

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN CUSTOMS AND BORDER PROTECTION SERVICE

Question No. 37

Senator Brandis asked the following question at the hearing on 14 February 2012:

Senator BRANDIS: ... My point really is this: do your procedures in which your officers are trained include, wherever possible, taking proactive steps to secure the identity documents [of asylum seekers]?

Ms Grant: Yes, Senator. The first thing we do, once we have done a boarding and secured the vessel and the people on board, is to muster the people and gather all their possessions and detain those positions. So, identity documents are immediately detained and taken from the people.

Senator BRANDIS: Does that mean they are given a higher priority or sense of importance than other personal possessions, or that they are just treated alongside all the other goods and chattels an asylum seeker might have on their person?

Ms Grant: I would have to clarify that with my boarding party before I could give you a definitive answer.

Senator BRANDIS: If an asylum seeker were to be caught destroying their identity documents, is that, as a matter of routine, reported to the department of immigration?

Ms Grant: I do not know the answer to that question. I will take it on notice.

Senator BRANDIS: Is there anyone else in the room who knows the answer to that question? Do you know, Mr Carmody? It seems a fairly central question.

Mr Carmody: No, I do not, Senator. We will have to take it on notice.

Senator BRANDIS: Can you also then take on notice this related question: what procedures are put in place to deal with incidents of that time, that is, the destruction of identity documents?

Mr Carmody: Yes, Senator.

Senator BRANDIS: Thank you. If those procedures are contained in a procedures manual or some such document, could that document be produced please?

Mr Carmody: If it is, we can and we will.

Senator BRANDIS: Thank you.

The answer to the honourable senator's question is as follows:

The relevant procedures are contained in the Border Protection Command (BPC) Operational Order for Operation Maritime Protector (the name given to the operation conducted by Australian Customs and Border Protection Service and Australian Defence Force assets assigned to civil maritime security operations). The Operation Order is a classified document and cannot be disclosed publicly.

The Operation Order directs that, upon boarding suspected irregular entry vessels (SIEVs), the priorities of boarding parties are as follows:

1. Safety – ensuring the safety and well-being of all personnel involved
2. Evidence – facilitating the prosecution of people-smuggling offences by identifying, cataloguing and collecting evidence
3. Seaworthiness – providing an initial assessment of the seaworthiness of the SIEV and, later, a SIEV condition report
4. Processing – collecting, recording and forwarding the information required by the Department of Immigration and Citizenship (DIAC).

The standard operating procedure requires officers to record in their notebooks observed activities of SIEV crew and passengers, particularly issues of non-compliance during the boarding operation, which would include destruction of documents. Photographs of such non-compliance are also required to be captured.

These photographs, in addition to statements provided by the boarding party, are either transferred ashore and handed to the relevant Government authority on Christmas Island (DIAC) at the same time as the detainees are transferred, or provided to the Australian Federal Police for the purposes of any future legal proceedings.

Identity documents found on the SIEV or passengers are secured as a priority over other items. They are secured utilising standard BPC procedures for evidence collection and management and passed to the relevant Government authority on Christmas Island.