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AUSTRALIAN BORDER FORCE**

**PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE**

Joint Committee on the Australian Commission for Law Enforcement Integrity  
Inquiry into the Integrity of Australia's border arrangements

11 September 2020

**QoN Number: 03**

**Subject: Integrity of Australia's border arrangements**

**Asked by:** Catryna Bilyk

**Question:**

**Senator BILYK:** I want to go back to this Crown Casino stuff, bearing in mind what was just said about people coming in. How did Mr Zhou get through customs and past Border Force if there was a red notice for him on Interpol? How come he wasn't picked up at the border?

**Ms Saunders:** I'd need to take the specifics of that on notice, although I'd make a general observation that a red notice—if it was in existence, and I don't know if that's right or wrong—would definitely raise a flag but wouldn't necessarily result in an intervention. It would depend on the basis of the red notice and what action was required.

**Senator BILYK:** Could you take that on notice and tell me if there was a red notice? I'm not aware how they really work, so if you can explain them to me so I can understand it, I would appreciate that.

**Ms Saunders:** I'd be very happy to do that.

**Answer:**

**How Red Notices work**

The Australian Federal Police (AFP) is Australia's law enforcement representative internationally, which includes facilitation of the Australian INTERPOL National Central Bureau (NCB) in Canberra.

Red Notices are an international wanted person's alert, which may seek the arrest and eventual extradition of a person for either prosecution or to serve a judicial sentence.

The requesting country must provide sufficient justification to INTERPOL to seek the secure circulation (with limited or no details made public) amongst the organisation's 194 member countries' law enforcement agencies.

Countries may have differing reactions and responses when identifying the subject of an INTERPOL Red Notice dependent on their relationships, legislation and international treaties. The *Australian Extradition Act 1988* (Cth) does not provide Australian law enforcement agencies with the power to arrest an INTERPOL Red Notice fugitive. Arrest is only possible after the Attorney General's Department (AGD) has received a compliant extradition request, subsequently endorsed by the Attorney General, which will lead to AGD seeking an Australian arrest warrant. The AFP provides relevant agencies (including Australian Border Force and the Department) secure access to INTERPOL Notices to assist in identifying fugitives, support law enforcement enquiries and mitigate risk to the community. Providing such restricted access assists these agencies perform their roles and allows the AFP to assist foreign partners to pursue theirs.

Interpol Red Notices relating to non-citizens are manually loaded into the Central Movements Alert List (CMAL) and assigned an Alert Reason Code (ARC). A flag is generated in departmental systems when the non-citizen applies for a visa or seeks to enter or depart Australia. This allows a visa processing officer or border clearance officer to take follow up actions such as seeking further information from the non-citizen, consider visa cancellation or refusal, or refuse immigration clearance.

**How did Mr Zhou get through customs and past Border Force if there was a red notice for him on Interpol?**

The Department does not comment on individual cases due to privacy obligations, however it is a matter of public record and has been reported in the media that Mr ZHOU was subject to an INTERPOL Red Notice and further that Mr Zhou was an Australian citizen at that time.

In these circumstances Customs/Migration/ABF officers have no authority to delay or question Australian citizens in immigration clearance without their consent once the person has satisfied the officer that they are an Australian citizen.

All travellers to Australia are subject to standard pre-screening and border clearance processes.