

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING : 25 May 2015

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE15/128) - Communicating with Foreign Jurisdictions Illicit Drugs and precursor - Chemicals - Internal Product (DIBP)

Senator Xenophon, Nick (L&CA) written:

Does it have guidelines for its staff in relation to communicating with foreign jurisdictions with capital punishment in relation to individuals suspected of committing capital punishment offences such as drug trafficking?

Answer:

The Department shares information with agencies of foreign countries for various purposes authorised by the *Migration Act 1958*, the *Australian Border Force Act 2015* (Australian Border Force Act) and in compliance with other related legislation, such as the *Privacy Act 1988*.

Under the Australian Border Force Act, for example, schedules authorise disclosure of information to foreign jurisdictions subject to approval from a Senior Executive Service officer where the disclosure of information relates to matters that could potentially attract the death penalty. A Senior Executive Service officer must not give an approval to disclose information unless such disclosure is in accordance with relevant Australian government policy and guidelines. This has the effect in practice of ensuring that disclosures of information relating to matters that could potentially attract the death penalty are given careful and particular consideration.