

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING : 27 February 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE17/059) - People returned to countries of origin being prosecuted - Operation Sovereign Borders

Senator McKim, Nick (L&CA 104) asked:

Senator McKIM: Thanks. If you need to take this on notice, obviously you can: could I ask whether people who have been returned, either through their boat being turned back or through other means assisted by the Australian government, have been prosecuted for things that they have told the Australian government they are fleeing from. In other words, if someone is alleging persecution and they have been assessed at sea and found not to be a genuine refugee and therefore returned, do you check those people to see whether in fact they are being prosecuted for the very things that they have told they are fleeing?

Mr Pezzullo: General Campbell—going back two commanders—and General Bottrell, I and others have made it clear we make assessments under Operation Sovereign Borders as to whether such persons engage our protection obligations, and they are not, in any case, ever returned or taken back if they engage protection obligations. Have there therefore been circumstances where persons returned by whatever mechanism—I think you referred both to turnbacks but also to all the other facilitated activities that might be in question here—is then prosecuted, I think you said—

Senator McKIM: Yes, charged or prosecuted for the things—

Mr Pezzullo: I am not aware of any cases where that has occurred.

Senator McKIM: How would you know, Mr Pezzullo?

Mr Pezzullo: No such cases have been drawn to attention, but I will check to make sure that our records do not suggest otherwise.

Senator McKIM: Do you have a mechanism to check that? I guess that is the fundamental of my question here?

Mr Pezzullo: If a person has not engaged our protection obligations, and therefore there are no assurances or undertakings that we have entered into, we would not ordinarily follow through on matters in relation to which we have not sought assurances, no.

Answer:

Where a person does not engage our protection obligations, and if there are no assurances or undertakings that we have separately entered into, then there are no formal mechanisms to monitor them.