

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES – 26 – 27 MAY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE14/090) PROGRAMME – 3.1 and 3.2: Compliance, Detention and Status Resolution

Senator Hanson-Young (L&CA 63) asked:

Senator HANSON-YOUNG: What is the appeal process for people who are given negative assessments in Papua New Guinea or in Nauru?

Mr Cormack: For both countries there is a formal review process. In the case of Nauru there is a panel of people, obviously separate to the initial decision. They are then provided with the necessary information to undertake a review, and a similar process would be put in place for PNG.

Senator HANSON-YOUNG: Where does that panel sit? Are they part of the judiciary? Are they a committee of the parliament?

Mr Cormack: No. In Nauru the responsible agency is the Department of Justice, which performs, amongst other things, similar functions to the Australian Department of Immigration and Border Protection. The review arrangement would be linked to the portfolio responsibility for Immigration.

Senator HANSON-YOUNG: It is not a legal review then, per se? It is not a tribunal, it is not like our RRT?

Mr Cormack: I will get you some more information; I do not have that in front of me.

Answer:

In Nauru, there is a legislatively established tribunal to hear the merits of a negative Refugee Status Determination known as the Refugee Status Review Tribunal. The Tribunal's powers are conferred under Part 3 of the Refugees Convention Act 2012 (Nr). It is independent from the Department of Justice and reviews decisions of the Nauruan Secretary for Justice relating to refugee determination.

In Papua New Guinea (PNG), there is a Refugee Assessment Review Panel. It is not established under statute. The Review Panel members (who hear cases individually, not as a collective) are independent from the PNG Immigration and Citizenship Service Authority. The Review Panel members review the merits of an initial refugee assessment, and provide their recommendation for refugee determination to the PNG Minister for Foreign Affairs and Citizenship prior to his making of a refugee determination under PNG law.