

Parliamentary Joint Committee on Intelligence and Security
Review of the Counter-Terrorism (Temporary Exclusion Orders) Act 2019
17 October 2022

Program: Australian Federal Police

Senator Peter Khalil: *written question on notice*

At page 7 (paragraph 46) of your submission you state that “An additional provision could also be sought allowing service of a return permit on the individual in person, upon their arrival into Australia where all other means (including email and text) have been exhausted.” Could you outline how such service on the individual in person, upon their arrival into Australia would be effected? Further to this, without a return permit (ie. an unserved permit) how would an individual be able to return to Australia?

Answer:

A Commonwealth agency, in practice either the Australian Federal Police (AFP) or Australian Border Force (ABF), is responsible for the service of return permits on individuals. To date, all return permits have been served in accordance with subsection 15(5) of the *Temporary Exclusion Orders Act 2019* (TEO Act).

Return permits are served on individuals located offshore if it is deemed safe and practicable to do so. Where an individual has not yet been served a return permit prior to their return to Australia, service is effected by either the ABF or AFP once the individual has arrived in Australia and before the individual is processed through immigration.

The AFP considers a further provision to allow alternative service (including by text message or email) complements the existing provision, by ensuring all reasonable attempts are made to serve the return permit on the individual. This alternative service option would be relied on when reasonable attempts at in person service have been exhausted while the individual is still offshore. Should such alternate service options also not result in the return permit being served on the individual, service will be effected by the ABF or AFP once the individual as arrived in Australia and before the individual is processed through immigration.

If an individual subject to a TEO attempted to return to Australia, without being granted a return permit, the individual would not be processed through immigration upon arrival and would be dealt with by law enforcement.