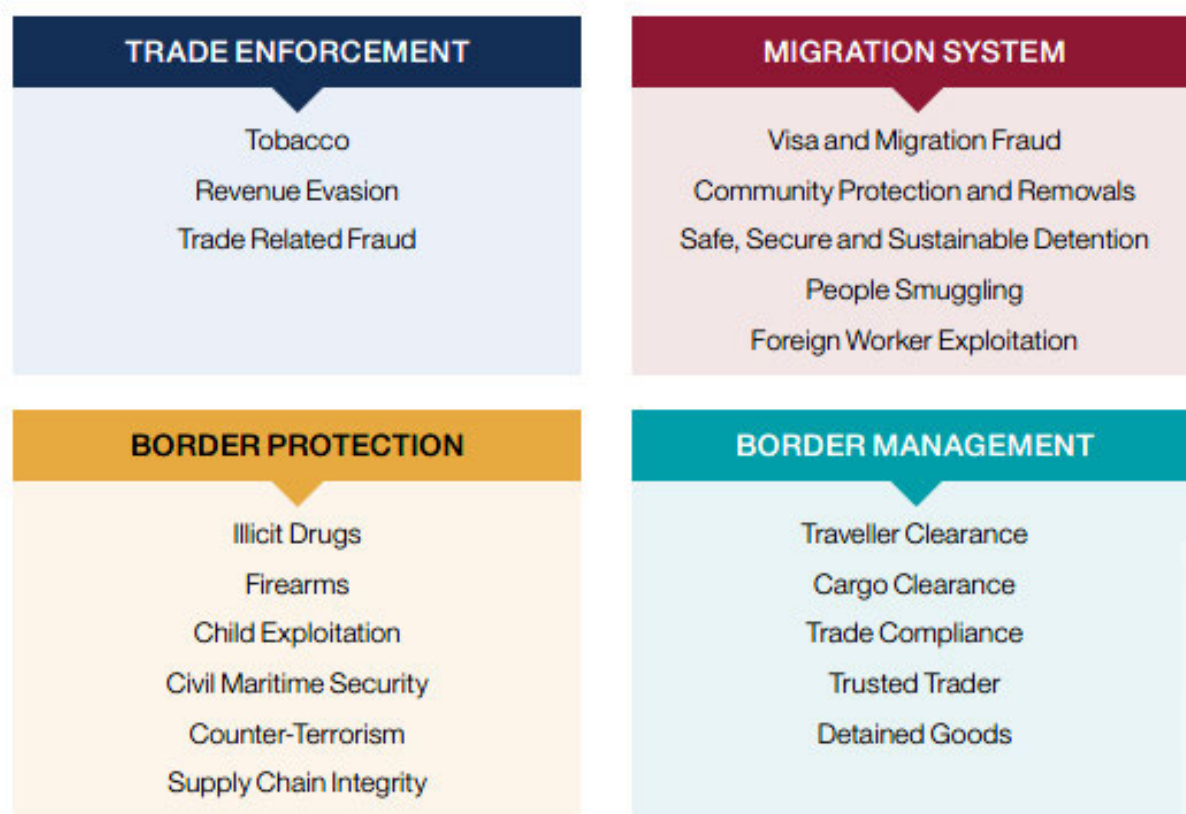
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4 Our Operational Priorities

The ABF delivers a wide range of functions across the border continuum—that is pre-border, at the border and post-border. Operational Priorities ensure the ABF meets its obligations to the Government and the Australian community—securing our border and facilitating legitimate trade and travel. Operational Priorities are a key component of the ABF Operational Planning Framework and are reviewed on an annual basis. They are informed by the threat environment and help drive and realise the ABF’s strategic direction.

Our Operational Priorities for 2020-21 focus on four key pillars: Trade Enforcement, Migration System, Border Protection and Border Management.

The ABF continues to adapt a flexible model for reviewing and updating Operational Priorities, particularly as threats change and risks emerge.



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4.1 Trade Enforcement

As Australia's customs service, the ABF plays a vital role in facilitating legitimate trade across Australia's border, and securing supply chains against ever-evolving security threats, such as revenue evasion and fraud, illicit drugs and organised crime. Our trade facilitation role contributes to the advancement of Australia's economic interests, creates a level playing field for industry and promotes trade.

A key priority for the ABF is enhancing its trade enforcement activities that will foster economic prosperity and reduce the economic harm associated with revenue evasion. Successful intervention through a robust trade enforcement capability contributes to the advancement of Australia's economic interests by maintaining the integrity of trade and reduces the economic harm to Australian businesses due to revenue evasion and the importation of non-conforming products.

Increasing trade volumes continue to place significant pressure on the ABF's operations. It is vital that the ABF maintains the integrity of Australia's border while keeping pace with an increasingly complex international trade environment and respond to existing and emerging threats. Opportunities exist to strengthen the ABF's current trade enforcement capability as minimal enforcement activities are undertaken and sanctions are under-utilised as a result of ongoing pressures and the need to prioritise activity and resources to the areas of highest threat and risk across the border continuum.

Organised crime groups (OCGs) and non-compliant actors will continue to make attempts to avoid paying border-related duty and taxes, and to abuse trade incentives to increase profits or gain market advantage. As such, the consistent and structured development of specialist tradecraft and a workforce dedicated to trade enforcement activities are key to supporting the ABF's enhanced trade enforcement capability.

Tobacco – Illicit Tobacco Taskforce (ITTF)

The illicit tobacco market is being exploited by serious and organised crime syndicates to fund more serious and insidious crimes that undermine Australia's national interests and deprive the Commonwealth Government of significant legitimate revenue.

The ITTF was established in July 2018 as part of the Government's Black Economy Package announced in the 2018-19 Budget. These efforts contribute to safeguarding the Australian community and protecting Commonwealth revenue from the impact of illicit tobacco.

The ITTF brings together officers from the ABF, Department of Home Affairs, Australian Taxation Office, Australian Criminal Intelligence Commission, Australian Transaction Reports and Analysis Centre and Commonwealth Department of Public Prosecutions to form a powerful and focused enforcement capability. The ITTF protects Commonwealth revenue by proactively targeting, disrupting and dismantling organised crime syndicates involved in the trade of illicit tobacco.

For the 2019-20 financial year, ITTF detections accounted for approximately 30 per cent of ABF's total tobacco seizures by weight (volume) and by value (evaded duty). Since its establishment, the ITTF has undertaken more than 30 complex investigations and projects relating to serious and organised criminal syndicates and has protected more than \$550 million dollars in Commonwealth revenue.

In the 2019-20 financial year, ITTF related illicit tobacco seizures totalled approximately 13.9 tonnes of loose leaf and molasses tobacco and 191.5 million cigarettes and the destruction of approximately 29 hectares (29 acres) of domestic illicit tobacco crops, worth an estimated value of approximately \$273.5 million in evaded duty.

Trade-Based Money Laundering

Illicit financial flows present a serious threat to Australia's national security and interests. In a border context they are illegal movements of money or capital from one country to another. Financial flows are considered illicit when they are the proceeds of crime, they are transferred illegally or are used to facilitate criminal activity.

The International Monetary Fund has estimated that illicit financial flows comprise between 2 to 5 per cent of global gross domestic product (GDP), which is upwards of approximately \$4 trillion USD annually. In Australia for 2019, this estimate equates to approximately \$52 billion USD (or 3.7 per cent of Australia's GDP of \$1.4 trillion USD).

The ABF recognises the crucial role it plays within the anti-money laundering strategy. The frequent cross-border movement of trade, travellers and finances sees the ABF as pivotal in delivering effective border related enforcement measures to counter illicit financial flows associated with transnational serious organised crime. Additionally, the ABF contributes to national strategies on corporate and economic crime.

ABF efforts to safeguard the Australian border from cross-border illicit financial flows include strategies to counter trade-based money laundering (TBML) and bulk cash smuggling. TBML is emerging as a significant challenge. It involves the exploitation of Australia's international trade system to disguise the proceeds of crime by moving value through trade transactions. This attempts to legitimise the illicit origins of the value, or to finance criminal activities.

4.2 Migration System

Australia is part of an increasingly complex and inter-connected world, in which technology, demographics, culture and economy are evolving. Prior to the COVID-19 pandemic, record numbers of travellers were traversing the border annually. As these numbers increase, there is a need to remain vigilant for threats to the nation's security, while also taking advantage of the economic and social benefits that travellers and migrants bring to Australia.

The *Migration Act 1958* (Migration Act) creates the statutory framework that regulates the entry and stay of non-citizens in Australia. Non-citizens without a valid visa, or those who have exhausted all avenues to remain in Australia lawfully are expected to depart. If an unlawful non-citizen (UNC) does not depart voluntarily, he or she is subject to immigration detention and removal from Australia.

Threat levels are increasing and threat types are constantly evolving. Australia's attractiveness as a work destination is a key 'pull' factor for potential illegal immigrants and those seeking to work in breach of their visa conditions. These are complex challenges to the Migration System and are a high priority for the ABF. Specific challenges include: people smuggling; visa and migration fraud; human trafficking; the exploitation of foreign workers; and the location, detention and removal of non-citizens who have been identified as threats to the Australian community.

The ABF is responsible for locating, detaining, and removing UNCs. Field Operations activity is focused towards UNCs who pose a significant risk to the Australian community, those involved in organised and criminal exploitation of Australia's visa program, and foreign worker exploitation. The objective of activities and operations undertaken by Field Operations is to respond appropriately to different levels of non-compliance with the Migration Act, with a layered prevention, deterrence, and enforcement action.

The ABF uses its allocated budget to manage emerging threats pre-border, at the border and post-border. To ensure the best use of resources for post-border activity, a field operations priority matrix is used to identify the most serious forms of non-compliance. This includes s501 cancellations for non-citizens who present a threat to national security or significant risk to the Australian community (this could also be in the form of a safety and good order, referrals of human trafficking, slavery, referrals from courts or multiple referrals of foreign worker exploitation). Currently, the ABF prioritises these types of cases over all other cases, including single allegations of foreign worker exploitation or long term (+10 years) unlawful non-citizens.

The ABF's legislative framework is not well adapted to a modern, integrated border agency, with much of its legislation made at a time when migration and customs enforcement were separate and singular. As such, the Department is working with the ABF on a proposal to codify the ABF's functions in legislation to provide greater clarity of the agency's responsibilities and breadth of operational domain; and modernise and harmonise the ABF's powers to ensure the ABF has the tools it needs to perform these functions.

The Department and ABF have partnered with the Australian Federal Police (AFP) to appoint trained ABF investigation officers as 'AFP Special Members', through an 18-month pilot program. On 2 October 2020, 22 ABF officers in Victoria were sworn in as special members as part of the first phase of this pilot. The purpose of the program is to assist the AFP in the performance of its functions by enhancing interoperability between the AFP and ABF, and support joint operations. The program has the additional benefit of upskilling ABF officers' proficiency and ability to utilise powers under Part IAA of the *Crimes Act 1914*. Operational outcomes from these activities will be used to inform the evidence base for the ABF powers reform project.

Illegal Maritime Arrival caseload

On 21 May 2017, the then Minister for Immigration and Border Protection announced any illegal maritime arrival (IMA) who arrived between 13 August 2012 and 1 January 2014 must apply for a Temporary Protection Visa or Safe Haven Enterprise Visa prior to 1 October 2017.

Of the approximately 32,000 individuals within this cohort, 71 IMAs failed to engage prior to the lodgement deadline. These 71 individuals became liable for immigration detention and removal from Australia. Operation BADIGEON was established to locate, detain, and remove individuals within this cohort.

Foreign Worker Exploitation

Foreign worker exploitation has continued during COVID-19. Although there have been limited opportunities for temporary visa holders to enter Australia, those exploiting foreign workers have shifted focus to onshore vulnerable visa holders as well workers under the restarted Seasonal Worker Programme (SWP).

The ABF continues to address foreign worker exploitation through Operation BATTENRUN and Operation RESONATE.

- Operation BATTENRUN was established in December 2018 to detect and disrupt unscrupulous labour hire intermediaries (LHIs) and complicit entities (persons of interest, businesses and employers) who are suspected of employing unlawful non-citizens (UNCs) and lawful non-citizens in breach of working rights conditions.
- Operation RESONATE was established on 1 July 2020 to disrupt the exploitation of foreign workers in the sex industry and Australia's Migration system and gather information to inform further intelligence assessments.
 - Operations RESONATE is an intelligence-led operation. Its first phase involved the deliberate selection and workup of targets with links to serious criminality. Operation RESONATE has since progressed to a resolution phase, with field action occurring against targets. This includes both warranted and non-warrant field compliance activity. As with other field operations, RESONATE is employing a tiered compliance approach, including education, warnings and consultation where appropriate.

During COVID-19 restrictions, Field Operations have maintained and increased prevention and education activities, and the issuing of illegal worker warning notices. The ABF has considered the impact of public health measures when planning and conducting field activity.

- Employer awareness activities are conducted through administrative actions such as phone calls, letters and emails or in the field when officers conduct site visits. There has been a decrease in field visit actions due to state and territory COVID-19 restrictions.
- Education activities assist employers (including labour hire intermediaries) in understanding their legal requirements and obligations for the employment of non-citizens, with the aim to improve voluntary compliance.
- Illegal Worker Warning Notices are a written warning to persons who are found to be in contravention of work-related offences and civil penalty provisions in the *Migration Act 1958*.

The ABF has managed to overcome challenges within the COVID-19 environment:

- the use of charter flights to reduce COVID-19 transmission risks,
- the use of a dedicated group of escorts who are subject to self-isolation requirements between flights,
- no members of the public being present on the charter flights, further mitigating transmission risks, and
- close cooperation with state health departments to develop agreed mitigation strategies.

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Safe, Secure and Sustainable Detention

Immigration detention is part of a strong border control and supports the integrity of Australia's migration program. The Australian Government, service providers and independent agencies work together to manage immigration detention with a shared goal of resolving the immigration status of each person as fairly and fast as possible or removing them from Australia.

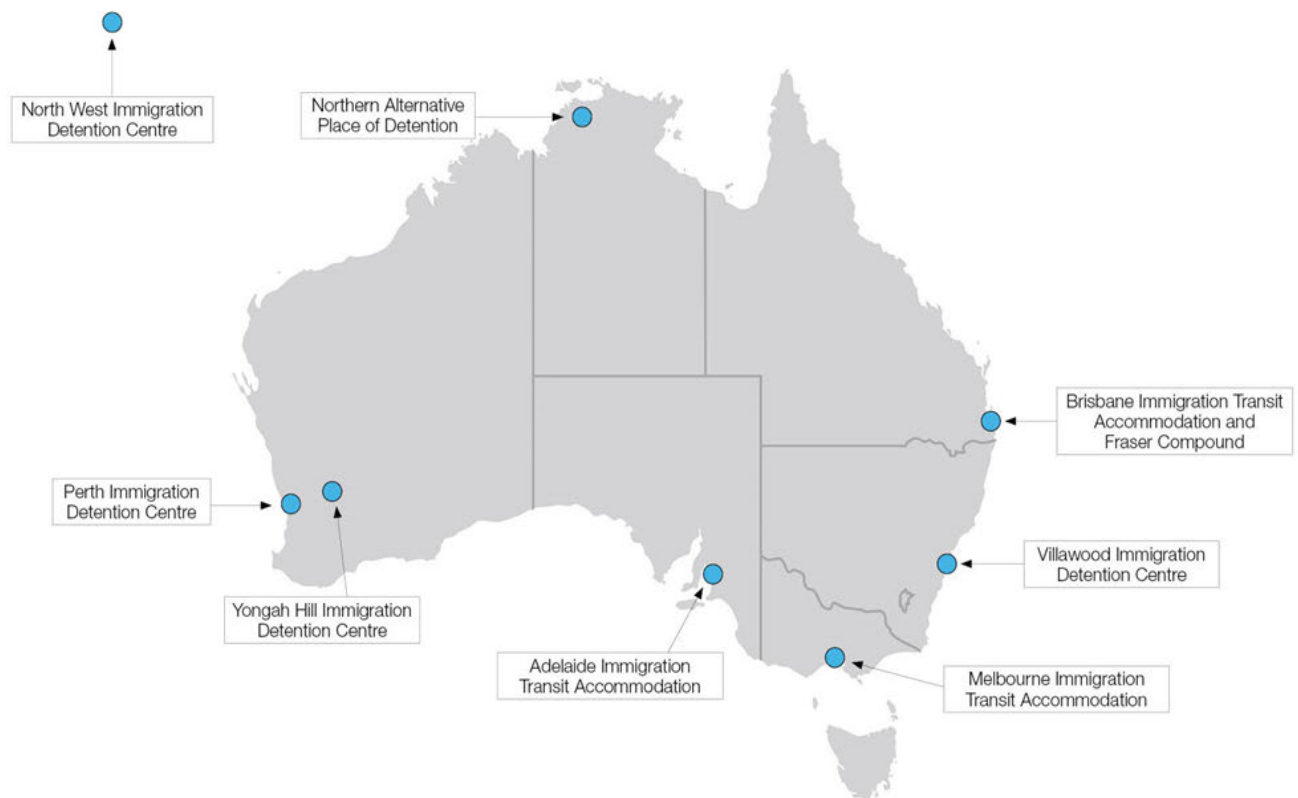
The Department of Home Affairs procures a range of services for unlawful non-citizens in all immigration detention facilities. These services encompass health, garrison, security, facilities management, transport and escort, and welfare and engagement. The management of the onshore immigration detention network is currently contracted to Serco as the facilities and detainees service provider (FDSP). Health services are currently contracted to International Health Medical Services (IHMS).

As at 2 March 2021, the total Immigration Detention Network (IDN) population was 1466 against a funded capacity of 1000. The three nationalities with the largest number of citizens currently in immigration detention are Iranian, New Zealanders and Vietnamese.

Of the 1466 detainees in the IDN:

- three are minors (one minor was removed from Australia on 10 March 2021),
- 1419 (96.8%) were male and 47 (3.2%) were female,
- 1205 (82.2%) have a criminal history,
- 767 (52.3%) were s501 visa cancellations,
- 373 (25.4%) were illegal maritime arrivals,
- 147 (10%) were transitory persons transferred from Nauru or Papua New Guinea of which 184 of these were accommodated in alternative places of detention (APODs), and
- 1191 (74.4%) are assessed by the Facilities Detention Service Provider as being high to extreme risk
- the average time spent in held detention was 633 days.

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The ABF is also currently using unfunded Alternative Places of Detention (APODs) in Melbourne (The Park Hotel on Swanston), Brisbane (Kangaroo Point Hotel) and Darwin (Mercure Hotel) to hold over 140 transitory persons who have been brought to Australia temporarily for medical treatment. The Melbourne and Brisbane APODs are subject to regular ongoing protest action.

The ABF is working with the Department of Home Affairs and Government to look at options to cease the use of the APODs during 2021. This will be dependent on COVID-19 implications and potential additional inflows of transitory persons from Nauru and Papua New Guinea.

Inflows of transitory persons add to the complexity of the network due to mandatory quarantine requirements on arrival and the need to assess and provide ongoing medical support. The Blaxland complex at Villawood Immigration Detention Centre which was to be decommissioned in 2020, is temporarily being used for quarantine of this cohort. New South Wales authorities have approved the site as a suitable quarantine facility for this purpose.

The ABF is also working closely with partner agencies to manage the implications of recent amendments to the *Australian Citizenship Act 2007* that will allow the Minister to make a decision to cease the Australian citizenship of terrorist offenders convicted and sentenced to at least three years imprisonment. The ceasing of Australian citizenship and the cancellation of the ex-citizen visa for convicted terrorists will make those persons unlawful non-citizens and liable for immigration detention.

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Based on convictions since 29 May 2003, the Department of Home Affairs has identified a caseload of 56 convicted terrorist offenders who meet sentencing thresholds for citizenship cessation. Of these offenders, 37 are currently incarcerated and 19 have been released after serving their sentence, noting that dual citizenship assessments for these and future offenders will be undertaken at the point they are prioritised for consideration.

The IDN has not previously held convicted terrorist offenders, and detention in current IDN facilities is not suitable for the highest risk offenders. This is based on immigration detention being administrative in nature and not punitive, with limited controls available to manage those who pose an extreme risk to themselves or others and require management by expert providers. Historically, these detainees have been placed with State/Territory Corrections based on their agreement and a cost recovery arrangement.

COVID-safe detention

The ABF and its service providers (Serco and IHMS) have implemented planning, infection control measures and Outbreak Management Plans, at all immigration detention facilities (IDFs), including Alternative Places of Detention (APODs).

These measures adhere to the Communicable Diseases Network Australia's (CDNA) *National Guidelines for the Prevention, Control and Public Health Management of COVID-19 Outbreaks in Correctional and Detention Facilities in Australia*. The ABF's approach has also been informed through advice from Medical Officers of the Commonwealth employed by the Department of Home Affairs.

The ABF continues to work closely with state and territory authorities to foster understanding and agreement on response arrangements should a COVID-19 outbreak occur within an IDF. This includes desktop scenario exercises.

To date, these measures have been successful with no detainee testing positive to COVID-19.

On 4 August 2020, the Government announced the re-activation of North West Point Immigration Detention Centre on Christmas Island to relieve capacity pressures on the Immigration Detention Network (IDN) caused by COVID-19. This includes the limited ability to remove people due to international border closures, the inability to obtain foreign travel documents, continued inflows of prison releases, and the requirement to maintain contingency quarantine capacity at all facilities in the event of a COVID-19 outbreak.

Since this time, the population of the IDN has remained above 1500 and is not expected to decrease until the international COVID-19 situation abates and removals of people can return to pre-COVID levels.

Removals

Removal of UNCs from Australia is only undertaken following comprehensive checks to establish identity, nationality, visa status and to ensure that the removal is compliant with Australia's international obligations. An individual will only be removed (either voluntarily or involuntarily) once they have exhausted all legal avenues to remain lawfully in Australia or they have requested removal from Australia.

The majority of immigration detainees removed from Australia are voluntary. In 2019-20, 97 per cent (5403) were voluntary, 3 per cent (142) were involuntary.

During the COVID-19 pandemic, the ABF has increased the use of chartered aircraft to undertake escorted removal operations predominantly focussed on high risk detainees.

The ABF has removed a number of individuals via charter to Bosnia, France, Ireland, Italy, Malta, Poland, Netherlands, New Zealand, United Kingdom and Vietnam following cancellation of their visas or if their visa ceased naturally.

Examples of 501 Cancellations – criminal conduct

Section 501(3A) of the Act requires that a person's visa must be cancelled if:

- they are serving a full-time term of imprisonment for an offence committed in Australia, or
- they have, at any time, been sentenced to a period of 12 months or more in prison or have had a charge proven for, or
- have been found guilty of, a sexually based crime involving a child.

Examples of criminal convictions resulting in cancellation under s501 include criminal convictions included trafficking methamphetamine, causing grievous bodily harm, domestic violence, assault occasioning bodily harm and affray and child sex offences.

4.3 Border Protection

Rapid and continual changes in intelligence, technology and data affect how Australia manages the movement of people and goods across its border, as well as the new and divergent methodologies that criminal entities employ to do harm to the Australian community. Continuing to secure our border against these criminal entities while enabling the legitimate movement of people and goods are complex challenges to our Border Protection strategy and remain a high priority for the ABF.

Illicit Drugs

Australia is a high-profit illicit drug market compared to other countries. This is a major strategic driver of illicit drug importations into Australia. The ABF is committed to working with its law enforcement partners in disrupting and dismantling supply of illicit drugs through Australia's international border.

Methamphetamine, cocaine and methylenedioxy methamphetamine (MDMA) are the three main drugs supplied to the Australian drug market. However, new psychoactive substances (NPS) have also emerged in recent years as a major threat to Australia.

In addressing significant concerns of illicit drugs entering Australia, the ABF and Home Affairs Portfolio agencies have continued to achieve significant disruption effects. Since 30 April 2020, operations have:

- interdicted illicit drug imports, including one tonne-plus and several multi hundred kilo imports; and
- contributed to the Serious Organised Crime Coordination Committee (SOCCC) initiative Operation VITREUS through operational activities and initiatives to target illicit drugs and precursors during coordinated weeks of action across the border continuum to promote a general deterrent, raise public awareness, gather further intelligence and disrupt serious and organised crime groups involved in the import and distribution of these drugs.

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There were over 40,000 detections of illicit and restricted drugs at the border by the ABF during 2019-20, with a combined weight of more than 10.9 tonnes prevented from reaching the community. From 1 July 2020 to 31 January 2021, there were 18,083 detections of illicit drugs (an increase of 70 per cent by number and 144 per cent by weight compared to the same period in 2019-20)

Firearms

The majority of undeclared firearm importations are sent by legitimate international firearms dealers who are unaware of Australia's restrictions on firearms.

The ABF plays an important role in reducing the threat of illicit firearms to the Australian community, through detections at the border and actively participating in multi-agency intelligence initiatives seeking to better monitor the movement, use and actors involved in illicit firearm activity.

The ABF uses a variety of detection methodologies and technologies, including x-ray and detector dogs to prevent a significant number of firearms entering the community.

From 2015 to 2017, more than \$4.2 million was invested to significantly upgrade x-ray screening capabilities at container examination facilities (CEFs) and mobile mail screening capability, to assist officers combat the increasing sophistication of the methods of concealment employed by organised crime groups.

The ABF actively contributes to Operation ATHENA, a joint policing agencies operation with the Australian Criminal Intelligence Commission, which was established in August 2016 out of the National Illicit Firearms Strategy Advisory Group, and endorsed by the Serious and Organised Crime Coordination Committee.

This multi-jurisdiction operation achieves a more efficient focus on illicit firearms by directing collective efforts and improving coordination. Operation ATHENA's mandate is to seek out operational opportunities in the illicit firearms market and exploit them for disruptive impact.

The ABF work with the Australian Federal Police (AFP), state and international law enforcement partners when planning operational activity for firearms, parts and accessories.

Child Exploitation

The significant drop in international travel has seen a drop in the number of detections of other objectionable material, including non-child-exploitation material from 430 detections in 2018-19 to 301 detections in 2019-20. Detections of childlike sex dolls however increased in 2019-20 compared to the previous year and also during COVID-19 (March -August) compared to the same time last year. Detections have remained steady in 2020-21 YTD. Noting importation of childlike sex dolls is normally via cargo streams, increases in air and sea cargo volumes, as well as improved profiling and targeting activities, have contributed to this increase.

The *Passport Legislation Amendment (Overseas Travel by Child Sex Offenders) Act 2017* came into effect on 13 December 2017 after Royal Assent on 27 June 2017. This Act makes it an offence for registered Australian child sex offenders with reporting obligations to competent authorities to depart Australia without permission.

Operation GRIFFIN is a collaborative effort by Commonwealth, State and Territory law enforcement agencies to address victim-based crime, investigating the exploitation and abuse of children nationally and internationally.

- ABF established Project CAIREEN which was conducted between 24 August 2020 and 21 September 2020, as a national project to detect, deter and disrupt importers of Childlike Sex Dolls and to establish information regarding the supply chain.

During Project CAIREEN, 17 consignments were detected that contained 18 childlike sex dolls or parts at the border in air cargo and international mail domain which led to the arrest of four persons of interest and an infringement notice issued.

Civil Maritime Security

The ABF has a range of assets to detect, deter and respond to civil maritime security threats, including illegal maritime arrivals, prohibited import and export activity and illegal fishing.

The ABF operates a fleet of 12 ocean-going vessels: eight Cape Class Patrol Boats (CCPBs), two Bay Class Patrol Boats, one Large Hull Vessel (Ocean Shield), and Thaiyak. The ABF also provides enforcement capability for the Australian Defence Vessel Ocean Protector. The ABF also operates a fleet of small vessels, including two Fast Response Boats (FRBs), 13 Port, Harbour and Coastal Class vessels, and other small vessels.

Counter Terrorism

It is the ABF's priority to contribute to the whole-of-government efforts to detect, deter and disrupt potential terrorist acts and actors affecting the safety, cohesion and wellbeing of Australian society, including returning foreign fighters and violent extremists.

ABF counter terrorism efforts include detecting and responding to maritime terrorist threats and the protection of offshore assets and resources through the development of our maritime capability and response. The ABF, through Maritime Border Command, is the coordinating authority for Australia's whole-of-government response to and recovery from terrorist acts in the offshore maritime environment to the outer boundary of Australia's Security Forces Authority Area (SFAA).

The ABF Counter Terrorism Units (CTUs) enhance the ABF's onshore capability to deal with both inbound and outbound national security risks across the national security spectrum (including right-wing extremists). They intervene or intercept persons of national security interest in ABF controlled areas under the *Customs Act 1901*.

Supply Chain Integrity

The complexity in international trade is increasing with the rise of e-commerce, new platforms and diversified supply chains. Threat levels are increasing and threat types are constantly changing. The trading community is largely compliant, paying duty and other border-related taxes and complying with trade measures, but it also includes a sector that attempts to increase profits or gain market advantage through non-compliance or criminal behaviour.

The ABF's current trade enforcement program is characterised by basic analysis in the risk areas, limited checks to identify consignments being deliberately undervalued to avoid the payment of duty and GST and the ABF's trade enforcement footprint is focussed on administrative processing functions as well as audit, revenue analysis and voluntary disclosures.

Ineffective trade enforcement is a significant border risk and vulnerability. It undermines measures to protect Australian industry from unfair trade practices such as dumping, which can be circumvented by those seeking to exploit perceived vulnerabilities at the border.

The ABF's current compliance and trade enforcement activities encompass monitoring and assurance at the low-risk end of the compliance spectrum through enforced regulation for high risk consignments and are directed toward the key risk areas of:

- regulated and restricted goods,
- economic harm (including revenue evasion), and
- supply chain integrity.

Project JARDENA is one of our key measures to proactively identify supply chain vulnerabilities and implement effective, innovative and multidisciplinary responses leveraging the full operational, regulatory and enforcement capabilities of the ABF and further to coordinate the integration of ABF's efforts with whole-of-government partners to assure Australia's supply chain integrity.

The ABF is placing greater rigour and focus in the priority area of trade enforcement by building its trade enforcement expertise to enhance its capabilities to prevent, deter, detect and disrupt the intentional and negligent manipulation of border controls.

Modern Slavery and Human Trafficking Policy

The ABF leads Australia's whole-of-government response to modern slavery and implements the *Modern Slavery Act 2018* and Australia's *National Action Plan to Combat Human Trafficking and Slavery 2020-25* (National Action Plan). The ABF coordinates responses to this issue across government, civil society and business, and supports domestic and international engagement on modern slavery issues.

Business and Supply Chains

The ABF delivers the Government's operational and supply chain response to modern slavery by implementing the *Modern Slavery Act 2018* (Act). The Act establishes requirements for over 3 000 business and other entities, such as large charities, to prepare annual statements outlining the actions they have taken to assess and address modern slavery risks in their global operations and supply chains (Reporting Requirement). The Reporting Requirement applies to entities operating in Australia with over AUD \$100 million consolidated annual revenue. The Reporting Requirement also requires the Commonwealth Government to prepare an annual statement covering the operations of all non-corporate Commonwealth entities (agencies and departments).

To support public accountability, the ABF publishes all statements made under the Act in the public-facing *Online Register of Modern Slavery Statements* (Online Register).

The ABF's Modern Slavery Business Engagement Unit is responsible for implementing the Act. This unit advises businesses on compliance, undertakes awareness raising and promotes best practice. The unit coordinates the Commonwealth Modern Slavery Statement, and published the *Commonwealth Modern Slavery Statement 2019-20* on 9 December 2020.

In May 2020, the Government established a Modern Slavery Expert Advisory Group (Expert Advisory Group), comprising 22 experts in combating modern slavery and supply chain management. The Modern Slavery Business Engagement Unit consults the Expert Advisory Group to deliver the Government's business and supply chain response to modern slavery.

Criminal Justice

The ABF delivers the Government's criminal justice response to modern slavery by:

- developing policy and legislative responses to modern slavery issues;
- monitoring the effectiveness of criminal offences in the Criminal Code;
- supporting Australian Federal Police investigation of criminal offences and referring victims to the Australian Government-funded Support for Trafficked People Program;
- leading implementation of the National Action Plan;
- driving engagement with business and civil society through the National Roundtable on Human Trafficking and Slavery; and
- funding specialist civil society organisations to deliver projects to prevent and respond to modern slavery issues.

The ABF leads the development of a proposed Commonwealth Forced Marriage Protection Order scheme to complement existing criminal offences and provide flexible civil remedies. Stakeholder consultation on the proposed model is ongoing.

Grant Funding

The Government's whole-of-community response to modern slavery relies on partnerships with civil society. Since 2008, the Government has awarded more than \$6.2 million to non-government organisations (NGOs) to support efforts to combat modern slavery, including education initiatives.

The 2020-21 Budget allocated a further \$4.4 million over five years in grant funding for civil society, business and academia to deliver projects that combat modern slavery in Australia, including:

- building Australian business' capacity to respond to modern slavery in supply chains, and
- research to support evidence-based policy on modern slavery in Australia.

The ABF administers this funding to specialist NGOs through the whole-of-government Community Grants Hub initiative (Grants Hub). The ABF is developing a grants program, in collaboration with the Grants Hub, to deliver the funds recently allocated in the 2020-21 Budget.

International Engagement

The ABF delivers international capacity building on modern slavery issues, including as co-chair of the *Bali Process Working Group on Trafficking in Persons*.

4.4 Border Management

Borders play an important economic role in Australia. The ABF protects Australia's border to facilitate legitimate travel and trade while at the same time, ensuring compliance with regulatory controls. The ABF safeguards our border from people who seek to threaten Australia's safety and security, commit immigration fraud or evade payment of duties and taxes. Border control points, systems and processes sit astride supply chains and travel pathways.

The very design of these points, systems and processes can add to economic competitiveness and productivity, by fostering rapid movement and border entry or exit. Conversely, they can detract from competitiveness and productivity by unnecessarily impeding movement, entry and exit, and diminishing the efficiency of national infrastructure.

Traveller and Cargo Clearance

Through an intelligence-informed and risk-based approach, the ABF inspects baggage, cargo and mail to ensure that people and goods entering and leaving Australia adhere to comply with Australia's strict border controls. ABF officers use specialist technology at maritime ports, airports, depots, mail centres and have mobile detection capabilities to guard against terrorism and the movement of illegal or illicit products or substances.

The ABF operates seven container examination facilities (CEFs) in Australia's busiest ports (Melbourne, Sydney, Brisbane, Fremantle, Adelaide, Newcastle, Darwin, and Townsville). This enables rapid inspection and physical examination of selected sea cargo to assist with detecting prohibited goods and verifying compliance with import and export requirements.

Simplified Trade System

The Australian Government agreed to the implementation of a Simplified Trade System in the 2020-21 Budget, which reinforces the Government's commitment to fostering and facilitating trade to boost Australian businesses' international competitiveness, expand trade opportunities and enhance supply chain resilience.

The ABF is progressing foundational regulatory reform and data interoperability work that will lead toward a more aligned, integrated and harmonised regulatory environment for businesses importing and exporting goods across the Australian border. This includes the development of a customs regulatory sandbox which will enable industry and the ABF to collaborate and trial new technologies, business models and regulatory approaches to build an evidence base for future reform.

The ABF also continues to progress other modernisation initiatives that will inform future regulatory and ICT systems reform. This includes collaboration with international partners on modernising information exchanges and trial activity including developing the concept of a Trans-Tasman Secure Trade Lane with New Zealand. ABF also engages with Singapore under the bilateral Digital Economy Agreement to trial the digital verification of trade documentation and exploring the feasibility of future customs data exchanges.

The ABF has also been working with DAWE to develop new intervention models for sea cargo, air cargo and international mail to enable higher rates of non-intrusive screening and increased detections. The new model will maximise use of contemporary border screening technology along with automated threat detection and new operational processes. The project will explore combinations of technologies for accuracy and enhanced decision making and placement of technologies ahead in the supply chain. The ABF and DAWE are also working together to streamline service delivery at the border, developing a combined service delivery framework for services at the border, including a pilot program during 2021 -22 to test the concept.

Trusted Trader Program

Australian Trusted Trader reduces red tape for Trusted Traders at the border, improves certainty in export markets, and expedites the flow of their cargo in and out of Australia, which means faster access to market.

Administered by the ABF, Trusted Trader is free and accredits Australian businesses with compliant trade practices and a secure supply chain. Once accredited, businesses have access to a growing range of benefits that simplify their customs processes.

Eligible businesses:

- importers, exporters and service providers
- active in the international supply chain for two years
- financially solvent
- have an Australian Business Number.

Industry Engagement

The ABF will advance our industry engagement capability in 2021 by developing an Industry Engagement Strategy to guide national and local partnerships with industry under the new operating model. The ABF will also contribute to enhancing Portfolio-wide industry engagement by hosting the 2021 Home Affairs Portfolio Industry Summit. Additionally, the ABF will continue to deliver our program of engagement on trade, travel and customs policy through peak national industry forums, including the ABF Commissioner's Customs Advisory Board, the National Committee on Trade Facilitation, the National Passenger Facilitation Committee and the National Sea Passenger Facilitation Committee.

Border Systems

The ABF is the Business Owner of over 70 IT systems used by the portfolio and which support the operational activities performed by the ABF. As a Business owner, the ABF works with internal and external stakeholders, including technical leads in the Home Affairs to ensure systems are maintained and disruption to operations is minimised, and to ensure systems remain fit for purpose and that proposed enhancements deliver a benefit to ABF. The role also manages access provisions and policy, audits on the use of systems, and data custodial roles for other agencies who get access to the data held in these systems.

Program Management

The ABF partner with the Department of Home Affairs to ensure that new capability and technology supports the ABF to realise its full potential and to create an agile workforce that can respond effectively to the ABF's future challenges in a high risk and rapidly changing environment. The ABF is focussed on maturing our program management capability to support effective transition of new capability into service, and to ensure that new capability derives benefits for ABF business, reduces operational risk and is compliant with legislation.

Key strategic priorities include:

- ensuring that new port and infrastructure capabilities meet border agency requirements by overseeing projects, conducting analysis, managing risks and engaging with industry stakeholders.
- ensuring that new systems, equipment and operating models introduced into service enhance the ABF's capability to detect prohibited items in the international mail and air and sea cargo, and
- enhancing ABF capabilities to streamline the traveller experience in sea and airports.

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Provision of Border Services at New and Redeveloping Ports

The ABF, in consultation with other border agencies is working with six air and sea port operators for new or additional border services, in line with the Government's framework for the provision of border services at new and redeveloping ports (ports framework), administered by the Department of Infrastructure, Transport, Regional Development and Communications.

- This includes establishing border services at Hobart Airport and the Brisbane International Cruise Terminal, and supporting the relocation of border services at Gold Coast Airport, Adelaide Airport, and Melbourne Airport.
- The ABF is also engaging with Broome Airport and Melbourne Airport to support their application under the ports framework for Government consideration.

The ABF is working on establishing border services at Western Sydney International (Nancy Bird Walton) Airport, however this project does not fall under the ports framework. Airport operations are scheduled to commence in 2026.

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5 Operation Sovereign Borders

Key Highlights

Operation Sovereign Borders (OSB) has successfully suppressed, but not defeated, the threat to the integrity of Australia's borders and potential loss of life at sea posed by people-smuggling enterprises. Continued success hinges upon the perceived resolute commitment of the Government to continue denying settlement in Australia to any person arriving here by irregular maritime pathways.

Overview

OSB was established in 2013 as a Whole-of-Government enterprise to protect the integrity of the Australian border, and prevent loss of life at sea by denying an irregular pathway to settlement in Australia, and deterring vulnerable people from attempting dangerous maritime ventures.

The current Commander Joint Agency Task Force (JATF) OSB is Rear Admiral Mark Hill CSC, RAN, who coordinates the efforts of 16 contributing departments and agencies across the operational, intelligence and policy domains, to deliver a coherent, multi-layered approach in achieving the denial and deterrence effects. Rear Admiral Hill is also the current Commander of the ABF's Maritime Border Command (MBC). Fundamental to the success of the OSB mission are three pillars:

- a. Disruption and deterrence activities underpinned by a strategic communications campaign (OSB led);
- b. On water operations, to return potential illegal immigrants to source and transit countries, where appropriate (OSB led); and
- c. Regional processing to enable resettlement in third countries (led by Department of Home Affairs).

JATF OSB utilises these pillars by coordinating the delivery of six core effects—deterrence, disruption, detection, interception, return and resettlement. Delivery of these effects through a multi-layered, multi-agency approach is achieved through the following activity streams:

- a. *Deterrence and Disruption* – led by the Australian Federal Police (AFP), this stream aggregates the efforts of the National Intelligence Community and law enforcement agencies, in conjunction with offshore partners, to disrupt and deter maritime people smuggling ventures in source and transit countries. Disruption and deterrence activities are underpinned by an offshore communication campaign focused on ensuring that vulnerable people considering engaging the services of people-smugglers are aware of our strong border protection policies and the risks in undertaking such journeys.
- b. *Detection, Interception and Transfer* – the Detection, Interception and Transfer Task Group is led by the ABF MBC, in cooperation with the Australian Defence Force (ADF). It coordinates aerial surveillance and maritime patrols to detect people smuggling vessels, and return the people aboard to their country of departure or country of origin. The safety of Australian Government officers and those on intercepted vessels is a paramount consideration during all operations, which are conducted in accordance with international obligations and domestic law.

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Returns occur through one of the following mechanisms:

- an enforced turn-back—which involves the safe removal of a vessel from Australian waters;
 - a takeback—where Australia works with a country of departure or origin to achieve the safe return of passengers and crew; and
 - assisted returns—in some circumstances Australian Government vessels may be called upon to assist persons in a Safety of Life at Sea (SOLAS) situation.
- c. *Regional Processing, Return and Resettlement* – individuals who cannot be returned to their country of departure or origin are transferred to a regional processing country where their protection claims are assessed by that country. Those found to have valid protection claims will be resettled in a country other than Australia. This effect is delivered by the Department of Home Affairs (please refer to the departmental brief on *Regional Processing and Resettlement*).

Current Situation

The threat to the integrity of Australia's borders and potential loss of life at sea posed by people smuggling enterprises is suppressed but not defeated. Consequently, the risk of large-scale people smuggling restarting, along with the loss of control of our borders, remains.

Since the commencement of OSB in September 2013, 23 people smuggling ventures carrying 1,309 people have arrived in Australia that were unable to be returned to their country of origin or departure. The last successful maritime people smuggling venture to Australia arrived in July 2014, at which time all 157 persons on board were transferred to Nauru. A people smuggling venture also reached Australia in August 2018 in the vicinity of the Daintree, although all 17 persons on board were rapidly returned to their country of departure.

Between 19 December 2013 and 18 December 2020, 873 people aboard 38 maritime people smuggling ventures have been returned to their countries of origin or departure by Australian authorities under OSB. It has been over seven years since the last known death at sea en-route to Australia. Furthermore, since the commencement of OSB to 15 December 2020, close cooperation with regional partners has resulted in disruptions of an additional 83 maritime people smuggling ventures, 2,665 potential illegal immigrants, and 633 arrests in source and transit countries.

JATF OSB Headquarters is made up of a core of eleven (11) staff, augmented by additional staff dedicated to the intelligence and strategic communications portfolios as required.

Legislative Framework

OSB operates in compliance with all domestic and international law obligations in the regulation of people smuggling vessels and vulnerable people who undertake irregular maritime journeys, including international human rights law, refugee law and the law of the sea, relying on advice from the Department's Legal Group, the Attorney-General's Department and the Australian Government Solicitor. In specific relation to on-water activities, OSB utilises the *Maritime Powers Act 2013* for the interception, boarding and searching of vessels. For activities within the migration zone, OSB operates under various Acts, including the *Migration Act 1958* and the *Customs Act 1901*.

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Stakeholders/Forums

OSB comprises representatives of the following 16 government departments and agencies:

- Department of the Prime Minister and Cabinet;
- Department of Foreign Affairs and Trade;
- Department of Defence;
- Department of Home Affairs;
- Attorney-General's Department;
- Australian Defence Force;
- Australian Border Force;
- Maritime Border Command;
- Office of National Intelligence;
- Australian Signals Directorate;
- Australian Secret Intelligence Service;
- Australian Security Intelligence Organisation;
- Australian Geospatial Intelligence Organisation;
- Australian Criminal Intelligence Commission;
- Australian Federal Police; and
- the Australian Maritime Safety Authority.

OSB is supported by a range of officials-level inter-departmental forums, noting there are no OSB specific ministerial level forums outside of NSC. The Commander JATF will bring to NSC formal submissions and provide oral updates when directed by the Minister.

Outlook

With more than approximately 79.5 million people displaced globally, 2.09 million regionally¹, and Australia remaining an attractive destination, regular and irregular migration challenges will persist. While there has been a sustained reduction in maritime people smuggling ventures reaching Australia since OSB was established, retaining the OSB construct as an ongoing capability with effective interagency engagement, command coordination and oversight will ensure our agility to respond to future people smuggling challenges.

¹ Sourced from UNHCR Global Trends 2019 – <https://www.unhcr.org/en-au/statistics/unhcrstats/5ee200e37/unhcr-global-trends-2019.html> (accessed 18 December 2020)

6 Our response to COVID-19

The ABF's response to the COVID-19 pandemic, primarily through the rapid implementation of Australia's border controls, has been a critical factor in slowing the introduction and spread of the virus throughout Australia. Given Australia's geographical proximity to the outbreak, it was those early decisive actions that have put us in a much stronger position than other nations around the world.

Strengthened border measures

Following Australia's first confirmed COVID-19 case on 25 January 2020, the ABF worked quickly with partner agencies, airlines, and industry partners to implement the Government's decisions and strengthen our border measures. Many of these changes were unprecedented and were implemented within hours of each new measure being announced.

As the situation overseas started to deteriorate, the ABF played a key role in bringing Australians home on Government-assisted repatriation flights from China and Japan. More than 700 people were evacuated from Wuhan, China and after disembarking the *Diamond Princess* in Tokyo. The ABF worked with the Department of Foreign Affairs and Trade and the Department of Health to facilitate these passengers to board flights, clear customs and immigration processes mid-flight, for transfer to North West Point on Christmas Island or Howard Springs in Darwin to undergo quarantine before returning home.

The quick establishment of quarantine facilities at North West Point and Howard Springs demonstrated our capability, agility, and close working relationships with partner agencies in unique and challenging environments.

Working ahead of the border, ABF officers engaged with airlines to ensure travellers who had been in high-risk countries or were unwell did not board flights to Australia. Officers helped screen passengers arriving in Australia, handing out fact sheets and isolation declaration cards to incoming travellers, and referring unwell people to biosecurity officers.

Alongside the Department, the ABF managed an exemptions process that permitted international travel in a limited set of circumstances. This process was consistent with relevant health advice and the public messaging for Australians abroad to return home. Since the introduction of travel restrictions thousands of applications have been processed, often within very tight timeframes. This has required a significant and sustained surge of officers from across the organisation.

6.1 Sustaining border protection outcomes

The work carried out by the ABF has not stopped as a result of COVID-19. Our borders remain strong. It is business as usual when it comes to detecting illicit substances, stopping illegal imports and preventing worker exploitation.

We continue to target the black economy and criminal syndicates trying to take advantage of COVID-19 to circumvent border controls and import prohibited and illicit goods. We have surged officers at air and sea ports, to examine sea containers and items sent through the mail centre and air cargo consignments. We are still detecting and stopping illicit goods coming into Australia.

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The ABF continues to reinforce the integrity of Australia's migration system by identifying, disrupting, and deterring facilitators responsible for systemic and deliberate exploitation of foreign workers. Operation BATTENRUN has targeted unscrupulous labour hire intermediaries and those exploiting foreign workers through issuing warnings and infringement notices, and at the more serious end visa cancellations, detention, and removal from Australia.

ABF will continue future targeted national operations to disrupt foreign worker exploitation utilising specific approaches to achieve operational effect.

COVID-19 has impacted our ability to remove unlawful non-citizens from Australia, due to offshore travel restrictions and limited availability of commercial flights. This places additional pressure on the immigration detention network and has a significant impact on detention populations

The ABF has put in place comprehensive measures to protect those accommodated at immigration detention facilities during the COVID-19 pandemic. This includes a range of protective and preventative measures in accordance with the Communicable Diseases Network Australia (CDNA) National Guidelines for the Prevention, Control and Public Health Management of COVID-19 Outbreaks in Correctional and Detention Facilities in Australia. The ABF will continue to monitor and adjust its COVID-19 response arrangements to the advice provided by health officials and through any updated CDNA guidelines.

Air and sea arrivals

From 11 March 2020 until 31 January 2021 a total of 1,234,267 travellers arrived in Australia by air and sea, a reduction of 94 per cent compared to the same period in 2019-20. Of these:

- 749,585 travellers arrived by air (95 per cent reduction).
- 277,924 travellers arrived by sea (26.1 per cent reduction).

Air and sea cargo

The reduction in the number of flights entering Australia has resulted in a shift from the air cargo environment to sea channels where smaller consignments have been consolidated during the COVID period (compared to 2019).

There has been a significant rise in e-commerce (such as on-line shopping), which has resulted in an increase in the total number of air cargo consignments compared to the previous year. However, the number of large air cargo consignments (400kg+) has decreased compared to the previous year, which reflects the impact of COVID-19 on larger business activity.

While this year has seen unprecedented travel restrictions, Australia's borders have not closed. Air and sea cargo continues to arrive into Australia with goods that the country relies on. The ABF has kept the economy moving as much as possible, while maintaining our commitment to ensuring our borders remain strong.

Operation HANGFIRE (Import and export of critical goods)

The ABF initiated a number of temporary measures to address border risks in the import and export of air, mail, and sea cargo, including preventing the diversion of critical medical supplies and personal protective equipment (PPE) from Australia and ensuring essential goods were expediently imported without compromise to existing border controls designed to protect the Australian community from harm.

On 11 December 2020, amendments made to the *Customs (Prohibited Exports) Regulations 1958* (Customs Regulations) on 30 March 2020 were repealed, signalling an end to HANGFIRE operational activity in the export environment. The repeal of the regulations does not alter the ABF's commitment to intercept and examine 'essential goods' being imported that pose a heightened risk of being substandard quality, counterfeit or intended for illegitimate use, including vaccines.

The ABF has referred over 28 million facemasks to the Therapeutic Goods Administration (TGA) in an effort to ensure relevant Australian safety standards were being adhered to by Australian importers. These importation controls were also applied to a range of unapproved medicines and medical devices, such as 76,252 COVID-19 test kits, as well as COVID-19 vaccines and vaccine components/samples.

Vaccine Rollout

Under Op HANGFIRE, the ABF is continuing to lead WoG efforts to facilitate legitimate COVID-19 vaccines importation through to a secure domestic distribution network managed by Department of Health. By defining the legitimate vaccine importation pathway, the ABF in partnership with TGA can apply appropriate intervention strategies against suspect goods under Australia's Therapeutic Goods legislation, which is a long-standing and effective framework for controlling the entry of illegitimate medicaments into the Australian community.

Between 9 April 2020 and 15 March 2021, the ABF has facilitated the importation of 189,070 approved vaccine viral units.

The ABF is playing a crucial role in the importation of the vaccine by working with industry to strengthen the supply chain to facilitate the importation of legitimate vaccines and disrupting any unauthorised or illegitimate supplies.

Staff Vaccine Rollout

The COVID-19 Vaccines National Rollout Strategy details the phases in which vaccines will be made available.

As doses of COVID-19 vaccines are initially limited, access to vaccines during the early period of the rollout is being made available to the highest priority groups as defined by the Department of Health.

Phase 1a includes frontline border staff (airport/seaport/marine) as well as those working in quarantine facilities. It also includes household contacts of quarantine and border workers (staff in Phase 1a priority roles).

ABF vaccination 1a rollout figures as at 29 Mar 2021 (15:18 AEDT)

State	Staff in Phase 1a Priority Roles	Consent	Staff Vaccinated 1 st Dose	Staff Vaccinated 2 nd Dose
ACT	132	64	27	6
NSW	842	690	420	19
NT	125	111	91	18
QLD	839	674	306	41
SA	187	154	103	68
TAS	35	28	11	7
VIC	818	654	359	126
WA	510	444	317	147
Overseas	1	1	0	0
Total	3489	2820	1634	432

The rollout of the Phase 1b cohort includes staff and contractors who work in Immigration Detention Centres, visit correctional centres as part of their role, and staff (including family) currently working or due to deploy offshore will be included as part of the Phase 1b rollout. Phase 1b also now includes household contacts of quarantine and border workers identified in 1a priority roles.

ABF vaccination 1b rollout figures as at 29 Mar 2021 (15:18 AEDT)

State	Staff in Phase 1b Priority Roles	Consent	Staff Vaccinated 1 st Dose	Staff Vaccinated 2 ND Dose
ACT	6	4	0	0
NSW	54	27	7	1
NT	2	0	0	0
QLD	9	7	0	0
SA	25	12	0	0
TAS	0	0	0	0
VIC	32	20	1	0
WA	73	27	2	0
Overseas	0	0	0	0
Total	201	97	10	1

The vaccine rollout for officers who are offshore is being coordinated by Department of Foreign Affairs and Trade in partnership with Defence.

Operation OVERARCH

ABF-led Operation Overarch was stood up to execute National Security Committee decisions in implementing enhanced Torres Strait (TS) border measures in response to COVID-19. The purpose of Operation Overarch is to counter the potential for COVID-19 spread and illegal Papua New Guinea border arrivals into the broader TS region.

Since its inception, Overarch has been achieving noticeable reductions in cross-border incursions (including medical arrivals into Saibai and Boigu Islands) over the March to December 2020 period. Op Overarch has involved a WoG response with support from federal and state entities, as well as cross border efforts with Papua New Guinea.

Operation BARITONE

To support the Australian Government's response to reduce the spread and impact of COVID-19 within the community, The ABF established Operation BARITONE in May 2020 to support and collaborate with state and territory police on ensuring non-citizens are complying with COVID-19 regulated health restrictions. The national operation focuses on non-citizens who are not complying with state and territory quarantine, self-isolation and social distancing regulations.

Operation BARITONE uses a risk-based, tiered enforcement approach to respond to allegations of non-compliance by non-citizens, ranging from education on

COVID-19 restriction requirements, issuing of warnings and Notices of Intention to Consider Cancellation (NOICC) of visas, to visa cancellation, detention and removal from Australia in more serious cases.

As at 24 March 2021, under Operation BARITONE, the ABF has:

- undertaken 33 field enforcement activities, including two s251 Migration Act 1958 search warrants;
- issued 357 warnings;
- issued 16 notice of intention to consider cancellations (NOICC); and
- cancelled nine (9) visas.

6.2 Inbound and outbound travel restrictions

Australia's travel restrictions are a key government measure that have successfully limited the spread of COVID-19 in the Australian community. Travel restrictions have been in place since 20 March (inwards restrictions) and 25 March (outwards restrictions) 2020. Policy settings are reviewed regularly in line with the advice of the Australian Health Protection Principle Committee (AHPPC).

Inwards travel restrictions are implemented through policy, and relate to people who are neither citizens nor permanent residents (or their immediate family). Non-citizens travelling to Australia who are not exempt may be considered for visa cancellation under s116(1)(e) of the *Migration Act 1958* (the Act) on the basis that they may present a health risk.

The travel exemption process has gone from an emergency response in February and March 2020 to a high-volume business process, with strong expectations from clients and key stakeholders about responsiveness and transparency. Decisions to approve exemptions must be balanced against the potential health risks posed to the Australian community by international travel. The Minister for Home Affairs has responsibility for the implementation of Australia's travel restrictions and the travel exemptions process.

On 15 March 2020, a ban on international cruise ship arrivals was announced by the Government, with exceptions for approximately 32 vessels that were already *en route* to, or in, Australian waters at the time of the announcement. In the weeks following, a sustained and targeted ABF effort saw the departure of all 32 internationally flagged cruise ships and their approximately 20,000 crew from Australian waters. The last vessel to leave an Australian port departed on 28 April 2020.

The ABF Commissioner or authorised decision makers may consider additional exemptions from travel restrictions, including for persons with critical skills, or for compelling and compassionate reasons to enter or depart Australia. Individual exemption categories are outlined on the Department's website: <https://covid19.homeaffairs.gov.au/travel-restrictions>.

In the week ending 28 March 2021, 75.9 per cent of outbound requests and 97.1 per cent of inbound requests were finalised within service standards. As at 28 March 2021, 278,803 outwards travel exemption requests and 261,169 inwards travel exemption requests have been received.

On 17 September 2020, the *Commissioner's Inwards Decision making* statement, *Commissioner's Guidelines* and two Operational Directives were published on the Department's website to increase transparency about the exemption assessment process and decision making. Version three of the Commissioner's Guidelines was published on 14 December 2020.

Travel exemption guidelines and policy settings are reviewed as circumstances in relation to the COVID-19 pandemic evolve. Recent updates include changes to the outwards travel exemption considerations for persons wanting to travel to Papua New Guinea, in recognition of the evolving COVID-19 crisis in PNG and the serious health risk that travel from PNG currently presents to the Australian community.

Outlook

Australia's travel restrictions policy settings will continue to evolve throughout 2021 to support Australia's recovery from the COVID-19 pandemic and a phased reopening of international borders. Most significant travel exemption policy changes have been oversighted by or determined through the National Security Committee or Cabinet. This policy approach is expected to continue.

The ABF will focus on working closely with industry and national and international counterparts to secure the border and contribute to Australia's economic recovery. The modernisation of our trade and travel systems and regulations remains a priority in support of the next phase of the pandemic.

6.3 Support for Papua New Guinea

Due to surging COVID-19 cases in Papua New Guinea (PNG), additional support has been provided to PNG and the ABF has again increased its presence in the Torres Strait. This follows the COVID-19 vaccination rollout in the northern Torres Strait that took place from 15 to 25 March 2021 in Boigu Island, Saibai Island and Dauan Islands.

With the increased posture in the Torres Strait, ABF officers have been deployed on Saibai and Boigu Islands providing 24/7 land-based patrol and Thursday Island for surge capability. Additional assets such as fast response boats have also been deployed.

The predominant reason for PNG boat arrivals into Saibai and Boigu Islands is to access medical treatment. COVID-19 testing is conducted on all medical presentations with no positive results recorded to date.

On-going monitoring suggests no increased movements across the Torres Strait has occurred as a result of COVID-19 transmission in PNG.

Movements from PNG into the Torres Strait are at a record low compared to previous years. Arrivals of PNG nationals at Saibai and Boigu islands since the border closure have been almost exclusively to seek medical treatment.

Due to current travel restrictions in place to and from PNG, consistent messaging has been delivered by the ABF and Department of Foreign Affairs and Trade (DFAT) to Torres Strait communities and leaders through Torres Strait Island Regional Council (TSIRC) stressing border closures remain in place and urging all community members to report suspicious activity.

Key Australian resource companies operating in PNG have advised the Department of Industry, Science, Energy and Resources (Department of Industry) and DFAT that extended travel restrictions will likely result in a shutdown of their operations unless a compromise solution can be found.

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The Department of Industry and DFAT are actively engaged with impacted Australian resource companies and relevant associations (the Mineral Council of Australia and the Australian Petroleum Production & Exploration Association) to understand:

- the short, medium and longer-term impacts of extended travel restrictions for operations in PNG (including planned maintenance and other projects); and
- the protocols and processes these companies already have in place, or could put in place, to address COVID risks to staff, the PNG community and the Australian community.

6.4 Opening the international borders as it becomes safe to do so

In 2021, the ABF will play a critical role in supporting the safe and gradual re-opening of Australia's borders. The ABF continues to work with airport operators and airlines across the major airports in each state and territory to ensure a gradual easing of restrictions can be implemented seamlessly and carefully, managing the risk as appropriate based on cohorts and locations of departure.

Australia has an agreement for travellers who have been in New Zealand in the preceding 14 days, and who have not been in an area designates a COVID-19 hotspot to enter Australia without the requirement to enter hotel quarantine. In support of this arrangement, the ABF has worked with jurisdictions to implement separate red and green pathways for passengers arriving via safe travel zone flights, including managing queues and traveller pathways through the airport environment.

Australia Travel Declaration (ATD)

The Department of Home Affairs and the ABF developed the ATD to capture important information to help Australian governments with managing health, quarantine and contract tracing. Travellers are asked to complete the ATD 72 hours prior to boarding their flight. This provides time for state and territory agencies to be made aware of the different needs identified by travellers in their declaration.

The ATD is for all travellers entering Australia, including:

- Australian citizens and permanent residents
- people who are automatically exempt from the travel restrictions, and
- people who have been granted an individual exemption to the current travel restrictions.

Digital Passenger Declaration

During the COVID-19 pandemic, the information contained on the Incoming Passenger Card (IPC), has been supplemented by additional health related declarations. The Digital Passenger Declaration (DPD) will combine and integrate multiple manual processes. Digitising this process will help eliminate processing delays resulting from the need to scan paper cards and enter data manually.

The DPD will support faster data sharing with Commonwealth and state and territory departments. This will significantly enhance the national response to COVID-19 and contact tracing efforts in particular. The DPD will be a critical enabler for Australia's border operations while recovering from and reacting to persisting health threats resulting from COVID-19. By digitising the IPC, we are assisting to modernise and streamline the Department's services, which will have many advantages for travellers and ABF officers, as well as significant benefits for the aviation and maritime industry.

Vaccine Certification

Australia is working with the World Health Organisation to develop specifications and standards for security, authentication and privacy for digital vaccination certificated to facilitate safe international travel.

Subject to the development of digital vaccine certificate standards, and appropriate legislative framework, the DPD will allow certified COVID-19 vaccination certificates to be digitally uploaded.

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7 Legislation and Powers

7.1 ABF Powers and Delegations

The ABF exercises a range of legislative powers to complement and support its law enforcement, revenue collection, trade facilitation, regulatory, compliance and monitoring roles.

The *Customs Act 1901* (Customs Act) is the primary statute enabling 'officers of Customs' to undertake a broad range of border-related activities predominately related to the movement of goods. Under the Customs Act and other relevant legislation, an 'officer of Customs' includes any ABF officer and other Departmental employee.

The *Migration Act 1958* (Migration Act) is the primary statute enabling 'officers' to undertake activities for the purposes of the migration programme, such as processing and questioning unauthorised maritime arrivals, assessing character concerns of non-citizens, granting, refusing or cancelling visas, and monitoring compliance with visa conditions.

The responsible Minister will have responsibility for administering a number of Acts, which specifically relate to the functions and activities of the ABF, including:

- *Australian Border Force Act 2015*
- *Australian Citizenship Act 2007*
- *Customs Act 1901, other than Part XVB and Part XVC²*
- *Maritime Powers Act 2013*
- *Migration Act 1958.*

Powers of Officers

ABF officers are able to exercise a range legislative powers to perform functions in specific circumstances or certain geographical areas following one or more pre-conditions being met. These powers may either be vested directly in an officer or delegated to an officer (from the Minister, Secretary or ABF Commissioner).

In certain circumstances, officers may exercise a range of powers under other State and Territory legislation and under non-portfolio Commonwealth legislation, such as:

- *Australian Passports Act 2005*
- *Crimes Act 1914*
- *Criminal Code Act 1995*
- *Maritime Transport and Offshore Facilities Security Act 2003*
- *Fisheries Management Act 1991*
- *Navigation Act 2012*
- *Biosecurity Act 2015*
- *Torres Strait Fisheries Act 1984*
- *Crimes at Sea Act 2000.*

² Part XVB – Special Provisions Relating to Anti-Dumping Duties and Part XVC – International Trade Remedies Forum is administered by the Anti-Dumping Commission in the Department of Industry, Innovation and Science.

Delegations

The legislation administered by the ABF contains the broad structure of legal rules under which non-citizens, goods and cargo operate. The delegated powers are broad, ranging from migration, questioning, searching and detaining persons to the use of firearms in certain circumstances.

Officers can only exercise a power if they have been delegated or authorised to do so by the Minister, Secretary or Commissioner/Comptroller-General of Customs in the relevant Instrument of Delegation or Authorisation.

There are three possible ways any given power, duty or function set out in an Act is exercised:

1. The person vested with the power, duty or function may exercise it themselves.
2. Where the Act enables it, a power, duty or function may be delegated pursuant to an instrument of delegation and exercised in the name of the delegate.
3. Where the enactment does not include a delegation provision, and the power, duty or function is of an administrative nature, the person in whom it is vested may authorise, expressly or impliedly, another person to exercise it in the name of the person vested with it, that is, as an agent.

7.2 Project PORTUNUS

The ABF and the Australian Federal Police (AFP) have established Project PORTUNUS, a pilot program to enhance the ABF's capability and effectiveness in disrupting customs and immigration related offences while reducing the resource strain and burden on the AFP.

Under the Customs Act, officers are able to apply to a judicial officer, and execute warrants for the purposes of seizing evidential material (198 warrant) or forfeited goods (203 warrant). However, ABF officers are unable to use Customs Act warrants to seize material relevant to other serious offences, such as offences under the Migration Act.

In addition, ABF officers may not be able to use material lawfully seized under a *Customs Act* warrant as evidential material for non-Customs related offences (including other serious offences against the Commonwealth such as fraud and money laundering under Division 400 of the *Criminal Code*).

Under the Migration Act, ABF warrant powers are limited to a section 251 Warrant authorised by an Inspector specifically to locate unlawful non-citizens and a section 487ZX warrant authorised by a judicial officer to search for and seize evidential material in relation to sponsorship-related offence(s) or provision(s) or work-related offence(s).

ABF officers are unable to apply to a judicial officer, and execute warrants for the purposes of seizing evidential material for offences it is responsible investigating and deterring including contrived marriages, concealing or harbouring non-citizens, and the provision of false documents or false/misleading information relating to non-citizen.

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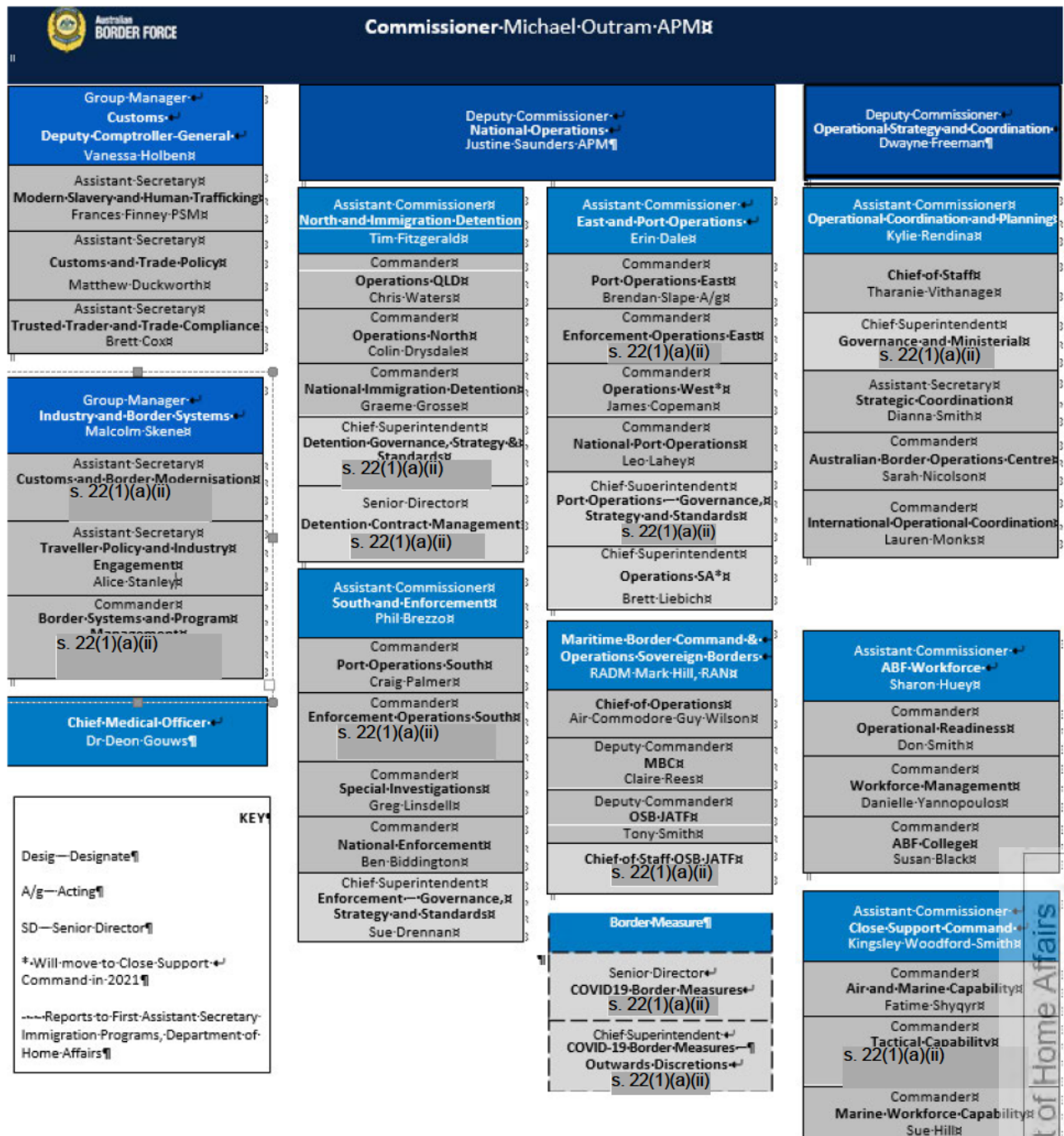
The ABF is reliant on the AFP through their use of the Crimes Act 1914 (Cth) (Crimes Act) powers in order to seize this material subject to *Migration Act* offences and revenue offences where prosecution under the *Criminal Code* is appropriate. Under Project PORTUNUS, suitably qualified and experienced ABF Investigators who meet the eligibility thresholds are appointed as AFP Special Members under s.40E of the Australian Federal Police Act 1979.

ABF Special Members, under the guidance of the AFP, will execute 3E Crimes Act search warrants for customs, migration and citizenship related offences where it is identified the ABF has limitations in powers.

The pilot tranche of 22 ABF Investigators in Victoria were sworn in as AFP Special Members of 2 October 2020 as part of the first phase of the program. These officers have subsequently successfully executed 3E search warrants with joint ABF/AFP teams for three separate ABF investigations

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Appendix 1 – Australian Border Force Organisational Structure



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Operational Strategies and Coordination Group

Operational Strategy and Coordination Group (OSCG) delivers strategic planning, coordination, risk management and assurance, workforce and specialist capability across the ABF. Together, the Divisions within OSCG provide high-level strategic advice to the Commissioner and ABF Executive. The Divisions implement and evaluate strategic and operational support priorities and support the ABF and its workforce through the coordination of strategic initiatives and bids to Government for resources, corporate planning, compliance assurance programs and workforce and culture initiatives. The OSCG is responsible for the delivery of ABF's maritime, aviation and special tactical capabilities to meet frontline operational requirements.

ABF Workforce

ABF Workforce Command focuses on our people and workforce. It is responsible for strategic workforce planning, data modelling and analytics; workforce transformation and innovation; culture and behaviour initiatives; recruitment, attraction and retention strategies; managing the ABF's operational safety program including policy, systems, training and armoures; developing and delivering the vocational and leadership learning and development needs of frontline officers through the ABF College.

Successful delivery of these priorities ensures ABF officers have the right skills, knowledge, certifications, uniform and equipment to safely and competently perform their role.

Close Support Command

Close Support Command is responsible for delivering maritime, aviation and tactical capability to front line operations in supporting our mission to protect Australia's borders and enable legitimate trade and travel.

This includes management and deployment of ABF Cutters, management and capability of the maritime workforce, Detector Dog Program breeding, training and operations, covert physical surveillance and digital forensic capabilities.

Operational Coordination and Planning

Operational Coordination and Planning is responsible for the operations coordination capabilities of organisational strategy, planning and governance (including risk and quality assurance frameworks) coordinated across functions, centralized reporting including performance reporting, operational coordination, governance, planning and critical incident response as well as Chief of Staff, ministerial and media coordination.

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National Operations Group

The National Operations Group has responsibility across all operational activities of the border environment. This includes the management of travellers, goods and cargo, as well as enforcement and maritime operations.

Enforcement Program

The Enforcement Program designs and implements the strategy, policy and governance to deliver enforcement effect across the ABF. The Enforcement Program detects, deters and disrupts operational and strategic border threats through field operation activities and the investigation and enforcement of serious offences against the *Customs Act 1901* and *Migration Act 1958*, as well as other legislation pertaining to the illegal movement of people and goods across the Australian border.

Port Operations Program

The Port Operations Program designs and implements the strategy, policy and governance to deliver the functional management and protection of Australia's international gateways, including international airports and seaports. The program is responsible for the management and facilitation of legitimate trade and travel and guides the operational settings in the prevention, deterrence and detection of the illegal movement of people across Australia's border and the unlawful movement of prohibited, restricted, or regulated goods into Australia.

Detention Operations Program

The Detention Operations Program designs and implements the strategy, policy and governance to deliver the functional management and security of all onshore immigration detention facilities, including Christmas Island. This encompasses both operational and contractual management and reporting.

Maritime Border Command/Joint Agency Taskforce Operation Sovereign Borders

Maritime Border Command (MBC) is a multi-agency taskforce within the ABF responsible for civil law enforcement in the Australian Maritime Domain. MBC combines the resources and expertise of the ABF and the Australian Defence Force to deliver a coordinated approach to Australia's offshore civil maritime security.

Operation Sovereign Borders was established in 2013 as a whole-of-government enterprise to protect the integrity of the Australian border, and prevent loss of life at sea, by denying an irregular pathway to settlement in Australia, and deterring vulnerable people from attempting dangerous maritime ventures.

These programs are led by strategically located Assistant Commissioners based in:

- Sydney – the Port Operations Program, with regional oversight of New South Wales, South Australia and Western Australia;
- Melbourne – the Enforcement Program, with regional oversight of Victoria and Tasmania.
- Brisbane – the Detention Operations Program, with regional oversight of Queensland and the Northern Territory.

Canberra - Maritime Border Command/Joint Agency Taskforce Operation Sovereign Borders.

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Customs Group

Customs Group is responsible for customs and trade policy, trade compliance, supply chain integrity including the Trusted Trader program, modern slavery and human trafficking, customs international engagement.

Customs and Trade Policy Branch

The Customs and Trade Policy Branch is responsible for policy and legislation governing the movement of goods across Australia's border. This includes the policy framework for the importation, exportation, reporting, revenue, movement and clearance of goods at the border, and administering Australia's customs tariff and prohibited import and export regimes. The branch leads the Home Affairs portfolio's contribution to Australia's free trade agreement negotiations, response to black economy risks, strategic engagement with the World Customs Organization, and the international aspects of the Australian Trusted Trader program.

Trusted Trader and Trade Compliance:

The Trusted Trader and Trade Compliance Branch administers the Australian Trusted Trader program and provides guidance on trade services to create a strong, secure and efficient border. It oversees the National Trade Advice Centre and Australia's Tariff Concession System, which assists industry by removing customs duties on input goods that are not produced locally. The branch leads the Australian Border Force's national trade and goods compliance activity, which is focussed on reducing evasion of regulatory and revenue obligations. It also licenses border service providers such as depot and warehouse operators and customs brokers.

Modern Slavery and Human Trafficking Branch

The Modern Slavery and Human Trafficking Branch coordinates whole-of-government policy on modern slavery and human trafficking. The Branch administers the Commonwealth *Modern Slavery Act 2018*, which includes providing guidance information to business, managing the Government's online register for modern slavery statements, and preparing the Commonwealth's annual modern slavery statement. The Branch leads Australia's broader criminal justice response to modern slavery, including developing legislation and implementing the National Action Plan to Combat Modern Slavery 2020-25 and its associated grants program. The Branch delivers international capacity building for partner governments in the Indo-Pacific region to combat modern slavery and human trafficking.

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Industry and Border Systems Group

The Industry and Border Systems Group develops, coordinates and delivers capability to enhance the ABF's operational effect, often acting as the conduit for capability and systems between the ABF and Home Affairs. The Group is responsible for all industry engagement and collaboration across Government, and leads the ABF's border modernisation and simplification agenda across passenger, cargo and mail business lines.

Customs and Border Modernisation Branch

The Customs and Border Modernisation Branch drives the ABF's customs and border modernisation agenda for cargo and trade, delivering major initiatives under the Government's Simplified Trade System reform agenda. This includes streamlining border regulations and developing the evidence base for future investment in new systems and technologies to improve the efficacy of the trade system. The Branch conducts live system trials, engages closely across Government and collaborates with international Customs Agencies and businesses.

Traveller Policy and Industry Engagement Branch

The Traveller Policy and Industry Engagement Branch leads innovative and responsive traveller and port initiatives, to optimise the traveller experience and enhance robust border controls. This includes working with industry stakeholders and partner agencies on future operating models at our air and sea ports, and streamlining the delivery of our functions. Traveller Policy and Industry Engagement also drives our collaboration and engagement with industry in both the travel and trade space for the Group and ABF more broadly. The team leads the Home Affairs the Portfolio premier industry engagement event, the Industry Summit, which brings together over 500 people from the Portfolio, other government agencies, industry and the general public.

Border Systems and Program Management Branch

The Border Systems and Program Management Branch is the central channel and broker for ABF business change and ensuring business benefit. It facilitates project delivery and represents the ABF business needs in capability development, project implementation and technology management. The Branch is the custodian of over 70 IT systems used by the ABF to support clearance activities (traveller and cargo) and ensure other operational outcomes are achieved.

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