

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

**Question No. 81**

**Senator Ronaldson asked the following question at the hearing on 26 May 2011:**

- a) Do Customs and Border Protection maintain statistics on the number of asylum seekers who drown at sea whilst trying to enter Australia?
- b) How often are these statistics compiled?
- c) Are these statistics regularly provided to the Minister or to the Cabinet?
- d) How many asylum seekers drowned at sea on route to Australia in 2009, 2010 and in 2011 to date? How many of them were men? How many of them were women? How many of them were children?
- e)
  - i. As at 18 October 2009, what did Customs and Border Protection put as the figure for the number of people who had died whilst trying to reach Australia illegally by boat? How many were men? How many were women? How many were children?
  - ii. Had the Minister or any ministers been advised of these figures as of 18 October 2009?
- f) What was the final figure of the Christmas Island Tragedy? How many men, women and children died in that incident?
- g) Since Julia Gillard became Prime Minister, how many men, women and children have died on leaky boats trying to get to Australia?

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

- a)-b) Customs and Border Protection is not able to keep full and accurate statistics on the number of asylum seekers who drown at sea while trying to reach Australia. Customs and Border Protection does not know – and will never likely know – the number of vessels that go missing or the number of people that may have died on the high seas trying to reach Australia. Customs and Border Protection updates information as the agency becomes aware of relevant incidents. However, figures cannot be verified because Customs and Border Protection does not ordinarily receive official notification about people who drown in other countries' waters.
- c) Statistics are not regularly provided to the Minister. It is not appropriate to comment on whether information is provided to the Cabinet.
- d) e)( i) and g)  
Customs and Border Protection maintains the following information regarding loss of life at sea in 2009, 2010 and 2011 to date. The accuracy of information regarding loss of life at sea outside the Australian maritime domain cannot be guaranteed as some of the figures are based on unconfirmed reports.

**Suspect Irregular Entry Vessels Inside Australia's Maritime Domain  
Involving Loss of Life**

Year	Men	Women	Juveniles	Total
2009	10	0	2	12
2010	16	11	8	35*
2011 YTD	0	0	0	0

\* A further 20 people are missing, presumed drowned.

Customs and Border Protection Command maintains the following figures on loss of life at sea prior to 18 October 2009.

Year	Men	Women	Juveniles	Total
2001	65	144	146	355
2009	5	0	0	5

e) (ii) No.

f) Western Australia Police and Australian Federal Police investigations estimate that there were 92 people onboard SIEV 221 when it foundered on rocks at Christmas Island. Of these, 41 people were rescued from the water and one man made it to safety on the Island. 30 deceased people were recovered, comprising 11 adult males, 11 adult females, three juvenile males, two juvenile females, one infant male and two infant females. The AFP estimates that a further 20 people are still missing presumed drowned. This finding is subject to a Western Australia Coronial Inquiry, which is presently underway.

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**Question No. 82**

**Senator Ronaldson asked the following question at the hearing on 26 May 2011:**

- a) Was a news report in The Australian on 16 January 2009 which stated that 9 people drowned trying to sail from West Timor to Australia correct?
- b) Is it true that a 9 year old boy was among the dead?
- c) When were these deaths reported to the Minister or the Prime Minister?
- d) What steps were taken by the government to prevent further lives of men, women and children being lost in leaky boats en route to Australia in response to these deaths?

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

- a)–c). Other than the cited media article, Customs and Border Protection has no records available to it regarding that incident.
- d) Customs and Border Protection undertakes a range of activities to prevent potentially dangerous vessels from departing for Australia and to discourage people from seeking to board such vessels.

Customs and Border Protection coordinates the Australian Government's efforts to combat people smuggling operations – specifically operations which are designed to:

- disrupt people smuggling criminal syndicates;
- discourage potential irregular immigrants from boarding people smuggling vessels; and
- prevent such vessels from leaving foreign shores, using lawful means of collaboration with international partners.

In the past three years, more than 285 ventures involving approximately 7600 potential irregular immigrants have been disrupted and more than 270 arrests have been made offshore.

In addition to coordinating operational activity to stop potentially dangerous vessels from departing, Customs and Border Protection coordinates the implementation of offshore counter-people smuggling communication campaigns to dissuade potential irregular immigrants, potential crew and community members from participating in or facilitating maritime people smuggling activities. Campaign messages highlight the risks and consequences of engaging in irregular migration, including the dangers associated with a high-risk sea voyage to Australia. Discrete counter-people smuggling communications campaigns have been conducted or are underway in key source and transit countries, including: Afghanistan, Pakistan, Sri Lanka, Indonesia and Malaysia. These campaigns complement a domestic information strategy – also highlighting the dangers of a risky sea voyage – targeting relevant diaspora communities within Australia which is conducted by the Department of Immigration and Citizenship.

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**Question No. 83**

**Senator Ronaldson asked the following question at the hearing on 26 May 2011:**

- a) Was Customs and Border Protection aware of a boat that sank off Halang Island in Indonesia in May 2009?
- b) Can you confirm reports that 15 Afghans were found dead following the sinking of this boat?
- c) Were the Afghans who drowned following the sinking of this boat on route to Australia?
- d) Were any of the dead children?
- e) When were these deaths brought to the attention of the Minister or the Prime Minister?
- f) What steps were taken by the government to prevent further lives of men, women and children being lost in leaky boats on route to Australia in response to these deaths?

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

- a)–e) Customs and Border Protection has no records available to it regarding that incident.
- f) Customs and Border Protection undertakes a range of activities to prevent potentially dangerous vessels from departing for Australia and to discourage people from seeking to board such vessels.

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**Question No. 84**

**Senator Ronaldson asked the following question at the hearing on 26 May 2011:**

- a) Was Customs and Border Protection aware of a boat which capsized in April 2009 in Pengerant, Kota Tinggi, Malaysia?
- b) Can you confirm reports that 9 people, including 2 children died in this incident?
- c) Can Customs and Border Protection confirm that the sole survivor of this boat was a 14 year old boy who clung to his dead mother's body to stay afloat?
- d) Was Customs and Border Protection aware of reports in Malaysia that this boat was on route to Australia?
- e) When were these deaths brought to the attention of the Minister or Prime Minister?
- f) What steps were taken by the government to prevent further lives of men, women and children being lost in leaky boats on route to Australia in response to these deaths?

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

- a)-e) Customs and Border Protection has no records available to it regarding that incident.
- f) Customs and Border Protection undertakes a range of activities to prevent potentially dangerous vessels from departing for Australia and to discourage people from seeking to board such vessels.

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- prevent such vessels from leaving foreign shores, using lawful means of collaboration with international partners.

In the past three years, more than 285 ventures involving approximately 7600 potential irregular immigrants have been disrupted and more than 270 arrests have been made offshore.

In addition to coordinating operational activity to stop potentially dangerous vessels from departing, Customs and Border Protection coordinates the implementation of offshore counter-people smuggling communication campaigns to dissuade potential irregular immigrants, potential crew and community members from participating in or facilitating maritime people smuggling activities. Campaign messages highlight the risks and consequences of engaging in irregular migration, including the dangers associated with a high-risk sea voyage to Australia. Discrete counter-people smuggling communications campaigns have been conducted or are underway in key source and transit countries, including: Afghanistan, Pakistan, Sri Lanka, Indonesia and Malaysia. These campaigns complement a domestic information strategy – also highlighting the dangers of a risky sea voyage – targeting relevant diaspora communities within Australia which is conducted by the Department of Immigration and Citizenship.

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**Question No. 85**

**Senator Ronaldson asked the following question at the hearing on 26 May 2011:**

- a) Was Customs and Border Protection aware of a boat that capsized in Ashmore Reef in April 2009?
- b) Can you confirm that five asylum seekers drowned in the incident?
- c) Were these deaths reported to the Minister or to the Prime Minister?
- d) What steps were taken by the Government to prevent further lives of men, women and children being lost on leaky boats en route to Australia in response to these deaths?

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

- a) Customs and Border Protection identifies this as SIEV 36.
- b) Five people lost their lives in this incident.
- c) This incident was reported to the offices of the Minister for Home Affairs and the Prime Minister.
- d) Customs and Border Protection undertakes a range of activities to prevent potentially dangerous vessels from departing for Australia and to discourage people from seeking to board such vessels.

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In the past three years, more than 285 ventures involving approximately 7600 potential irregular immigrants have been disrupted and more than 270 arrests have been made offshore.

In addition to coordinating operational activity to stop potentially dangerous vessels from departing, Customs and Border Protection coordinates the implementation of offshore counter-people smuggling communication campaigns to dissuade potential irregular immigrants, potential crew and community members from participating in or facilitating maritime people smuggling activities. Campaign messages highlight the risks and consequences of engaging in irregular migration, including the dangers associated with a high-risk sea voyage to Australia. Discrete counter-people smuggling communications campaigns have been conducted or are underway in key source and transit countries, including: Afghanistan, Pakistan, Sri Lanka, Indonesia and Malaysia. These campaigns complement a domestic information strategy – also highlighting the dangers of a risky sea voyage – targeting relevant diaspora communities within Australia which is conducted by the Department of Immigration and Citizenship.

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AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

**Question No. 86**

**Senator Ronaldson asked the following question at the hearing on 26 May 2011:**

- a) Can Customs and Border Protection Confirm the Report in The Age on 18 January 2010 that a boat that left Indonesia on 2 October 2009 carrying 105 Hazaras bound for Australia had disappeared?
- b) Are those 105 Hazaras believed to have drowned?
- c) When did Customs and Border Protection first learn of this incident?
- d) Were any of the people believed to have drowned children?
- e) When were these deaths reported to the Minister or to the Prime Minister?
- f) What steps were taken by the government to prevent further lives of men, women and children being lost on leaky boats on route to Australia in response to these deaths?

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

- a) No
- b) and d) Customs and Border Protection does not know. It is important to note that if Customs and Border Protection receives information that a vessel may have departed for Australia, and it does not arrive, it does not mean it has necessarily been lost at sea. Reports may be received concerning ventures in various stages of preparation which sometimes do not eventuate or depart for Australia.
- c) Following the publication of the report in The Age of 18 January 2010, Customs and Border Protection reviewed its information holdings to ascertain if the agency had any relevant information. This review concluded that information Customs and Border Protection received about a vessel in distress on 3 October 2009 may have referred to this incident. At the time the advice was received in October, Customs and Border Protection advised the Australian Maritime Safety Authority (AMSA) of a possible distress situation, including possible vessel coordinates. As these coordinates were within the Indonesian search and rescue region, AMSA contacted the Indonesian National Search and Rescue Agency, who accepted responsibility for coordinating the search. Every effort was made by Customs and Border Protection and partner Australian and foreign agencies to locate the vessel and verify the information.
- e) A brief on the review of information holdings was provided to the Minister for Home Affairs on 20 January 2010.
- f) Customs and Border Protection undertakes a range of activities to prevent potentially dangerous vessels from departing for Australia and to discourage people from seeking to board such vessels.

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In the past three years, more than 285 ventures involving approximately 7600 potential irregular immigrants have been disrupted and more than 270 arrests have been made offshore.

In addition to coordinating operational activity to stop potentially dangerous vessels from departing, Customs and Border Protection coordinates the implementation of offshore counter-people smuggling communication campaigns to dissuade potential irregular immigrants, potential crew and community members from participating in or facilitating maritime people smuggling activities. Campaign messages highlight the risks and consequences of engaging in irregular migration, including the dangers associated with a high-risk sea voyage to Australia. Discrete counter people smuggling communications campaigns have been conducted or are underway in key source and transit countries, including: Afghanistan, Pakistan, Sri Lanka, Indonesia and Malaysia. These campaigns complement a domestic information strategy – also highlighting the dangers of a risky sea voyage – targeting relevant diaspora communities within Australia which is conducted by the Department of Immigration and Citizenship.



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**Question No. 87**

**Senator Ronaldson asked the following question at the hearing on 26 May 2011:**

- a) Were Customs and Border Protection aware of a boat carrying Sri Lankans which sunk off the coast of Western Australia in November 2009?
- b) Can Customs and Border Protection confirm that 11 people died on this boat?
- c) Were any of the people who drowned children?
- d) When were these deaths reported to the Minister or Prime Minister?
- e) What steps were taken by the government to prevent further lives of men, women and children being lost on leaky boats en route to Australia in response to these deaths?

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

- a) Customs and Border Protection identifies this as SIEV 69.
- b) Customs and Border Protection is informed that 12 people lost their lives.
- c) Customs and Border Protection is informed that two of the deceased were juveniles.
- d) Information was provided to the offices of the Minister for Home Affairs and the Prime Minister on 2 November 2009.
- e) Customs and Border Protection undertakes a range of activities to prevent potentially dangerous vessels from departing for Australia and to discourage people from seeking to board such vessels.

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In addition to coordinating operational activity to stop potentially dangerous vessels from departing, Customs and Border Protection coordinates the implementation of offshore counter-people smuggling communication campaigns to dissuade potential irregular immigrants, potential crew and community members from participating in or facilitating maritime people smuggling activities. Campaign messages highlight the risks and consequences of engaging in irregular migration, including the dangers associated with a high-risk sea voyage to Australia. Discrete counter-people smuggling communications campaigns have been conducted or are underway in key source and transit countries, including: Afghanistan, Pakistan, Sri Lanka, Indonesia and Malaysia. These campaigns

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**Question No. 88**

**Senator Ronaldson asked the following question at the hearing on 26 May 2011:**

- a) Can Customs and Border Protection confirm a report in the Australian on 10 May 2010 that five Sri Lankans drowned off the coast of the Cocos Islands?
- b) Were any of the people who drowned children?
- c) When were these deaths reported to the Minister of the Prime Minister?
- d) What steps were taken by the government to prevent further lives of men, women and children being lost on leaky boats en route to Australia in response to these deaths?

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

- a) Customs and Border Protection identifies this as SIEV 143. Customs and Border Protection is informed that five men are missing, presumed drowned.
- b) Customs and Border Protection has no information that any juveniles are missing, or presumed drowned.
- c) Information was provided to the offices of the Minister for Home Affairs and the Prime Minister on 7 May 2010.
- d) Customs and Border Protection undertakes a range of activities to prevent potentially dangerous vessels from departing for Australia and to discourage people from seeking to board such vessels.

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**Question No. 89**

**Senator Ronaldson asked the following question at the hearing on 26 May 2011:**

Has Customs and Border Protection received any advice on whether children are more likely than adults to drown if a leaky boat capsizes?

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

No.

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**Question No. 90**

**Senator Ronaldson asked the following question at the hearing on 26 May 2011:**

- A. So long as these boats keep coming, are men, women and children likely to die at sea?
- B. An Article in the Herald Sun on 21 December 2010 by Gemma Jones suggested that since the government announced that women and children would not be kept in mandatory detention, the number of children arriving on leaky boats have increased? Would you agree that if more children come to Australia on leaky boats, then more children will die?

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

- A. The occurrence of maritime people smuggling vessels sinking and related fatalities, highlights the dangerous nature of the maritime people smuggling trade. The largest known loss of life on a people smuggling venture to Australia occurred in October 2001 when 353 people, including 146 children, 142 women and 65 men, drowned when their vessel sank in Indonesian waters.

The current Australian Government, like previous governments, will continue to dissuade asylum seekers from undertaking such dangerous voyages that can result in fatalities.

- B. It is not accurate to suggest that the Government has announced that women and children would not be mandatorily detained. Rather, the Government announced that a majority of children would be moved into community detention arrangements by the end of June 2011, utilising the residence determination powers of the *Migration Act 1958*, introduced by the former Government in 2005.

The use of inadequate or un-seaworthy vessels by people smugglers for voyages to Australia provides no guarantee of safe arrival for asylum seekers of any age.