

# RECOMMENDATIONS

## Recommendation 1

**5.10** Subject to the advice of the Office of the Chief Scientist regarding the utility of wrist x-rays as an age assessment tool, and noting evidence received by the committee raising significant doubts about this procedure, the committee recommends that the Australian Government consider removing wrist x-rays as a prescribed procedure for the determination of age under section 3ZQB of the *Crimes Act 1914* and regulation 6C of the Crimes Regulations 1990.

## Recommendation 2

**5.14** The committee recommends that the Australian Government formalise arrangements with the Indonesian Government to expedite the process of gathering evidence in Indonesia relating to the age of individuals who claim to be minors and are detained in Australia suspected of people smuggling offences.

## Recommendation 3

**5.20** The committee recommends that the *Migration Act 1958* be amended to require that individuals suspected of people smuggling offences who claim to be minors be offered access to consular assistance as soon as practicable after their arrival in Australia.

## Recommendation 4

**5.21** The committee recommends that, in cases where an Indonesian national in immigration detention or in prison claims to be a minor, the Department of Immigration and Citizenship must notify the Indonesian Embassy and relevant consular officials of that claim as soon as practicable.

## Recommendation 5

**5.23** The committee recommends that the Department of Immigration and Citizenship:

- explicitly inform each Indonesian crew member suspected of people smuggling of their right to contact relatives in Indonesia as soon as practicable after their arrival in Australia; and
- take proactive steps to assist all crew who claim to be minors to contact their families in Indonesia within seven days, or as soon as practicable, after their arrival in Australia.

## **Recommendation 6**

**5.25 In accordance with Recommendation 2 of the Senate Legal and Constitutional Affairs Legislation Committee's report into the Crimes Amendment (Fairness for Minors) Bill 2011, the committee recommends that the Australian Government introduce legislation to expressly provide that, where a person raises the issue of age during criminal proceedings, the prosecution bears the burden of proof to establish that the person was an adult at the time of the relevant offence.**

## **Recommendation 7**

**5.27 In accordance with Recommendation 2 of the Senate Legal and Constitutional Affairs Legislation Committee's report into the Migration Amendment (Removal of Mandatory Minimum Penalties) Bill 2012, the committee recommends that the Australian Government facilitate and support further deterrence and awareness raising activities in relation to people smuggling offences, with a focus on relevant communities in Indonesia.**



