

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 25 February 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE14/349) PROGRAMME – Operation Sovereign Borders

Senator Conroy (written) asked:

Professor Donald Rothwell, in an article that was published on the ABC's website on 17 February, provides a very grim assessment of the responsibility held by the Australian Government should any harm come to the occupants of the lifeboats that asylum seekers are being forced to use if their original vessel is not able to be returned to Indonesia. What is the legal liability of the Australian government if such an incident were to occur?

- a. What risk assessment has been undertaken about this activity?
- b. Has legal advice been sought about the implications for Australian personnel that are asked to carry out these operations under Australian and international law?

Answer:

Comment will not be provided on Professor Rothwell's article.

- a. In general, all Operation Sovereign Borders (OSB) activities are conducted only when safe to do so, on the basis of appropriate risk assessments.
- b. The Government is confident of the legal basis for all OSB activities.