

PEOPLE SMUGGLING — DETAINEES AWAITING TRIAL

3779. Hon Alison Xamon to the Minister for Finance representing the Minister for Corrective Services

I refer to the answer to my question without notice on 24 March 2011, and I ask —

- (1) Can the Minister please confirm whether the age of any of the detainees currently awaiting trial or sentencing for so-called, 'people smuggling', offences is currently under dispute and specifically whether the nature of the dispute is that the detainee is in fact a juvenile?
- (2) Can the Minister please confirm whether the test used to determine age as described in the answer to my question of 24 March, is currently under dispute as the best test to determine age?

Hon SIMON O'BRIEN replied:

- (1) As advised in the response to Legislative Council question without notice 206 on 24 March 2011, in instances where the age of a suspect comes into question, bone density age verifications are undertaken prior to arrest. The Department relies upon this information, as well as relevant documentation supplied by the courts, to ensure remanded prisoners are at least 19 years of age or older. Where a prisoner (or their representation) makes a claim to be underage after they are received into the custody of the Department of Corrective Services, the Department takes action to reconfirm their age with the Australian Federal Police (AFP). As at 18 April 2011, none of the information provided to the Department by AFP or the courts indicates that any prisoner currently being held on remand for people smuggling charges is under 19 years of age, therefore there are no current disputed cases of age in relation to 'people smugglers'.
- (2) The Department cannot comment on the validity of the current testing procedures as it is bound by the documentation provided by the Commonwealth Courts and the AFP when receiving Federal prisoners. Therefore, it is respectfully suggested such confirmation be requested from these agencies.