

## QUESTION TAKEN ON NOTICE

### ADDITIONAL ESTIMATES - 25 FEBRUARY 2014

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### (AE14/573) PROGRAMME – 4.3: Offshore Asylum Seeker Management

Senator Ludwig (Written) asked:

Has there been a discussion about implementing a code of conduct for asylum seekers? If yes:

1. When was this discussion instigated?
2. Who instigated this discussion with the department?
3. Have drafts of this code been developed? If so, please provide copies of each draft.
  - a. Who was involved in producing each of these drafts?
  - b. When were the drafts produced?
  - c. Who was given a copy of each draft?
4. Please provide a copy of any correspondence, emails, letters, phone call records etc between the minister or his office and the department relating to drafting or implementing a code of conduct for asylum seekers.

*Answer:*

There are documents governing behaviour currently in place for non-citizens in held and community detention and which apply in the department's offshore processing centres. Non-citizens entering held detention are briefed on their rights and their responsibilities, detainees in the community are subject to community detention conditions, and transferees to offshore processing centres are briefed on their rights and responsibilities. These responsibilities and conditions cover similar behaviour themes to those outlined in the Code of Behaviour such as abiding by the law, respect, tolerance and compliance with reasonable directions.

There is also a Code of Behaviour that applies to people being granted a Bridging visa E (BVE) by the Minister using his personal powers under section 195A of the *Migration Act 1958* and to subsequent grants of BVEs to this cohort. This cohort can include Illegal Maritime Arrivals (IMAs), Unauthorised Air Arrivals and other non-citizens who arrived lawfully in Australia, and have since become unlawful, and which can include people in Australia seeking asylum.

1. When was this discussion instigated?

As mentioned in the Minister for Immigration and Border Protection's media release of 7 October 2013, the development of mandatory behaviour protocols for IMAs being released into the community was an election commitment made prior to the 2013 election.

2. Who instigated this discussion with the department?

As mentioned above, the Minister announced prior to the election the government's intention to introduce behaviour protocols for IMAs being release into the community.

3. Have drafts of this code been developed? If so, please provide copies of each draft.
- a. Who was involved in producing each of these drafts?
  - b. When were the drafts produced?
  - c. Who was given a copy of each draft?

The Minister and his office worked with the relevant policy areas within the department to coordinate the Code of Behaviour Migration Amendment to be consistent with the Government's pre-election commitment. The department of Prime Minister and Cabinet, the Attorney General's department and the Australian Federal Police were consulted in relation to the content of the Code of Behaviour.

The Minister approved the final draft of the Code of Behaviour which was made into a legislative instrument following the regulations being made. A copy of this final draft can be found at <http://www.minister.immi.gov.au/scottmorrison/files/code-of-behaviour.pdf>

4. Please provide a copy of any correspondence, emails, letters, phone call records etc between the minister or his office and the department relating to drafting or implementing a code of conduct for asylum seekers.

The requested documents would be in the nature of policy advice and in line with the conventions of Senate Committees, it would be inappropriate to release.