

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING : 19 October 2015

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE15/124) - Information Sharing with Foreign Partners - Programme 1.2: Border Management

Senator Xenophon, Nick (L&CA) written:

I note that Border Force shares information with foreign partners for a number of purposes, including liaison on illicit drugs and precursor chemicals. Under the Border Force Act, 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. This officer must not give an approval to disclose information unless it is in accordance with the relevant Australian government policy and guidelines.

What training is given to Border Force Officers on these disclosures?

Does the Executive Service Officer require higher approval in cases which may affect the death penalty ie. Ministerial approval?

Does Border Force have any agreements with foreign partners that in cases which may attract the death penalty, detections are made in Australia?

Answer:

The foundational Border Force Officer Recruit Training curriculum provides training which covers the use and disclosure of official information, including consideration of potential death penalty implications. Mandatory refresher training is under development.

If circumstances arise in which a person has been detained, arrested, charged or convicted of an offence where the death penalty may be imposed, Ministerial approval is required for disclosure of information in relation to the case. If no detention, arrest, charge or conviction has occurred, the approval may be provided by a Senior Executive Service officer.

The Department and the Australian Border Force do not have agreements with foreign partners that provide for detections to be made in Australia in cases which may attract the death penalty.