



Australian
BORDER FORCE

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Key Brief Number: ABF-01
PDR Number: SB24-000359

KEY BRIEF

Spillover Budget Estimates Hearing – May 2024

Topic: Maritime
Group: Strategy and Capability
Division: Civil Maritime Capability Strategy

Key Points:

Budget

- Border Protection funding is \$6.84 billion over four years from 2022-23 and \$6.76 billion over four years from 2023-24 in the 2024-25 Budget, representing the highest Border Protection funding over the last 10 years (since 2015-16).
- Comparing the Border Protection funding in the 2024-25 Budget to the 2022-23 March Budget, and utilising the same four year period (2022-23 – 2025-26), the funding has increased by \$1.31 billion from \$5.53 billion to \$6.84 billion.
- The key 2024-25 Budget measures and estimates variations relating to the Border Protection funding are:
 - *Operation Sovereign Borders Annual Sustainment* - **\$266.7 million** in 2024-25 (estimates variation);
 - *Enabling Western Sydney International Airport* - **\$120.0 million** over four years from 2024-25;
 - *Civil Maritime Critical Security Capabilities* - **\$116.3 million** in 2024-25; and
 - *Engineered Stone Import Prohibition* - **\$32.1 million** over two years from 2024-25.

Operational Impacts

s. 47E(d), s. 47D

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s. 47E(d), s. 47D

- MBC is operating at a heightened tempo in response to increased threats from Illegal Foreign Fishing and increased Unauthorised Maritime Arrival threat levels from Indonesia, with recent SIEV arrivals on Australian mainland.

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- MBC's approach to operations is intelligence based, and risk informed, but limited by available resources.
- MBC can request supplementation of assets through the ADF and by interdepartmental agreements across Government agencies when necessary to mitigate risk. The re-tasking of other agencies' assets to MBC has roll on effects to Government in both cost and effect.



- Risks exacerbated through capability gaps are regularly monitored and short-term mitigation options are managed daily.
- Future options are being developed for consideration by Government, subject to appropriate funding and value for money procurement processes.

Futures Planning and Strategy

- Short-term and just-in-time funding of capability has driven planning, procurement and contract management practices that carry significant risks.
- Lines of effort to improve management of ABF Civil Maritime capability include, but are not limited to:
 - Performance management of existing capability service providers;
 - Procurement and contract management;
 - Planning for transitions in, transitions out, and divestment where that is an appropriate option;
 - Ensuring there is good governance in place, including senior visibility of capability issues;
 - Working closely with Defence and other agencies on longer-term planning.

• s. 47E(d)

- While the ABF and Department are managing contract performance issues, and pursuing a procurement strategy that positions us with fit for purpose contracts, the ABF continues to plan for and draw on existing capabilities to ensure border vulnerabilities are managed with targeted operations and deployments. Our recent response to an increase in Illegal Foreign Fishing activity demonstrates our ability to effectively do this, jointly with Defence.
 - ABF and ADF resources and assets were surged to effectively respond to the threat. Offshore, on land, littoral and on-water engagements, resources and capabilities were postured to treat the risk end-to-end.
 - This deterrence and disruption effect requires the border continuum vulnerabilities to be assessed and treated as most appropriate. We are currently working with ADF on how we optimally sustain combined capabilities to manage current and emerging threats.



Key Statistics:

ABF Patrol Days (as at 31 March 2024)

*Achieved Annual Patrol Days for 'Blue Water'** Vessels*

Financial Year	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24 as at 31 Mar	2023-24 Forecast
Total patrol days	2,576	2,628	2,668	2,195	2,298	2,485	2,337	2,182	1563	*2200

**Subject to any further emergent work.*

***'Blue water' fleet are ABF maritime assets which are greater than 24 metres in length.*

- There are 14 ABF 'blue water' vessels to support Maritime Border Command, in addition to Australian Defence Force (Defence) vessels.
 - Includes 8 x Cape Class; 2 x Bay Class; 1 x Ocean Shield; 1 x Thaiyak; and 2 x Fast Response Boats (FRBs).
 - Excludes Ocean Protector.
- In 2022-23, 'blue water' fleet achieved a total of **2,182 on-water patrol days**.
- The **decline in patrol days** between 2021-22 and 2022-23 (6.6%) is due to ABFC Cape St George being in her 2nd 5-yearly renewal survey and DLM, significant emergent defects amongst the ABF Fleet units, and crewing deficiencies.

ABF Aerial Surveillance (as at 31 March 2024)

Achieved Aviation Hours for 10 x Dash-8 (Fixed Wing) aircraft and 2 x Helicopters

Financial Year	Dash-8	Helicopter	Total
2019-20	13,904	1,308	15,212
2020-21	14,262	1,743	16,005
2021-22	13,155	1,629	14,784
2022-23	11,332	1,356	12,688
2023-24 as at 31 Mar 2024	8,283	728	9,011

- There has been a **downward trend in annual aviation flying hours** across the past three years attributable to aircrew shortfalls due to the ongoing global



shortage of pilots, and reduced aircraft availability due to increased unscheduled maintenance, as well as COVID-19 border restrictions during the pandemic.

- Aviation flying hours for 2023-24 are **expected to be lower** than previous year.

ABF Marine Workforce (as at 31 March 2024)

Crew Staffing Level (FTE) (excluding HQ officers)

	June 2017	June 2018	June 2019	June 2020	June 2021	June 2022	June 2023	Current as at 31 Mar 2024
Number of crew (Maritime Crew Sustainment)	517.5	515.0	518.4	505.8	555.5	513.4	521.1	554.1



Marine Border Command (MBC)

Operational Outcomes – ABF and ADF vessel days on task

ABF and ADF Vessel Days on Task*	ABF	ADF	LHV	Total
1 July 2023 – 31 March 2024	687	552	219	1,458

* Days on task are the number of days a vessel (from ABF or Defence) at sea is deemed operational and assigned to MBC. 'At sea' is defined to be where a vessel is on water and not at a port.

Land Force Assigned (Patrol) Days	ADF
1 July 2023 – 31 March 2024	178

Illegal Foreign Fishing

Australian Border Force (ABF) Enforcement Action on Illegal Unreported and Unregulated (IUU) fishing as reported by the Australian Fisheries Management Authority (AFMA)

	2020-21	2021-22	2022-23	2023-24 as at 31 Mar 2024
Apprehensions			6	11 Vessels (85 Fishers)
Legislative Forfeitures	170	321	119	194
Vessel Destruction	12	44	20	44

- Over the last two years, illegal fishing activity in Australian waters has increased to a rate not seen for over 18 years.

Overview of MBC

- MBC is a multi-agency within the Australian Border Force, and is the coordinating authority for Australia's maritime security.
- MBC uses a surveillance and reconnaissance, intelligence informed risk-based approach to monitor, identify, deter and respond to illegal activities in our AO.
- MBC is the convening authority for Australia's Partner Agencies' efforts to deter, detect and respond to illegal activity across the eight civil maritime security threats.



- MBC contributed to over 400 unique partner tasks for CTH and state/territory agencies.

Response to Illegal Foreign Fishing activity in the Kimberley Marine Park (KMP)

- The MBC existing multi-agency model with ABF and ADF assets and resources, has had success in detecting the presence of illegal foreign fishing vessels through these waters through air and sea surveillance and response capability.
- However, in October 2023, we observed unprecedented numbers of illegal foreign fishing vessels in our North-Western waters (62 vessels).
- This unprecedented volume and changed nature of the fishing activity triggered a surge from all involved agencies to pivot operational activities to deterrence and disruption outcomes.
- ABF and ADF have surged assets and resources in support of MBC and AFMA to uplift our combined ability to detect and disrupt illegal foreign fishing.
- MBC assigned one vessel to KMP regularly from 26 November 2023 (previous to this, MBC had vessels intermittently assigned in the KMP from January 2023). COMMBC directed multiple vessels (two or three) from 1 December 2023, which has largely been met.
- As part of the whole of government response, ABF has established a dedicated operation (Operation LEEDSTRUM) that will look to establish a new KMP remote area patrol function, to enhance the ABF's land-based capabilities to detect, deter, respond to and prevent civil maritime security threats in the vicinity of the KMP.

KMP AO Success to date

- Combined whole of Government efforts under Operation Palisade (on water MBC operation) and Op Leedstrum have resulted for the period 1 December 2023 to 31 March 2024:
 - Detention of 43 illegal foreign fishers – 30 in YHIDC; 13 in NAPOD
 - Returns: 36
 - Legislative forfeitures: 12
 - Vessels apprehended: 6
 - Vessels destroyed: 10
 - Trepang seized: 1,665 kg
 - Other catch seized: 340 kg
 - Salt seized: 5,420 kg



Consultation:

- All statistics must be cleared by the Chief Statistician at:
s. 47E(d) Please update the table below.
- All briefs containing financials must be cleared through your Group Finance Partner (GFP) and the Chief Finance Officer. Please update the table below.
- All further consultation across portfolio to be included in the table below:

Area	Title and position
ABF	Maritime Border Command
Home Affairs	CFO, Chief Statistician

Additional References

- SB24-000368 Aerial Surveillance (fixed and rotary wing) [Back Pocket Brief]
- SB24-000369 Vessels [Back Pocket Brief]

Cleared through:	Nicole Spencer First Assistant Secretary, Civil Maritime Capability Strategy 1 July 2024
Final clearance: Position: Date:	Kylie Rendina A/g Deputy Commissioner, Strategy and Capability 1 July 2024



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**Key Brief Number: ABF-03
PDR Number: SB23-001206**

KEY BRIEF

Additional Estimates Hearing – February 2024

Topic: Operation Sovereign Borders (OSB)

Group: National Operations

Division: Maritime Border Command and Operation Sovereign Borders

Key Statistics:

OSB Key Statistic	Since OSB Establishment (18 September 2013 to 31 December 2023)	Since Last Estimates (1 September 2023 to 31 December 2023)
Successful¹ maritime people smuggling ventures	22 boats, 1,152 Unauthorised Maritime Arrivals (UMAs) and crew (the last successful people smuggling venture arrived on 19 December 2013)	0 boats, 0 UMAs and crew
Returns to country of origin or country of departure under OSB	1,121 people from 47 maritime people smuggling vessels	0 people from 0 maritime people smuggling vessels
Transfers to a regional processing country (RPC) under OSB	987 people from 23 maritime people smuggling ventures	23 people from 2 maritime people smuggling ventures
Potential Irregular Immigrants (PIIs) disrupted by foreign law enforcement partners	3,651 PIIs disrupted in source and transit countries	15 PIIs disrupted in source and transit countries
Ventures disrupted by foreign law enforcement partners²	112 ventures disrupted in source and transit countries	3 ventures disrupted in source and transit countries

¹ 'Successful' maritime people smuggling ventures are defined in this brief as those not disrupted, turned back, returned, or transferred to a regional processing country (RPC).

² Disruption statistics are provided by AFP posts, based on advice provided by foreign law enforcement, and are indicative only as they are subject to a range of factors that may affect accuracy and quality. Post experience is that results are typically under-reported because arrests in regional locations are occasionally not reported.

- On 5 April 2019, CJATF directed that only ventures targeting Australia were to be included in statistics. This is to be effective from 1 March 2019. Previous statistics also included ventures destined for NZ given the high likelihood of them ending up as unintentional arrivals to Australia.
- From 1 January 2023 statistics include offshore disruptions of human trafficking ventures with a suspected maritime nexus.

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Recent OSB Activity

Key Event	Total	Comments
Maritime people smuggling ventures resolved by OSB in 2023 (calendar year)	4	All 74 persons on board the ventures were either safely returned to their country of origin or departure, or transferred to an RPC.
Maritime people smuggling ventures intercepted under OSB in 2022 (calendar year)	7	All 199 persons on board the ventures were safely returned to their country of origin or departure, consistent with Australia's international protection obligations.
Maritime people smuggling ventures intercepted under OSB in 2021 (calendar year)	0	There were no interceptions or returns of maritime people smuggling ventures by Australian authorities in 2021.
Maritime people smuggling ventures intercepted under OSB in 2020 (calendar year)	1	All 8 persons on board the venture were safely returned to their country of origin or departure, consistent with Australia's international protection obligations.

Number of Days since Key Events as at 31 December 2023

Key Event	Number of Days Since	Comments
Last return under OSB	236 days	All persons on board were safely returned to their country of origin or departure on 9 May 2023 , consistent with Australia's international protection obligations.
Last boat arrival in Australia	39 days	Arrived 22 November 2023 in remote Western Australia. 12 persons were subsequently safely transferred to Nauru for regional processing.
Last successful people smuggling venture	3,664 days	Arrived 19 December 2013 . All subsequent ventures have been successfully resolved under the OSB framework.
Last known death at sea	3,674 days	There have been no known deaths at sea from maritime people smuggling ventures en route to Australia since 9 December 2013 .



- It has been more than 10 years since the last successful maritime people smuggling venture to Australia and over 10 years since the last known death at sea from maritime people smuggling ventures bound for Australia.

Consultation

- The Chief Statistician has cleared the statistics contained within this brief
- Australian Federal Police, Crime Command
- Legal Group

Additional References

- SB23-001215 – JATF OSB (Back Pocket Brief)
- SB23-001216 – Australia's Anti-People Smuggling Strategic Communication Campaign (Back Pocket Brief)

Cleared through:	RADM Brett Sonter, Commander, Joint Agency Task Force Operation Sovereign Borders 15 January 2023
Final clearance: Position: Date:	Tim Fitzgerald Deputy Commissioner, National Operations 17 January 2023



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**Back Pocket Brief Number: OSB-1
PDR Number: SB23-001215**

BACK POCKET BRIEF

Additional Estimates Hearing – February 2024

Topic: Joint Agency Task Force Operation Sovereign Borders (JATF OSB)

Group: National Operations

Division: Maritime Border Command and Operation Sovereign Borders

Key Points:

- Maritime people smuggling activity remains an extant threat to Australia as evidenced by the four maritime people smuggling ventures resolved under Operation Sovereign Borders (OSB) during 2023, and the seven ventures resolved the year prior.
- The Australian Government remains committed to OSB, countering maritime people smuggling and preventing avoidable deaths at sea.
 - We will continue to detect and intercept anyone who attempts an irregular boat voyage to Australia and return them to their country of departure or origin, where it is safe to do so.
 - People who cannot be safely returned will be transferred to Nauru for regional processing.
 - Consideration of any protection claims made by people transferred to Nauru for regional processing is a matter for the Government of Nauru.

Recent Operational Activity

- 12 unauthorised maritime arrivals (UMAs) from one maritime people smuggling venture were detected and intercepted in remote Western Australia by Australian authorities in November 2023. All 12 people intercepted were safely transferred

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to Nauru on 24 November 2023 consistent with Australia's long-standing maritime people smuggling policies.

- The 12 UMAs were transferred to Nauru within 41 hours of OSB assuming command of the operation, denying a pathway to settlement in Australia and deterring further maritime people smuggling ventures.
- The integrity of the Operation Sovereign Borders construct remains intact.

Operational Security during Recent Operational Activity

- OSB has appropriately robust measures in place to protect sensitive information in relation to operational matters.
- The remote nature of OSB activities means that operations are often occurring in the vicinity of small communities where operational activity frequently generates chatter amongst the local population.
- Often the chatter is based on little more than rumour or speculation, and is poorly aligned with facts.
- Where investigations are initiated to explore breaches of OSB operational security, it would be inappropriate to make public comment to preserve the integrity of the investigation process.

Illegal Foreign Fishing Vessels

- There has been an unprecedented increase of Illegal Unreported and Unregulated (IUU) fishing vessels operating within Australian waters, particularly the Kimberley Marine Park (KMP), with vessels being detected close to shore.
- The ABF has stood up Operation LEEDSTRUM, an ABF-led multi-agency operation using Australian Defence Force (ADF) and ABF skills, resources and assets to support and enhance the existing operational response provided by Maritime Border Command (MBC) and other key Government Agencies.
- MBC and OSB remains appropriately postured to respond to maritime people smuggling ventures targeting Australia, including those attempting to use common IUU fishing corridors to reach Australia.



NZYQ - High Court Decision on Immigration Detention

- People smugglers monitor the Australian domestic and political landscape for significant events and policy changes (real or perceived) that can be used to increase demand for maritime people smuggling ventures.
- In response, OSB has scaled up strategic communication activities in key source and transit regions to combat the deceptive narrative being pushed by people smuggling syndicates.
- The Australian Government remains committed to OSB, countering maritime people smuggling, and preventing avoidable deaths at sea.
- Australia's strong border protection policies have not, and will not change.

On-Water Operations

- It is well known that people smugglers often place people on unseaworthy, dangerous vessels. At times, these vessels may be destroyed for safety, environmental or cost recovery reasons in accordance with the *Maritime Powers Act 2013* (Cth) consistent with a permit issued pursuant to the *Environment Protection (Sea Dumping) Act 1981* (Cth).
- A number of factors and operational considerations can affect the length of time people are held on-water aboard Australian vessels.
 - There is no prescribed time period people are to be held on-water.
 - People are not held on board vessels for any longer than is required.
- People are held lawfully in secure, safe and appropriate conditions.
- All people are treated humanely and with respect for their dignity and human rights at all times.

Operational Modes of Return

- A **turn back** involves the safe removal of a vessel from Australian waters.
- A **take back** is where Australia returns people to their country of departure or origin in cooperation with the government of that country.



- An **assisted return** is when Australian Government vessels are called upon to assist people in a Safety of Life at Sea situation and people on board are subsequently returned to their country of origin or departure.
- Returns to country of origin or departure under OSB can be conducted by sea or by air.
- The selection of operational modes of return occurs on a case-by-case basis, and is informed by a wide range of factors, having highest regard to the safety of all persons involved in the operation, and maintaining the ongoing success of OSB policy settings.
- Rapid returns of maritime people smuggling ventures (either by sea or by air) have a powerful deterrence effect on people smugglers and potential irregular immigrants (PIIs) who might be considering engaging in future ventures targeting Australia.
- As the third pillar of the OSB model, transfers to a regional processing country also provide a significant deterrence effect by denying a settlement pathway where it is not safe or legal to return PII to their country of origin or departure.

On-water Assessment Processes

- Australia is committed to complying with domestic law, and upholding its international legal obligations, including in relation to non-refoulement.

Take Back and Turn Back Operations

- Each operation presents unique and very challenging circumstances and risks.
 - It is my job as the Commander of the Joint Agency Task Force to resolve operations in a manner that is both safe and legal.
 - In all Operation Sovereign Borders activities, the Command is committed to complying with domestic law, and upholding its international legal obligations, including in relation to non-refoulement.
- We have thorough processes in place to ensure that all persons on each boat are accounted for during turn back operations.



Use of Lifeboats/Wooden Fishing Vessels during Turn Back Operations

- For operational security purposes, we do not disclose sensitive details about operational activity or the locations and types of ABF/ADF assets involved.
- The Australian Government will not make any public comment that will give advantage to criminal people smuggling syndicates.

Public Disclosure of OSB information

- Information about operational activities is made publicly available on a regular basis, either through the monthly OSB updates published online in the ABF Newsroom, or by other means, when information is no longer deemed to be operationally sensitive.
- These arrangements balance the public's right to know, the safety of all involved, and the implementation of our border security objectives and national security interests.

OSB Statistics on Crew and PII On-board each Venture

- Data held by JATF OSB in relation to the number of crew on board each maritime people smuggling venture intercepted under OSB reflects an assessment at the time the operation is resolved, based on the information available at that time.
- Additional crew or people smuggling facilitators among the PII on board each venture may be identified during subsequent investigation and prosecution activity, which can take months or even years to conclude.

Force Posture and Asset Availability

- A combination of ADF and ABF aerial and maritime assets are always postured to detect and intercept maritime people smuggling ventures in Australia's key maritime threat corridors.
- OSB is a mature and scalable model to counter maritime people smuggling activity targeting Australia, and is postured appropriately to meet the current maritime people smuggling threat environment.



ADF Surge to Support OSB

- The baseline complement of surveillance and response assets supporting the OSB mission was bolstered by additional ADF force assigned assets in 2022-23 in response to a heightened maritime people smuggling threat environment.
 - The ADF assets surged for this purpose have since been returned to the ADF.
- In 2023-24, additional ADF assets were deployed to support the OSB/MBC force posture. These assets remain under MBC command.
- The ABF will not be drawn into making public comment on the disposition of surveillance and response assets supporting OSB.
 - Doing so could provide information to criminal people smugglers to aid their attempts to circumvent Australia's lawful border protection measures.

Sufficiency of Current OSB Resources

- While the threat environment has marginally improved since 2022-23, it remains heightened compared to baseline levels experienced prior to 2022.
- In keeping with the scalable nature of the OSB model, some elements of OSB remain bolstered with additional resources to counter the heightened threat environment in 2023-24.
 - This includes the *Zero Chance* offshore deterrence messaging campaign.
- OSB places a strong focus on countering maritime people smuggling activity offshore, noting it delivers a high value on investment.
 - Stopping ventures at the source mitigates the risks to safety of life at sea, and reduces demands on Australian personnel and capabilities in the Australian area of operations.
 - Deterring and disrupting ventures prior to departure is considered as the most desirable outcome under the OSB policy framework.



Maritime People Smuggling Threat

- Australia continues to be a highly attractive destination for migrants around the world, which opens a market for people smugglers intent on exploiting vulnerable migrants by selling unauthorised passage to Australia.
- It is almost certain that people smugglers will continue targeting vulnerable populations for financial gain, and attempts to market maritime people smuggling ventures targeting Australia and other countries in the Indo-Pacific region will continue.
- Despite increased global socio-economic uncertainty and associated irregular migration flows, Australia's border protection policies remain an effective deterrent to maritime people smuggling ventures.

Heightened Maritime People Smuggling Threat in 2022-23

- The threat of maritime people smuggling to Australia increased from April 2022.
- The economic crisis in Sri Lanka has been the most significant driver for maritime people smuggling ventures targeting Australia during 2022-23, with shortages of food, fuel and medicines generating strong push factors for people to leave the country in search of better economic prospects.
- This crisis also coincided with a change in the Australian Government, providing people smugglers with further opportunity to exploit vulnerable PIIs through false marketing that Australia's border protection policies have changed.
- Despite the recent surge in regional people smuggling activity, the integrity of Australia's border has been maintained through the coordinated efforts and capabilities of all OSB contributing agencies. This is evidenced by the interception of 11 ventures since May 2022:
 - 250 people on board nine of these ventures were safely returned to their country of origin or their country of departure.
 - A further 23 people from two ventures were transferred to Nauru for regional processing.



- These effective demonstrations of Australia's strong border protection policies, combined with active strategic communications to counter people smuggler marketing, have reinforced OSB's deterrence effects against additional ventures.
- Economic conditions in Sri Lanka have also improved since early 2022-23, reducing push factors for irregular migration from that region.
- While the threat environment has marginally improved since 2022-23, it remains heightened compared to the suppressed threat environment experienced across previous years of OSB operation.

Impact of the 2022 Federal Election and Change of Government

- People smugglers monitor the Australian domestic and political landscape for significant events and policy changes (real or perceived) that can be used to increase demand for maritime people smuggling ventures.
- Federal elections and the media coverage generated by elections have historically been used by people smugglers in an attempt to convince PIIIs that Australia's strong border protection policy settings have or will change.
- Some PIIIs remain hopeful that the change of Government will result in a change in policy regarding unauthorised maritime arrivals.



- The Australian Government's Anti-People Smuggling Strategic Communications Campaign is actively being used to counter mis- and dis-information spread by people smugglers in their attempts to market irregular maritime ventures to Australia.
- The campaign is implemented in 11 regional source and transit countries in 16 languages, and aims to educate and deter PIIIs from engaging in dangerous maritime people smuggling ventures.
- The Australian Government remains committed to OSB's three key pillars of offshore deterrence and disruption, boat turn backs and take backs (where safe to do so), and regional processing arrangements.
- This commitment has been clearly demonstrated by the successful resolution of all eleven maritime people smuggling ventures bound for Australia since May 2022.

Impact of changes to Temporary Protection Visa Framework

- OSB carefully monitors the maritime people smuggling environment for changing indicators and warnings of irregular migration that may arise as a result of people smuggler marketing, and will adjust force posture as required to counter any increased threats.

Rohingya people smuggling vessels reported in the Bay of Bengal / Andaman Sea

- Home Affairs assesses that vessels from Bangladesh are highly unlikely to target Australia directly over the near to mid-term.
 - Further questions on Australia's efforts to help address irregular migration in the region should be directed to the Department of Foreign Affairs and Trade (DFAT).

Irregular Movements in the Torres Strait

- ABF has well established operational processes to manage small scale irregular movements of people in the Torres Strait, which are appropriately and entirely separate to the OSB construct.



- This distinction ensures effective and robust border protection management, where resources are allocated effectively to avoid unnecessary duplication of effort.
- Australia has strong collaborative relationships with regional partners to deter and disrupt maritime people smuggling ventures before they result in boats on the water.

Enduring Regional Processing Capability in Nauru

- Australia's border protection policy has not changed, and the Australian Government remains committed to regional processing as a key pillar of OSB.
- An enduring capability in Nauru remains ready to receive future unauthorised maritime arrivals where required. The capability has been demonstrated by the transfer of two cohorts of UMAs to Nauru during 2023.
- The enduring regional processing capability delivers an ongoing deterrence effect and future-proofs Australia's response to maritime people smuggling in the region.

Christmas Island's North West Point Immigration Detention Centre

- The OSB model is not reliant on onshore immigration detention facilities.

Offshore Deterrence and Disruption

- JATF OSB continues to focus on offshore deterrence and disruption efforts to counter maritime people smuggling activity at the source.
- As part of JATF OSB's multi-layered deterrence approach, Australia operates an Anti-People Smuggling Strategic Communication Campaign to dissuade people from seeking to travel to Australia via dangerous maritime people smuggling ventures.
- As at 31 December 2023, within Asia and South East Asia, the Australian Federal Police (AFP) had 14 officers whose priority is engagement in transnational serious and organised crime, which includes counter people smuggling:
 - three officers in Jakarta, Indonesia;



- four officers in Colombo, Sri Lanka;
 - three officers in Kuala Lumpur, Malaysia;
 - two officers in Yangon, Myanmar;
 - one officer in Islamabad, Pakistan; and
 - one officer in New Delhi, India.
- Other AFP members operating throughout the region can be drawn on to assist with counter people smuggling activities when required.

International Engagement / International Interest in OSB

- Maritime people smuggling is a transnational crime type that cannot be effectively combatted by any single country working in isolation.
- Australia continues to work closely with a range of regional partners to combat maritime people smuggling.
- Australia's policies are designed for Australia's unique circumstances. They reinforce safe and legal migration pathways for those in need and discourage people from relying on criminal people smugglers.
- It is for the governments of other nations to determine the most appropriate border protection policy settings for their particular circumstances.

Sri Lanka

Safety and treatment of PIRs returned to Sri Lanka

- Australia does not return people to their country of origin or departure unless it is safe to do so.
- It is for the governments of other nations to consider the application of any laws and regulations as they relate to the unauthorised departure of people from their respective countries.



Australian Government assistance provided to Sri Lanka during the socio-economic crisis

- **DFAT** committed AUD \$75 million in overseas development assistance in 2021-22 and 2022-23 to Sri Lanka.
 - This assistance focussed on meeting urgent food and healthcare needs and supporting inclusive economic recovery.
- The **Department of Defence** is donating fuel to support the continued efforts of the Sri Lankan Armed Forces to support regional security, including counter-transnational crime cooperation.
 - This gifted fuel has been critical to enable ongoing disruptions of attempted maritime people smuggling ventures, and has helped to prevent many vulnerable Sri Lankans from risking their lives at sea.
- The **AFP** have provided Sri Lankan authorities with investigations, media and criminal intelligence training and have provided a range of operational and office equipment to assist with efforts to counter transnational crime, including maritime people smuggling, as Sri Lanka faces its ongoing economic challenges.
- The **ABF** have provided training courses and a range of tactical equipment to the Sri Lankan Coast Guard. This includes the recent gifting of 20 computers to the Sri Lankan Coast Guard's Advanced Training Centre. Critical spare parts have been gifted to the Sri Lankan Navy to support ongoing operation of its fleet of Bay Class vessels.
- The **ABF** is also providing border security equipment, training and subject matter expertise to support Sri Lanka Customs build revenue collection, trade facilitation, passenger assessment and strategic planning capabilities. These initiatives support Sri Lanka's economic recovery, and assist in reducing people smuggling risks in the region.



- The **Department of Home Affairs** has continued to work with the International Organization for Migration (IOM) and the Sri Lankan Government on the roll out of Vessel Monitoring System (VMS) transponders to Sri Lankan multi-day fishing vessels.
 - As at 31 December 2023, 3866 VMS transponders have been successfully installed, representing 92 per cent of the planned roll out.
- The **Department of Home Affairs** is also funding non-government organisations to engage with vulnerable Sri Lankan Tamil communities in India and Sri Lanka and deliver practical support to help them achieve economic resilience and safe and durable migration outcomes.

Impact of Assistance to Sri Lanka

- Based on regular engagement with our Sri Lankan counterparts, we know that the assistance provided by Australia is having a positive impact on joint efforts to counter trans-national crime during the ongoing socio-economic crisis.

Sri Lankan Human Rights and Reconciliation Issues

- We recognise the seriousness of allegations of human rights violations levied against a number of Sri Lankan leaders by the United Nations (UN) and human rights organisations.
- It is through contact and engagement that we can influence positive change in Sri Lanka, including on reconciliation and human rights.
- Our cooperation program with Sri Lankan Armed Forces focuses on education and training, assisting Sri Lanka to maintain coverage of its maritime domain, supporting regional stability and maintaining the rules-based order in the Indian Ocean.
- The Australian Government regularly raises human rights and reconciliation issues directly with the Sri Lankan Government and continues to address these issues in international forums such as the UN Human Rights Council.



OSB Budget and Finance

- OSB does not operate under a single, amalgamated budget.
- 16 Australian Government agencies contribute to the strategic objectives of OSB.
- OSB functions that are undertaken by these agencies are funded from their individual budgets.

Legislation

- The main legislation for on-water OSB activities, outside of the migration zone is the *Maritime Powers Act 2013*.
- The main legislation for OSB activities, in the Australian migration zone is the *Migration Act 1958*.
- People smuggling offences in the *Migration Act* involve organising or facilitating the bringing of people to Australia who are not Australian citizens and do not have valid visas to travel to Australia, usually on a payment-for-service basis.
- Additionally:
 - There are a range of domestic people smuggling offences under Subdivision A, Division 12 of Part 2 of the *Migration Act 1958*.
 - The *Criminal Code Act 1995* also contains a range of offences relating to people smuggling targeting foreign countries with an Australian nexus.
 - People smuggling offences carry significant maximum terms of imprisonment and mandatory minimum sentences apply to certain offences.
 - Note, the mandatory minimum sentences do not apply for children under the age of 18.
- The 'act of seeking asylum' in Australia is not a crime, however, asylum seekers that arrive in Australia by boat without a valid visa are in contravention of the *Migration Act 1958*, and generally become unlawful non-citizens who are unauthorised maritime arrivals as a result of that entry.



Important Definitions

- The **Australian migration zone** is a term defined in s5(1) of the *Migration Act 1958*. It includes the area consisting of the Australian States, internal Territories and prescribed external Territories.
 - The prescribed external Territories include Norfolk Island, the Coral Sea Islands Territory, the Territory of Cocos (Keeling) Islands, the Territory of Christmas Island, and the Territory of Ashmore and Cartier Islands.
- **Foreign law enforcement disruptions** are recorded for OSB statistics purposes when advice from foreign law enforcement agencies indicates that, due to their activity, a people smuggling venture bound for Australia has been degraded to the extent that the vessel is unable to complete its journey.
- **Operation Sovereign Borders Mission** is stated as 'deny any irregular maritime pathway to settlement in Australia and deter PII from attempting dangerous journeys to Australia by sea, in order to protect the integrity of the Australian border and prevent the loss lives at sea'.
- **Successful people smuggling ventures** are defined in this brief as those not disrupted, turned back, returned, or transferred to a regional processing country.
- **Unauthorised Maritime Arrival** is a term defined in s5AA of the *Migration Act 1958*. A person is a UMA if they enter Australia by sea, become an unlawful non-citizen because of that entry, and are not an excluded maritime arrival.
- **Unlawful non-citizen** is a term defined in s14 of the *Migration Act 1958*. This includes a person who is not an Australian citizen and enters Australia without a valid visa.
 - As outlined in s189 of the *Migration Act 1958*, if an officer knows or reasonably suspects that a person in the migration zone is an unlawful non-citizen, the officer must detain the person, meaning to take them into immigration detention.



- **Immigration detention** under the *Migration Act 1958* means, amongst other things, being in the company of, and restrained by an officer. This includes an ABF officer and certain SERCO employees or contractors authorised by the Minister.
- **Excluded maritime arrival** is a term defined in s5AA(3) of the *Migration Act 1958*. This includes a person who is a New Zealand citizen that holds and produces a New Zealand passport that is in force; or is a non-citizen that holds and produces a passport that is in force and is ordinarily a resident on Norfolk Island; or persons who enter Australia that hold and produce an Electronic Travel Authority (ETA)-eligible passport, or are included in that ETA-eligible passport.

Consultation

- The Chief Statistician has cleared the statistics contained within this brief
- Home Affairs Legal Group
- Maritime Border Command
- Home Affairs People Smuggling Intelligence Section
- Home Affairs International Division
- Home Affairs Regional Processing Branch
- Home Affairs Refugee, Humanitarian & Settlement Division
- Department of Foreign Affairs and Trade, Counter People Smuggling Section
- ABF Operational Coordination and Planning
- Department of Defence, South Asia Section
- Australian Federal Police, Crime Command

Additional References

- SB23-001206 – Operation Sovereign Borders (ABF Key Brief)
- SB23-001216 – Australia's Anti-People Smuggling Strategic Communication Campaign (Back Pocket Brief)



- SB23-001327 – Resolving Legacy Temporary Visa Cases (Home Affairs Key Brief)
- SB23-001339 – Regional Processing (Home Affairs Back Pocket Brief)
- SB24-000019 – Illegal Foreign Fishing (Back Pocket Brief)

Cleared through:	RADM Brett Sonter Commander, Joint Agency Task Force Operation Sovereign Borders 11 January 2024
Final clearance:	Tim Fitzgerald
Position:	Deputy Commissioner, National Operations
Date:	17 January 2024



BACK POCKET BRIEF

Additional Estimates Hearing – February 2024

Topic: Australia's Anti-People Smuggling Strategic Communication Campaign

Group: National Operations

Division: Maritime Border Command and Operation Sovereign Borders

Key Points:

- As part of Operation Sovereign Border's (OSB) multi-layered offshore deterrence approach, the Australian Government continues to implement a targeted, consistent, persistent and culturally aware communication campaign through a range of advertising and community engagement channels offshore to deter irregular maritime travel to Australia.
- The campaign seeks to:
 - Raise awareness of Australia's strong border protection policies.
 - Educate Potential Irregular Immigrants (PIIs) to the dangers of attempting illegal maritime journeys.
 - Deter them from risking their lives in a futile attempt to migrate to Australia irregularly by boat.
 - Alert PIIs to the criminal disregard people smugglers have to their welfare.
 - Make PIIs aware of the legal migration pathways available to them.
- The campaign does not deliver a message that any individual or group cannot claim asylum in Australia. Rather, it explains Australia's border protection policy and the consequences of attempting to travel to Australia irregularly by boat.

Zero Chance Anti-People Smuggling Strategic Communication Campaign

- The current iteration of the anti-people smuggling campaign is *Zero Chance*. It was launched in June 2019.



- The *Zero Chance* campaign is a strategic communication campaign that aims to reach those most vulnerable, create an impact, and affect behavioural change.
- *Zero Chance* supports OSB by providing target audiences with accurate, official information to help them make informed decisions about migration and to help refute the false marketing of people smugglers.
- The *Zero Chance* campaign is backed by research, and comprises a targeted suite of advertising and community engagement activities:
 - **Branded** – Joint Agency Task Force (JATF) OSB runs a highly visible public information campaign delivered through a range of mainstream and innovative channels.
 - **Digital** – advertising through social media channels of statements from the Minister for Home Affairs and Commander JATF OSB.
 - **Outreach** – community projects, such as roadshows, educational school competitions, youth training programs and sporting days using branded sporting equipment, are delivered through service providers.
- The *Zero Chance* campaign operates in the following regions and countries:

Middle East	South Asia	South East Asia
Iran	Bangladesh	Indonesia
Iraq	India	Malaysia
	Sri Lanka	Thailand
	Afghanistan	Vietnam
	Pakistan	



- Campaign activities are delivered through a range of service providers including M&C Saatchi World Services, TAL Sri Lanka, International Organization for Migration (IOM) in Vietnam and Bangladesh, and Organization for Eelam Refugees Rehabilitation (OfERR) India.
- As at 31 December 2023, the former Commander JATF, RADM Justin Jones, CSC, RAN, has filmed 32 deterrence videos in support of the current anti-people smuggling communication campaign, '*Zero Chance*'.
 - One of these deterrence videos was jointly filmed with RADM Brett Sonter, who commenced as Commander JATF on 10 January 2024.
 - RADM Sonter has filmed one additional deterrence video in support of the *Zero Chance* campaign as at 31 December 2023, which went live on 10 January 2023.

Reach

- The *Zero Chance* campaign reach remains effective. Since its launch in May 2019 to 31 December 2023, the campaign has reached approximately 293.3 million PIIIs by digitally ad-serving over 2.1 billion impressions and attracting more than 746 million video views.

Strategic Communication Activities Post High Court Decision on Indefinite Immigration Detention

- Criminal people smugglers monitor the Australian domestic and political landscape for significant events and policy changes (real or perceived) that can be used to increase demand for maritime people smuggling ventures. These people smugglers will use any available avenue to sell misinformation and deceive vulnerable potential irregular migrants on Australia's border protection policies.
- In response to the High Court decision on indefinite immigration detention, strategic communication activities were scaled up in key source and transit regions to combat the deceptive narrative being pushed by people smuggling syndicates.



Strategic Communications Budget

- The anti-people smuggling communication campaign has been operating on an ongoing budget of approximately \$8.5 million per year since 2016.
- Additional funding of \$8.6 million was approved in 2022/23 to respond to the increased threat environment. The additional funding brought the total budget allocated to JATF OSB Strategic Communications in FY 2022-23 to \$17.1 million.
 - These funds supported sustained increased investment in social, digital and traditional media advertising activities.
 - The additional funds also enabled additional investment into social research activities to ensure the campaign remains effective and fit for purpose.

Strategic Communication Campaign Effectiveness

- The anti-people smuggling offshore campaign exceeds the average reach of all Australian government digital campaigns.
- The effectiveness of the campaign is measured through qualitative and quantitative research, including quarterly online surveys in all target markets and campaign effectiveness reviews.

Strategic Communication Campaign Service Providers

- External contractors providing services in support of the anti-people smuggling offshore campaign are engaged in line with Commonwealth Procurement Rules, and contracts are managed in accordance with the Department of Home Affairs contract management framework. All service providers are regularly assessed against value for money principles.



Public release of campaign research

- The strategic communication function is deployed as a tactical pillar of OSB operations, and will not draw on operational specifics nor make public comment that will give advantage to criminal people smugglers.
- This approach balances the public's right to know, the safety of all involved, and the implementation of our border security objectives and national security interests.

Diversity of Campaign Activities

- All *Zero Chance* campaign messages are designed to safeguard vulnerable people from exploitation by people smugglers and prevent the loss of life at sea.
- These messages are delivered through a range of advertising and community engagement channels.
- JATF OSB works closely with local creative agencies who live and work within the communities for whom content is tailored to ensure a culturally appropriate lens is applied to all messages.
- Channels used to engage with target audiences include digital and traditional content. Examples include:
 - Interactive video content designed to educate and engage key audiences. The campaign is currently running content titled 'Choose your Path' that highlights the impacts and consequences of legal vs illegal migration.
 - Unbranded radio dramas, based on testimonials of people who have attempted migrating illegally by boat, are broadcast in target countries where radio is a high engagement medium.
 - The radio dramas are designed to help audiences understand the dangers of irregular migration, and enable key messages to reach target audiences who would not otherwise engage with educational style content promoted under the *Zero Chance* campaign.



Strategic Communication in Regional Processing Countries

- The *Zero Chance* campaign focuses on deterrence messaging and is therefore not active in regional processing countries.

Monthly OSB media updates

- On the final Friday of each month, an OSB monthly update is published on the ABF Newsroom for the preceding calendar month.
- The monthly update provides information on OSB operational activities that occurred during the reporting period, and are no longer operationally sensitive.

Consultation

- The Chief Statistician has cleared the statistics contained within this brief.
- The Chief Finance Officer has cleared financial data contained within this brief.

Additional References

- SB23-001206 – Operation Sovereign Borders (Key Brief)
- SB23-001215 – JATF OSB (Back Pocket Brief)

Cleared through:	RADM Brett Sonter Commander Joint Agency Task Force (JATF) Operation Sovereign Borders (OSB) 11 January 2024
Final clearance:	Tim Fitzgerald
Position:	Deputy Commissioner, National Operations
Date:	17 January 2024



Key Brief Number: ABF-02
PDR Number: SB24-000361

KEY BRIEF

Budget Estimates Hearing – May 2024

Topic: Operation Sovereign Borders (OSB)
Group: National Operations
Division: Maritime Border Command and Operation Sovereign Borders

Key Points:

- It has been over 10 years since the last successful maritime people smuggling venture to Australia.
- It has been over 10 years since the last known death at sea from maritime people smuggling ventures bound for Australia.

Key Statistics:

OSB Key Statistic	Since OSB Establishment (18 September 2013 to 31 March 2024)	Since Last Estimates (1 January 2023 to 31 March 2024)
Successful¹ maritime people smuggling ventures	22 maritime people smuggling ventures	0 maritime people smuggling ventures
Returns to country of origin or country of departure under OSB	1,124 people from 48 maritime people smuggling ventures	3 people from 1 maritime people smuggling venture
Transfers to a regional processing country (RPC) under OSB	1,026 people from 24 maritime people smuggling ventures	39 people from 1 maritime people smuggling venture
Disruptions by foreign law enforcement partners²	3,667 potential irregular immigrants (PIIs) disrupted in source and transit countries 113 ventures disrupted in source and transit countries	16 PIIs disrupted in source and transit countries 1 ventures disrupted in source and transit countries

¹ 'Successful' maritime people smuggling ventures are defined in this brief as those not disrupted, turned back, returned, or transferred to a regional processing country (RPC).

² Disruption statistics are provided by AFP posts, based on advice provided by foreign law enforcement, and are indicative only as they are subject to a range of factors that may affect accuracy and quality. Post experience is that results are typically under-reported because arrests in regional locations are occasionally not reported.

- On 5 April 2019, CJATF directed that only ventures targeting Australia were to be included in statistics. This is to be effective from 1 March 2019. Previous statistics also included ventures destined for NZ given the high likelihood of them ending up as unintentional arrivals to Australia.
- From 1 January 2023 statistics include offshore disruptions of human trafficking ventures with a suspected maritime nexus.



Recent OSB Activity (as at 31 March 2024)

Key Event	Total	Comments
Maritime people smuggling ventures resolved by OSB in 2024 (calendar year)	2	All 42 persons on board the ventures were either safely returned to their country of origin or departure, or transferred to an RPC.
Maritime people smuggling ventures resolved by OSB in 2023 (calendar year)	4	All 74 persons on board the ventures were either safely returned to their country of origin or departure, or transferred to an RPC.
Maritime people smuggling ventures resolved by OSB in 2022 (calendar year)	7	All 199 persons on board the ventures were safely returned to their country of origin or departure.
Maritime people smuggling ventures resolved by OSB in 2021 (calendar year)	0	There were no interceptions or returns of maritime people smuggling ventures by Australian authorities in 2021.
Maritime people smuggling ventures resolved by OSB in 2020 (calendar year)	1	All 8 persons on board the venture were safely returned to their country of departure
Maritime people smuggling ventures resolved by OSB in 2019 (calendar year)	3	All 38 persons on board the ventures were safely returned to their country of origin

Number of Days since Key Events (as at 31 March 2024)

Key Event	Number of Days Since	Comments
Last return under OSB	30 days	All persons on board were safely returned to their country of origin or departure on 1 March 2024 , consistent with Australia's international protection obligations.
Last boat arrival in Australia	44 days	Arrived 16 February 2024 in remote Western Australia. 39 persons were subsequently safely transferred to Nauru for regional processing.
Last successful people smuggling venture	3,755 days	Arrived 19 December 2013 . All subsequent ventures have been successfully resolved under the OSB framework.
Last known death at sea	3,765 days	There have been no known deaths at sea from maritime people smuggling ventures en route to Australia since 9 December 2013 .



Consultation:

Area	Title and position
Home Affairs	Assistant Secretary, Security, Disputes and Operations Law
Home Affairs	Chief Statistician
Australian Federal Police	Commander, Crime Command

Related Briefs:

- SB24-000373 – JATF OSB (Back Pocket Brief)
- SB24-000374 – Australia's Anti-People Smuggling Strategic Communication Campaign (Back Pocket Brief)

Cleared through:	RADM Brett Sonter, Commander Joint Agency Task Force Operation Sovereign Borders 19 April 2024
Final clearance: Position: Date:	Tim Fitzgerald Deputy Commissioner 24 April 2024



**Australian
BORDER FORCE**

OFFICIAL

**Back Pocket Brief Number: OSB-1
PDR Number: SB24-000373**

BACK POCKET BRIEF

Budget Estimates Hearing – May 2024

Topic: Joint Agency Task Force Operation Sovereign Borders (JATF OSB)
Group: National Operations
Division: Maritime Border Command and Operation Sovereign Borders

Key Issues:

- Maritime people smuggling activity remains an extant threat to Australia as evidenced by the two maritime people smuggling ventures resolved under Operation Sovereign Borders (OSB) during 2024 (as at 31 March 2024), four ventures during 2023, and seven ventures in 2022.
- The Australian Government remains committed to OSB, countering maritime people smuggling and preventing avoidable deaths at sea.
 - We will continue to detect and intercept anyone who attempts an irregular boat voyage to Australia and return them to their country of departure or origin, where it is safe to do so.
 - People who cannot be safely returned will be transferred to Nauru for regional processing.
 - Consideration of any protection claims made by people transferred to Nauru for regional processing is a matter for the Government of Nauru.

Recent Operational Activity

- In March 2024, Australian authorities resolved one maritime people smuggling venture under Operation Sovereign Borders. All three people involved were safely returned to Vietnam in close cooperation with the Vietnamese Government.

Operational Security during Recent Operational Activity

- OSB has appropriately robust measures in place to protect sensitive information in relation to operational matters.
- The remote nature of OSB activities means that operations are often occurring in the vicinity of small communities where operational activity frequently generates chatter amongst the local population.
 - Often the chatter is based on little more than rumour or speculation, and is poorly aligned with facts.

Released by the Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL



- Where investigations are initiated to explore breaches of OSB operational security, it would be inappropriate to make public comment to preserve the integrity of the investigation process.

Early public statement regarding the February arrival

- OSB generally releases operational information publically on the last Friday of the month, for the month prior – or by other means if appropriate once the information is deemed no longer operationally sensitive.
- These arrangements balance the public's right to know, the safety of all involved, and the implementation of our border security objectives and national security interests.
- On this occasion I was able to provide some public comment prior to the formal reporting of OSB operational activity and chose to do so. This statement was important to counter the deceptive narrative being pushed by criminal people smugglers.

Unauthorised Maritime Arrivals on Australian Territory

- It is inherently challenging to protect Australia's remote northern coastline and vast maritime domain from all civil maritime threats.
 - Australia's maritime search and rescue region comprises over 10% of the world's surface.
 - The area of operation across Australia's north-west coastline is comparable to the size of Victoria.
- Maritime Border Command (MBC), utilising Australian Border Force (ABF) and Australian Defence Force (ADF) aerial and maritime assets, adopts an intelligence informed and risk-based approach to identify and manage the range of civil maritime security threats targeting Australia's vast coastline, including maritime people smuggling.
- As Commander of MBC and OSB, I regularly review and adjust our operational posture to respond to maritime people smuggling ventures targeting Australia, including those attempting to use common IUU fishing corridors to reach Australia.
- OSB is a mature policy framework that has proven successful in suppressing the maritime people smuggling threat to Australia.



- While the threat is suppressed, it remains extant – in that criminal people smugglers will always seek to sell lies to vulnerable persons and profit on dangerous maritime journeys to Australia.
- The OSB model remains effective in denying a maritime pathway to settlement in Australia. Any UMAs who cannot be returned to their country of origin or departure, will be swiftly and safely transferred to a Regional Processing Country.

Resourcing Surge in North West Australia

- OSB is a mature joint agency model, capable of scaling resources and effort across government to mitigate the contemporary threat environment. My role as Commander of the JATF is to ensure contributing agencies efforts are scaled appropriately at any given time.
- During February 2024, the ABF surged additional resources into North West Australia, including the deployment of an ABF Commander to Broome to coordinate uplift efforts across the region and lead engagement with local communities. These resources remain deployed.
 - These actions are complementary to the ABF/ADF activity under Operations PALISADE 2 and LEEDSTRUM, initiated in December 2023 to focus on combating civil maritime threats in and around the Kimberley Marine Park.
- Further work is being undertaken within the JATF across all three pillars to ensure we remain postured appropriately, commensurate with the threat environment.

Illegal Foreign Fishing (IFF) Vessels

- During 2023, there was a significant increase in Illegal Unreported and Unregulated (IUU) fishing vessels operating within Australian waters, particularly the Kimberley Marine Park (KMP), with vessels being detected close to shore.
 - KMP IFF activity in 2024 has been significantly suppressed due to a delayed monsoon season and an increased level of surveillance and response assets force-assigned to MBC since December 2023.



- As part of the response to increased IUU fishing, the ABF stood up Operation LEEDSTRUM, an ABF-led multi-agency operation using ADF and ABF skills, resources and assets to support and enhance the existing operational response provided by MBC and other key Government Agencies.
 - Operation LEEDSTRUM assets and officers are available to support OSB if required.

Policy and Legislative changes (real or perceived) impact to OSB

- People smugglers monitor the Australian domestic and political landscape for significant events and policy changes (real or perceived) that can be used to increase demand for maritime people smuggling ventures.
- OSB carefully monitors the maritime people smuggling environment for changing indicators and warnings of irregular migration that may arise as a result of people smuggler marketing, and will adjust force posture as required to counter any increased threats.
- As the first line of defence, OSB is able to quickly scale up strategic communication activities in key source and transit regions to combat any deceptive narrative being pushed by people smuggling syndicates.

On-Water Operations

- It is well known that people smugglers often place people on unseaworthy, dangerous vessels. At times, these vessels may be destroyed for safety, environmental or cost recovery reasons in accordance with the *Maritime Powers Act 2013* (Cth) consistent with a permit issued pursuant to the *Environment Protection (Sea Dumping) Act 1981* (Cth).
- A number of factors and operational considerations can affect the length of time people are held on-water aboard Australian vessels.
 - There is no prescribed time period people are to be held on-water.
 - People are not held on board vessels for any longer than is required.
- People are held lawfully in secure, safe and appropriate conditions.
- All people are treated humanely and with respect for their dignity and human rights at all times.

Operational Modes of Return

- A **turn back** involves the safe removal of a vessel from Australian waters.



- A **take back** is where Australia returns people to their country of departure or origin in cooperation with the government of that country.
- An **assisted return** is when Australian Government vessels are called upon to assist people in a Safety of Life at Sea situation and people on board are subsequently returned to their country of origin or departure.
- Returns to country of origin or departure under OSB can be conducted by sea or by air.
- The selection of operational modes of return occurs on a case-by-case basis, and is informed by a wide range of factors, having highest regard to the safety of all persons involved in the operation, and maintaining the ongoing success of OSB policy settings.
- Rapid returns of maritime people smuggling ventures (either by sea or by air) have a powerful deterrence effect on people smugglers and potential irregular immigrants (PIIs) who might be considering engaging in future ventures targeting Australia.

On-water Assessment Processes

- Australia is committed to complying with domestic law, and upholding its international legal obligations, including in relation to non-refoulement.

Take Back and Turn Back Operations

- Each operation presents unique and very challenging circumstances and risks.
 - It is my job as the Commander of the Joint Agency Task Force to resolve operations in a manner that is both safe and legal.
 - In all OSB activities, the Command is committed to complying with domestic law, and upholding its international legal obligations, including in relation to non-refoulement.
- We have thorough processes in place to ensure that all persons on each boat are accounted for during turn back operations.

Use of Lifeboats/Wooden Fishing Vessels during Turn Back Operations

- For operational security purposes, we do not disclose sensitive details about operational activity or the locations and types of ABF/ADF assets involved.
- The Australian Government will not make any public comment that will give advantage to criminal people smuggling syndicates.

Public Disclosure of OSB information



- Information about operational activities under OSB is made publicly available on a regular basis, either through monthly updates published online in the ABF Newsroom, or by other means, when information is no longer deemed to be operationally sensitive.
- These arrangements balance the public's right to know, the safety of all involved, and the implementation of our border security objectives and national security interests.
- Details of any operational activity that occurred during April 2024 will be made available on the ABF Newsroom on 31 May 2024, or when deemed no longer operationally sensitive.

Force Posture and Asset Availability

- A combination of ADF and ABF aerial and maritime assets are always postured to detect and intercept maritime people smuggling ventures in Australia's key maritime threat corridors.
- OSB is a mature and scalable model to counter maritime people smuggling activity targeting Australia, and regularly reviews and adjusts its posture to meet the current maritime people smuggling threat environment.
- The ABF will not be drawn into making public comment on the disposition of surveillance and response assets supporting OSB.
 - Doing so could provide information to criminal people smugglers to aid their attempts to circumvent Australia's lawful border protection measures.

ADF Surge to Support OSB

- The baseline complement of surveillance and response assets supporting the OSB mission has been bolstered by additional ADF force assigned assets during 2023-24 in response to a heightened maritime people smuggling threat environment.



Maritime People Smuggling Threat

- Australia continues to be a highly attractive destination for migrants around the world, which opens a market for people smugglers intent on exploiting vulnerable migrants by selling unauthorised passage to Australia.
- It is almost certain that people smugglers will continue targeting vulnerable populations for financial gain, and attempts to market maritime people smuggling ventures targeting Australia and other countries in the Indo-Pacific region will continue.
- Despite increased global socio-economic uncertainty and associated irregular migration flows, Australia's border protection policies remain an effective deterrent to maritime people smuggling ventures.

Heightened Maritime People Smuggling Threat

- The threat of maritime people smuggling to Australia increased from April 2022.
- The economic crisis in Sri Lanka was the most significant driver for maritime people smuggling ventures targeting Australia during 2022-23; while heightened maritime people smuggling activity from South East Asia has driven the threat during 2023-24.
- Despite the recent surge in regional people smuggling activity, the integrity of Australia's border has been maintained through the coordinated efforts and capabilities of all OSB contributing agencies across the three pillars underpinning OSB's framework. This is evidenced by the resolution of 13 ventures since May 2022 (as at 31 March 2024):
 - 253 people on board 10 of these ventures were safely returned to their country of origin or their country of departure.
 - A further 62 people from three ventures were transferred to Nauru for regional processing.
- These effective demonstrations of Australia's strong border protection policies, combined with active strategic communications to counter people smuggler marketing, have reinforced OSB's deterrence effects against additional ventures.



Rohingya people smuggling vessels reported in the Bay of Bengal / Andaman Sea

- On 22 March 2024, extensive media reporting noted more than 60 Rohingya were feared lost at sea whilst seeking to reach Australia.
- Media claims that this vessel was en route to Australia are false. The vessel almost certainly departed Bangladesh, and was targeting Malaysia or Aceh, Indonesia.
- Home Affairs assesses that vessels from Bangladesh are highly unlikely to target Australia directly over the near to mid-term.
 - Further questions on Australia's efforts to help address irregular migration in the region should be directed to the Department of Foreign Affairs and Trade (DFAT).

Irregular Movements in the Torres Strait

- ABF has well established operational processes to manage small scale irregular movements of people in the Torres Strait, which are appropriately and entirely separate to the OSB construct.
- This distinction ensures effective and robust border protection management, where resources are allocated effectively to avoid unnecessary duplication of effort.

Enduring Regional Processing Capability in Nauru

- Australia's border protection policy has not changed, and the Australian Government remains committed to regional processing as a key pillar of OSB.
- An enduring capability in Nauru remains ready to receive future unauthorised maritime arrivals where required. The capability has been demonstrated by the transfer of 62 UMAs from three ventures to Nauru during 2023-24.

Offshore Deterrence and Disruption

- JATF OSB continues to focus on offshore deterrence and disruption efforts to counter maritime people smuggling activity at the source.
- As part of JATF OSB's multi-layered deterrence approach, Australia operates an Anti-People Smuggling Strategic Communication Campaign to dissuade people from seeking to travel to Australia via dangerous maritime people smuggling ventures.



- As at 31 March 2024, within Asia and South East Asia, the Australian Federal Police (AFP) had 18 officers whose priority is engagement in transnational serious and organised crime, including counter people smuggling:
- Other AFP members operating throughout the region can be drawn on to assist with counter people smuggling activities when required.

International Engagement / International Interest in OSB

- Maritime people smuggling is a transnational crime type that cannot be effectively combatted by any single country working in isolation.
- Australia continues to work closely with a range of regional partners to combat maritime people smuggling.
- Australia's policies are designed for Australia's unique circumstances. They reinforce safe and legal migration pathways for those in need and discourage people from relying on criminal people smugglers.
- It is for the governments of other nations to determine the most appropriate border protection policy settings for their particular circumstances.

Indonesia

- Australia and Indonesia have a long history of close cooperation on civil maritime security.
- Maritime people smuggling is a regional challenge shared by Australia and Indonesia that can only be combatted with a cooperative approach.
- Australia places a high priority on cooperation with Indonesia, and appreciates Indonesia's efforts in combating people smuggling across the region.

Sri Lanka

- Australian Government agencies regularly engage with Sri Lankan counterparts to provide a variety of capacity building measures to counter regional threats, and offer assistance to vulnerable communities.
- Based on regular engagement with our Sri Lankan counterparts, we know that the assistance provided by Australia is having a positive impact on joint efforts to counter trans-national crime.

Safety and treatment of PII's returned to Sri Lanka

- Australia does not return people to their country of origin or departure unless it is safe to do so.



- It is for the governments of other nations to consider the application of any laws and regulations as they relate to the unauthorised departure of people from their respective countries.

OSB Budget and Finance

- OSB does not operate under a single, amalgamated budget.
- 16 Australian Government agencies contribute to the strategic objectives of OSB.
- OSB functions that are undertaken by these agencies are funded from their individual budgets, including Home Affairs and ABF functions.

Legislation

- The main legislation for on-water OSB activities, outside of the migration zone is the *Maritime Powers Act 2013*.
- The main legislation for OSB activities, in the Australian migration zone is the *Migration Act 1958*.
- People smuggling offences in the *Migration Act* involve organising or facilitating the bringing of people to Australia who are not Australian citizens and do not have valid visas to travel to Australia, usually on a payment-for-service basis.
- Additionally:
 - There are a range of domestic people smuggling offences under Subdivision A, Division 12 of Part 2 of the *Migration Act 1958*.
 - The *Criminal Code Act 1995* also contains a range of offences relating to people smuggling targeting foreign countries with an Australian nexus.
 - People smuggling offences carry significant maximum terms of imprisonment and mandatory minimum sentences apply to certain offences.
 - Note, the mandatory minimum sentences do not apply for children under the age of 18.
- The 'act of seeking asylum' in Australia is not a crime, however, asylum seekers that arrive in Australia by boat without a valid visa are in contravention of the *Migration Act 1958*, and generally become unlawful non-citizens who are unauthorised maritime arrivals as a result of that entry.

Important Definitions

- The **Australian migration zone** is a term defined in s5(1) of the *Migration Act 1958*. It includes the area consisting of the Australian States, internal Territories and prescribed external Territories.



- The prescribed external Territories include Norfolk Island, the Coral Sea Islands Territory, the Territory of Cocos (Keeling) Islands, the Territory of Christmas Island, and the Territory of Ashmore and Cartier Islands.
- **Foreign law enforcement disruptions** are recorded for OSB statistics purposes when advice from foreign law enforcement agencies indicates that, due to their activity, a people smuggling venture bound for Australia has been degraded to the extent that the vessel is unable to complete its journey.
- **Operation Sovereign Borders Mission** is stated as 'deny any irregular maritime pathway to settlement in Australia and deter PII from attempting dangerous journeys to Australia by sea, in order to protect the integrity of the Australian border and prevent the loss lives at sea'.
- **Successful people smuggling ventures** are defined in this brief as those not disrupted, turned back, returned, or transferred to a regional processing country.
- **Unauthorised Maritime Arrival** is a term defined in s5AA of the *Migration Act 1958*. A person is a UMA if they enter Australia by sea, become an unlawful non-citizen because of that entry, and are not an excluded maritime arrival.
- **Unlawful non-citizen** is a term defined in s14 of the *Migration Act 1958*. This includes a person who is not an Australian citizen and enters Australia without a valid visa.
 - As outlined in s189 of the *Migration Act 1958*, if an officer knows or reasonably suspects that a person in the migration zone is an unlawful non-citizen, the officer must detain the person, meaning to take them into immigration detention.
 - **Immigration detention** under the *Migration Act 1958* means, amongst other things, being in the company of, and restrained by an officer. This includes an ABF officer and certain SERCO employees or contractors authorised by the Minister.
- **Excluded maritime arrival** is a term defined in s5AA(3) of the *Migration Act 1958*. This includes a person who is a New Zealand citizen that holds and produces a New Zealand passport that is in force; or is a non-citizen that holds and produces a passport that is in force and is ordinarily a resident on Norfolk Island; or persons who enter Australia that hold and produce an Electronic Travel Authority (ETA)-eligible passport, or are included in that ETA-eligible passport.



Consultation:

Area	Title and position
Home Affairs	Assistant Secretary, Security, Disputes and Operations Law
Home Affairs	Chief Statistician
Home Affairs	Assistant Secretary, Strategic Threats
Home Affairs	Assistant Secretary, Asia
Home Affairs	Assistant Secretary, Regional Processing
Home Affairs	Assistant Secretary, Humanitarian Program Operations
ABF	Commander, Operation LEEDSTRUM
ABF	Commander, ABF International Operations & Coordination
ABF	Deputy Commander, Maritime Border Command
AFP	Commander, Crime Command
DFAT	Ambassador to Counter Modern Slavery, People Smuggling and Human Trafficking

Additional References:

- *SB24-000361 – Operation Sovereign Borders (ABF Key Brief)*
- *SB24-000374 – Australia’s Anti-People Smuggling Strategic Communication Campaign (Back Pocket Brief)*
- *SB24-000223 – Regional Processing (Home Affairs Back Pocket Brief)*
- *SB24-000372 – Illegal Foreign Fishing (Back Pocket Brief)*

Cleared through:	RADM Brett Sonter, Commander Joint Agency Task Force Operation Sovereign Borders - 19 April 2024
Final clearance: Position: Date:	Tim Fitzgerald Deputy Commissioner 24 April 2024



BACK POCKET BRIEF

Budget Estimates Hearing – May 2024

Topic: Australia's Anti-People Smuggling Strategic Communication Campaign
Group: National Operations
Division: Maritime Border Command and Operation Sovereign Borders

Key Statistics:

Campaign Reach

Zero Chance campaign reach	Since Campaign Establishment (1 June 2019 to 31 March 2024)	Since Last Estimates (1 January 2024 to 31 March 2024)
Potential Irregular Immigrant (PII) Reach	329 million PIs	35.7 million PIs
Digitally Ad-Served Impressions	2.2 billion impressions	227.5 million impressions
Video Views	803 million video views	103.1 million video views

Strategic Communications Budget

Zero Chance campaign funding	Base Funding (\$m)	Additional funding	Movement of funds	Total Funding
2019-20	\$8.5 million	-	-	\$8.5 million
2020-21	\$8.5 million	-	-	\$8.5 million
2021-22	\$8.5 million	-	-	\$8.5 million
2022-23	\$8.5 million	\$8.6 million	-\$2.9 million	\$14.1 million
2023-24	\$8.5 million	\$3.0 million	+\$2.9 million	\$14.4 million
2024-25*	\$8.7 million	\$11.3 million	-	\$20.0 million

* \$8.5m in base funding is subject to indexation, hence, it is \$8.7m in 2024-25.

Key Issues:

- As part of Operation Sovereign Borders' (OSB) multi-layered offshore deterrence approach, the Australian Government continues to implement a targeted, consistent, persistent and culturally aware communication campaign through a range of advertising and community engagement channels offshore to deter irregular maritime travel to Australia.



- The campaign seeks to:
 - Raise awareness of Australia's strong border protection policies.
 - Educate PIIIs to the dangers of attempting irregular maritime journeys.
 - Deter them from risking their lives in a futile attempt to migrate to Australia irregularly by boat.
 - Alert PIIIs to the criminal disregard people smugglers have to their welfare.
 - Make PIIIs aware of the legal migration pathways available to them.
- The campaign does not deliver a message that any individual or group cannot claim asylum in Australia. Rather, it explains Australia's border protection policy and the consequences of attempting to travel to Australia irregularly by boat.

Strategic Communications Budget

- The anti-people smuggling communication campaign has been operating on an ongoing budget of approximately \$8.5 million.
- The total budget for Operation Sovereign Borders Strategic Communications was \$17.1 million in 2022-23. \$2.9 million was subject to movement of funds from 2022-23 to 2023-24, resulting in a budget of \$14.1 million in 2022-23 and \$14.4 million in 2023-24.
- The total budget for OSB Strategic Communications is \$20 million in 2024-25, the highest level of funding since 2015-16.

Zero Chance Anti-People Smuggling Strategic Communication Campaign

- The current iteration of the anti-people smuggling campaign is *Zero Chance*. It was launched in June 2019.
- The *Zero Chance* campaign is a strategic communication campaign that aims to reach those most vulnerable, create an impact, and affect behavioural change.
- *Zero Chance* supports OSB by providing target audiences with accurate, official information to help them make informed decisions about migration and to help refute the false marketing of people smugglers.



- The *Zero Chance* campaign is backed by research, and comprises a targeted suite of advertising and community engagement activities:
 - **Branded** – JATF OSB runs a highly visible public information campaign delivered through a range of mainstream and innovative channels.
 - **Digital** – advertising through social media channels of statements from the Minister for Home Affairs and Commander JATF OSB.
 - **Outreach** – community projects, such as roadshows, educational school competitions, youth training programs and sporting days using branded sporting equipment, are delivered through service providers.

- The *Zero Chance* campaign operates in the following regions and countries:

Middle East	South Asia	South East Asia
Iran	Bangladesh	Indonesia
Iraq	India	Malaysia
	Sri Lanka	Thailand
	Afghanistan	Vietnam
	Pakistan	

- Campaign activities are delivered through a range of service providers who offer capabilities in community engagement, social research, and advertising.
- JATF OSB works closely with local creative agencies who live and work within the communities for whom content is tailored to ensure a culturally appropriate is always applied to all messages.

Social media platforms used

- To maximise effectiveness and reach of the *Zero Chance* campaign, a variety of social media platforms are used across the 11 countries of operation.
 - This reflects the requirement to be agile in combating widespread misinformation being pushed by criminal people smugglers on such platforms.



- I can confirm that TikTok is currently in use to distribute messaging for the Australian Government's anti-people smuggling communication campaign.

'Zero Chance' Deterrence Videos

- As at 31 March 2024, the Commander JATF, RADM Brett Sonter, RAN, has filmed 11 deterrence videos in support of the current anti-people smuggling communication campaign, 'Zero Chance'.

Strategic Communication Activities Post High Court Decision on Indefinite Immigration Detention

- Criminal people smugglers monitor the Australian domestic and political landscape for significant events and policy changes (real or perceived) that can be used to increase demand for maritime people smuggling ventures. These people smugglers will use any available avenue to sell misinformation and deceive vulnerable potential irregular immigrants on Australia's border protection policies.
- In response to the High Court decision on indefinite immigration detention, strategic communication activities were scaled up in key source and transit regions to combat the deceptive narrative being pushed by people smuggling syndicates.

Strategic Communication Campaign Effectiveness

- The anti-people smuggling offshore campaign consistently exceeds the average reach of all Australian Government digital campaigns.
- The effectiveness of the campaign is measured through regular qualitative and quantitative research, including quarterly online surveys in all target markets.

Strategic Communication Campaign Service Providers

- External contractors providing services in support of the anti-people smuggling offshore campaign are engaged in line with Commonwealth Procurement Rules, and contracts are managed in accordance with the Department of Home Affairs contract management framework. All service providers are regularly assessed



against value for money principles.

Public release of campaign research

- The strategic communication function is deployed as a tactical pillar of OSB operations.
- This approach balances the public's right to know, the safety of all involved, and the implementation of our border security objectives and national security interests.
- I will not draw on operational specifics nor make public comment that will give advantage to criminal people smugglers.

Diversity of Campaign Activities

- All *Zero Chance* campaign messages are designed to safeguard vulnerable people from exploitation by people smugglers and prevent the loss of life at sea.
- These messages are delivered through a range of advertising and community engagement channels.
- JATF OSB works closely with local creative agencies who live and work within the communities for whom content is tailored to ensure a culturally appropriate lens is applied to all messages.
- Channels used to engage with target audiences include digital and traditional content. Recent examples include:
 - Interactive video content designed to educate and engage key audiences, highlighting the impacts and consequences of legal vs irregular migration.
 - Unbranded radio dramas, based on testimonials of people who have attempted migrating irregularly by boat, are broadcast in target countries where radio is a high engagement medium.
 - The radio dramas are designed to help audiences understand the dangers of irregular migration, and enable key messages to reach target



audiences who would not otherwise engage with educational style content promoted under the *Zero Chance* campaign.

Monthly OSB media updates

- On the final Friday of each month, an OSB monthly update is published on the ABF Newsroom for the preceding calendar month.
- The monthly update provides information on OSB operational activities that occurred during the reporting period, and are no longer operationally sensitive.

Consultation:

Area	Title and position
Home Affairs	Assistant Secretary, Security, Disputes and Operations Law
Home Affairs	Chief Statistician
Home Affairs	Chief Financial Officer

Additional References:

- *SB24-000361 – Operation Sovereign Borders (Key Brief)*
- *SB24-000373 – JATF OSB (Back Pocket Brief)*

Cleared through:	RADM Brett Sonter, Commander Joint Agency Task Force Operation Sovereign Borders 26 April 2024
Final clearance: Position: Date:	Tim Fitzgerald Deputy Commissioner 30 April 2024