

## **QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING : 22 May 2017**

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

**(BE17/029) - Interceptions - Australia's Protection obligations - Programme 1.1: Border Enforcement**

Senator McKim, Nick (L&CA 86) asked:

Senator McKIM: What is the process of determining whether or not they engage Australia's protection obligations?

Mr Pezzullo: Over the last coming up to 3½ years, we have given extensive evidence on that to both this committee and other committees. I would want to refresh my memory as to what we have put on the record in terms of our—you might recall, perhaps before your time, the relevant spokesperson's reference to on-water assessment matters. We have provided some evidence to this committee and to other Senate committees. I would want to remind myself, with the documents in front of me, as to what we have previously advised this committee, so I will take that on notice.

Senator McKIM: As part of that, Mr Pezzullo, could you specifically address the question of whether people who are either turned back or subject to the assisted return or taken back are given the opportunity to raise a claim for asylum?

Mr Pezzullo: They assist us as to whether they engage our protection obligations.

Senator McKIM: No, I am asking specifically whether they are given an opportunity to raise a claim for asylum.

Mr Pezzullo: We have given evidence on that previously, and I want to refresh my memory—

Senator McKIM: That is okay. I am asking you to take that on notice as part of—

Mr Pezzullo: Yes. I will refresh my memory as to what exactly we have provided in evidence before.

*Answer:*

People intercepted seeking to enter Australia illegally by boat are not prevented from providing information about their personal circumstances at any time while they are detained or otherwise held by Australian Government authorities. All information provided by the person (including asylum claims) is appropriately considered, consistent with Australia's international obligations.