

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 22 May 2006

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(136) Output 1.3: Enforcement of Immigration Law

Senator Nettle (L&C 22) asked:

I asked the question in the last estimates, in February. It was question on notice No. 24. I was told that two vessels carrying West Papuans had been turned back, one in September 1996 and one in January 1998. The answer said that the people on board the vessels sought Australia's protection. Interviews established that, although they were Indonesian nationals from the province of Papua, they had crossed into PNG from Indonesia, so they were returned to PNG. So I would have thought that they fell into the category of—

The bits that I would be interested in include

- (a) Where they were interviewed.
- (b) How was an assessment made that they had a connection to PNG which meant that they were returned there.
- (c) Where did that interview take place?
- (d) Who would have been responsible for making that decision? Would it have been a DIMA official on a customs boat? I would like an explanation of that process.
- (e) Also, could you find out whether or not they had any legal assistance or were offered any legal assistance in that process?"

Answer:

- (a) Persons from SIEV KERRIA and SIEV ZOSTERA were interviewed at Thursday Island.
- (b) Persons from SIEV KEIRRA advised DIMA officers during interviews that they had lived legally in PNG for many years and had been granted permissive residence, and carried documents to this effect. Persons from SIEV ZOSTERA indicated at interview that they departed from PNG because of reports that Irian Jayans living in PNG who did not take out PNG citizenship would be deported to Indonesia. UNHCR was engaged and all persons from the vessel voluntarily returned to PNG.
- (c) The groups were brought onshore at Thursday Island.
- (d) The decision to readmit these groups to PNG was made in the National office in Canberra. This followed an evaluation of the claims made by the group which were assessed as not engaging Australia's protection obligations by virtue of their stay in PNG. Both groups were able to be returned to PNG by invoking the Memorandum of Understanding (MOU) on Illegal People Movements in the Torres Strait, signed on 9 February 1994.

- (e) Persons from SIEV KERRIA requested and were granted access to legal assistance. Persons from SIEV ZOSTERA did not seek and were not granted legal assistance.