

## QUESTION TAKEN ON NOTICE

**ADDITIONAL ESTIMATES HEARING : 23 February 2015**

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

**(AE15/031) - Human Rights Commission Report - Programme 3.1 Compliance, Detention and Status Resolution (Administered)**

Senator Carr, Kim (L&CA 64) asked:

Senator KIM CARR: Mr Pezzullo, can you inform the committee as to whether or not the matters referred to on page 161 regarding the use of force against children actually occurred?

Mr Pezzullo: As I said in my evidence earlier, we will need to take on notice the specifics of the incident report. I do not know; it was in March 2014. So, as to whether the factual description is as per our reporting, that is something I have undertaken to come back to you on.

Senator KIM CARR: Yes, you have. I have read your letter and I cannot see any reference in your letter disputing those facts. Is that correct?

Mr Pezzullo: That is understood, but I did also say that my letter was, if you like, the final statement of our concerns. Mr Boles had also been engaged. Our officers had been engaged in clarifying and rebutting matters. In the depth of that material have we, if you like, rebutted, clarified or sought to modify the commission's understanding of the events of 23 March? That is what I took on notice. I am presuming that an incident occurred.

Senator KIM CARR: 24 March.

Mr Pezzullo: I am sorry.

Senator KIM CARR: Just in case there has been another incident I am not aware of.

Mr Pezzullo: I am sorry. You are absolutely right. On page 162 it does say 24 March. What I have undertaken to do is to take on notice whether Mr Boles raised it in his correspondence or whether one of our officers sought to go back. [...]

*Answer:*

The department does not dispute the matters referred to on page 161 of the Australian Human Right Commission report.

The department can confirm that Serco discussed the relocation with detainees, including a number of unaccompanied minors and their appointed guardian at 1000 hours local time, and continued these discussions during the course of the morning but were unable to reach agreement with a group of 35 unaccompanied minors.

At approximately 1400 hours local time the detention service provider's senior manager sought approval from the Christmas Island Regional Manager to use force to relocate the detainees and approval was given at approximately 1500 hours local time.