

## QUESTION TAKEN ON NOTICE

### ADDITIONAL ESTIMATES HEARING : 27 February 2017

#### IMMIGRATION AND BORDER PROTECTION PORTFOLIO

#### **(AE17/021) - MOU with PNG Government - Programme 1.3: Compliance and Detention**

Senator McKim, Nick (L&CA 46) asked:

Senator McKIM: I am not asking you to speak on behalf of the PNG authorities, but I am happy for you to take it on notice in the terms that you have described. My specific question is: given that we are funding garrison services on Manus Island and given that you have said that you would have an expectation that people would be kept safely, I am asking whether your expectations have been met in this case, when, in fact, two people who were witnesses, who gave evidence that, presumably in part, led to the conviction of this murderer, were not informed either time that he had escaped. In fact, they did not find out until many days after he escaped that he had escaped.

CHAIR: Senator McKim, you have made your point for the media. Mr Pezzullo is not to be asked to give his opinion on whether this is a good thing or a bad thing, or whether people are safe or otherwise.

Senator McKIM: Specifically, Mr Pezzullo—

CHAIR: You have made your point for the media. Can we move on?

Senator McKIM: No, I have not finished yet. No, we cannot move on. Specifically, Mr Pezzullo, could you please take on notice whether or not the set of circumstances I have outlined would place any of the garrison services contractors in breach of their contracts and whether it would place the Papua New Guinean government in breach of Australia's MOU with the PNG government?

Mr Pezzullo: Whether it would place any of our contractors in breach of contract?

Senator McKIM: Yes. I presume—

Mr Pezzullo: Well, they have delivered their services. If this fellow—and I am taking on face value the facts as described—is serving time in a PNG correctional institution—

Senator McKIM: He is not any more.

Mr Pezzullo: I am struggling to see how the garrison contracts have any bearing, but I will look at it.

Senator McKIM: I am happy for you to take that on notice. It is obviously a complex question. For clarity: I am specifically referring to the failure to notify. I am not suggesting garrison services are responsible for running the prison that the person escaped from. I am specifically asking a question about the failure—twice now—after two escapes, for people whose evidence was given in court against this person—

Mr Pezzullo: Oh, I see: for the contractors to notify them?

Senator McKIM: For the garrison services or someone at the regional processing centres on Manus Island to simply inform the witnesses that the person they gave evidence against had escaped; a dangerous person who has been convicted of killing and who the Papua New Guinean police commander said is 'a high-risk escapee'.

Mr Pezzullo: I will give you an assurance that we will look at it but it is not immediately clear to me how that is a contractual matter. It is something where Australian departmental officers and their contractors would be guided by PNG police and other authorities. It is really for them to

make decisions about who is notified about an escape. They might not want to notify for all sorts of reasons.

*Answer:*

Notification and management of an escape is the responsibility of PNG authorities. This is not a matter for the Department or its service providers and it is not a matter of whether a service provider has complied with the terms of its contract.