



OCOM 2020/411

Senator Katy Gallagher
C/O Committee Secretary
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Senator Gallagher

I appeared at the Senate Select Committee hearing on COVID-19 on 5 May 2020. In my capacity as Commissioner of the Australian Border Force, I gave evidence to the Senate. Upon review of the Hansard record, I have become aware of the need to correct a response I made to a question from Senator Keneally.

The particular reference for correction is on page 24 in response to Senator Keneally's question:

"Commissioner, you've mentioned a few times Australian Border Force's responsibilities and authority under the Migration Act. I note that, under migration regulation 3.15, vessels entering Australia can be required to declare to Australian Border Force whether passengers are suffering from 'a disease or condition that is, or may result in the applicant being, a threat to public health in Australia'. Did Australian Border Force officers board the Ruby Princess in Sydney before passengers disembarked, and did they receive a certificate from the ship's doctor? If so, what did it say?"

My response to this question was in part:

"Senator, that provision in the Migration Act was put in in 1995. I'm told that, since the advent of advance passenger information, some of which goes to the department of agriculture, and in particular since the introduction of the Biosecurity Act 2015, whilst it sits there in the Migration Act, we actually don't use it. It would have been used by the department of immigration back in 1995 until, probably, sometime in the early 2000s. It still sits there in legislation, but we don't have any reason to use that provision at all because advance passenger information has taken over, and there's the Biosecurity Act as well."

This response contained a factual inaccuracy and I am providing the following correction of evidence in response to this question:

Regulation 3.15 came into effect when the *Migration Regulations 1994* came into effect on 1 September 1994.

I appreciate the opportunity to provide this clarification, which will ensure that correct information has been provided to the Senate Select Committee hearing on COVID-19.

Yours sincerely

Michael Outram APM
Commissioner

 May 2020