

Detention of Indonesian minors, 24 August 2012, Questions on Notice

Witness	Hansard page No.	Senator	Question
DIAC	46	Hanson-Young	<p>Senator HANSON-YOUNG: I want to go to some other questions. I would like to know from both DIAC's perspective and the Attorney-General's Department, what is the process for informing the family of those who are detained after being found crewing on asylum-seeker boats prior to charge and the Indonesian consulate? Who has primary responsibility for that in the first instance?</p> <p>Mr Sheehan: It is question for DIAC and DFAT rather than the Attorney-General's Department.</p> <p>Ms Pope: I am happy to answer that, Senator. The very first step is, I think you would be aware of, is the 'alive call'. Clients make calls back to family, and that includes crew, to let them know that they are safely in Australia. That is the first contact that the client can make. There is actually no restriction on a client making contact with family members from a detention centre. A crew member is in the same situation as IMAs in that regard and can make that contact. I would have to take on notice the point at which we may or may not advise the Indonesian officials in Australia about the arrival of crew, but I am happy to take that on notice. There is basically no restriction on clients contacting people outside the detention centre.</p>
			<p><i>RESPONSE (includes input from DIAC and DFAT):</i></p> <p>As noted in Ms Pope's oral evidence, clients are able to contact family members whilst in a detention facility and this is encouraged from the earliest opportunity through the "alive call".</p> <p>In relation to consular notification, the Department of Foreign Affairs and Trade (DFAT) is committed to assisting the Indonesian Government provide consular assistance to its citizens, in accordance with the Vienna Convention on Consular Relations. To add greater clarity to each country's consular obligations, Australian and Indonesian Foreign Ministers signed an Arrangement on Consular Notification and Assistance on 10 March 2010.</p> <p>With regard to people smuggling crew, DFAT provides an initial notification to the Indonesian Embassy that a suspected illegal entry vessel has been boarded by Australian authorities and that Indonesian nationals, normally the crew of the vessel, are believed to be on board. DFAT provides this notification within three working days of the interception of the vessel, in accordance with the provisions of the Consular Arrangement. This notification is usually provided before the crew enter immigration detention and before any age assessment process has commenced. DFAT's notification makes no distinction between potential adults and minors. DFAT draws on information from Border Protection Command to alert the Indonesian Embassy.</p> <p>Consistent with the obligations of the Vienna Convention on Consular Relations, DIAC offers consular access as soon as a person enters immigration detention and, when requested, facilitates consular access with the consent of the individual concerned. DIAC has an obligation to notify the Indonesian consulate of nationals held in immigration detention within three business days of their arrival.</p> <p>If the detainee is an Indonesian national and does not consent to consular access, or remains silent in regards to consent, DIAC will inform the Indonesian consulate that a national of Indonesia has been detained. However, in accordance with Privacy Act</p>

			<p>requirements, DIAC will not provide the consulate with any information that may identify the individual - to do so would constitute a breach of privacy. The Indonesian Government has the responsibility to provide notification to family members of detainees. The Australian Government does not provide notice to family members.</p> <p>Additionally, on a weekly basis, DIAC provides a list of Indonesian crew held in detention to the Indonesian Embassy and all Consulates, DFAT, AGD and Jakarta Post.</p>
DIAC	46-7	Hanson-Young	<p>Senator HANSON-YOUNG: Thank you. Did DIAC request of the various state jurisdictions any money earned from the various in-prison work of those who have been charged and convicted of people-smuggling?</p> <p>Ms Pope: I need to check my brief on this. It is not an area directly under my responsibility. My brief advises that both in Western Australia and in Victoria state legislation has the capacity to prevent remittances such as you are referring to. It does not actually state that Immigration asked them to, but I have a recollection that in the case of Western Australia on behalf of other agencies we may have made that request.</p> <p>Senator HANSON-YOUNG: Could you take that on notice.</p> <p>Ms Pope: Yes, I can.</p> <p>Senator HANSON-YOUNG: I would appreciate the correspondence to be tabled to the committee.</p> <p>Ms Pope: Certainly, if there is any.</p> <p>AGD has responded to this question on behalf of all agencies.</p>
DIAC	48	Hanson-Young	<p>Senator HANSON-YOUNG: When somebody is sent home because they are determined to be a minor, is there anybody who accompanies them?</p> <p>Ms Pope: Yes, they would be escorted. The nature of the escort I would have to take on notice, but they are certainly escorted.</p> <p>Senator HANSON-YOUNG: Could you please take on notice the actual procedure—who goes with them, where they go and where they are ultimately left to their own devices.</p> <p>Ms Pope: I can certainly take that on notice. I would only add, that it is with the assistance of IOM, the International Organization for Migration, that the removal is conducted.</p> <p>Senator HANSON-YOUNG: And I would like to know what type of assistance from IOM.</p> <p>Ms Pope: Certainly.</p>
			<p>RESPONSE: Minors returned to Indonesia are accompanied throughout the journey, from departure to reunion with their parent or guardian.</p> <p>Prior to removal, family tracing and contact with the parent(s) or guardian to confirm reception arrangements is conducted either by DIAC with the client; through IOM; or initiated with the Indonesian Consulate.</p> <p>A DIAC officer accompanies the minor to Indonesia. In circumstances where a parent(s) or guardians are unable to meet the client at the airport, DIAC arranges for IOM to accompany the minor to their home and to ensure that the minor is reunited with their parents or guardian.</p> <p>Post arrival care arrangements including reception, transport and escort services are organised and funded by DIAC through the services of IOM.</p>