

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES – 20 OCTOBER 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE14/048) PROGRAMME – Operation Sovereign Borders

Senator Ludwig (L&CA 120) asked:

Senator LUDWIG: [...] Can you confirm that there is no such evidence of a breach, so that I'm confident that I can undertake this activity, were it safe to do so?

Lt Gen. Campbell: I am unaware of that.

Senator LUDWIG: Could you take that on notice? Is that something you feel that you could tell the committee? What I am looking for is, if the commander has, since the inception of these operations, sought to clarify the extent of the law so that they may then exercise their judgement about whether it is safe to do so in exercising the policy.

Lt Gen. Campbell: Yes, I will take it on notice and whether I am in a position to answer it, and indeed, if I am, what I might be able to offer you.

Senator LUDWIG: Thank you. If you are able to answer it, or to the extent that you can answer it, the information I am seeking is the nature of the inquiry, the date of the inquiry, what the response was and the parties involved in that exchange, whether it was directed to you or one of your officers, whether it was referred to the legal department and whether it was then referred to the Australian Government Solicitor. I could go on about the circumstances, but I think you understand the issue I am trying to raise.

Answer:

Yes, as previously advised to the Committee, legal support is and continues to be provided on an on-going basis, across relevant Commonwealth agencies, to enable the legally sound implementation of Operation Sovereign Borders. This includes legal advice sought and received from the Australian Government Solicitor and the Attorney-General's Department.

It is not appropriate to disclose to the Committee the content of this legal advice and related legal support.