

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES – 26 – 27 MAY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE14/606) PROGRAMME – 3.5 and 3.6: Illegal Maritime Arrival (IMA) Offshore Management

Senator Xenophon (Written) asked:

1. Why hasn't the department provided a submission to the Senate Legal and Constitutional Affairs Committee's inquiry into the Manus Island incident?
2. When will the Cornall review's report into violence at the camp that left a young Iranian man dead be publicly released?
3. What is the reason for it not having been released to date?
4. Does the department have confidence that no such violent event will recur? If yes, on what grounds can the department be confident of this?
5. Will the Department accept responsibility for the violence and its outcomes if found accountable given Australia maintains 'effective control' over the asylum seekers, as found by Amnesty International and Australia's Human Rights Commission?
6. Are there still signs of the violence at the centre?
7. Why hasn't the department provided answers to questions on notice relating to Amnesty International's Manus Island report from the last estimates? When will these be provided?
8. The Minister has recently said that DIBP is considering the recommendations of the Amnesty International report and will provide a response in consultation with the PNG Government. When will the department complete this response? Had the department provided advice to the Minister relating to the recommendations of this report? If so, when?
9. The Minister's recent correspondence to Amnesty International in regard to Manus Island OPC refers to ability of women to access sanitary products - why is that?
10. Answers to questions on notice from the last estimates suggest condoms are now available at Manus OPC - when did this commence?

Answer:

1. The Department of Immigration and Border Protection was invited to make a submission to the inquiry and was also requested to provide a wide range of information and documentation. Given the significant amount of documentation provided, the department did not make a separate submission.
2. Mr Robert Cornall AO's 'Review into the events of 16-18 February 2014 at the Manus Regional Processing Centre' was publicly released on 26 May 2014.
3. Mr Robert Cornall AO's review has been publicly released.

4. The department continues to work closely with all stakeholders to ensure that the likelihood of such an event recurring is significantly reduced.
5. Offshore Processing Centres (OPCs) are hosted by the sovereign governments of Papua New Guinea (PNG) and Nauru and are managed under the laws of the respective host countries.

Consistent with the Memoranda of Understanding (MOUs) signed with the governments of PNG and Nauru, Australia's role is that of supporting the OPCs through the provision of services through contracted service providers.

Responsibility for managing the OPCs lies with officers appointed by the governments of PNG and Nauru under their respective laws. Those officers have the duty to ensure that persons residing in the OPCs are treated in a fair and humane manner, consistent with their domestic laws and the relevant international treaties that country is a signatory to.

The consistent position taken by Australia is that while Australia is assisting governments of PNG and Nauru in the management of the OPCs, this assistance does not constitute the level of control required under international law to engage Australia's international human rights obligations extraterritorially in relation to the persons concerned.

6. Repair to damages have been, for the most part, completed. There does remain, however, some superficial damage that requires rectification. This damage does not impact on the operations of the facility.
7. The department provided answers to questions on notice relating to Amnesty International's Manus Island report on 26 May 2014.
8. An Australian Government response to all of Amnesty International's recommendations was approved by the Minister on 30 May 2014. A copy of this response was provided to the Government of PNG on 6 June 2014.
9. There have been no women accommodated in Manus Island OPC.

The reference in the letter sent to Amnesty International on 23 April 2014 reflects the situation in detention facilities where Australia provides support services. These support services and arrangements ensure that all individuals (including women) have adequate access to items of personal hygiene.

10. January 2014.