

INDONESIAN PRISONERS — AGE DETERMINATION

5037. Hon Alison Xamon to the Minister for Finance representing the Minister for Corrective Services

I refer to my questions on 24 March, 17 May and 28 June 2011 raising concerns about underage detainees being kept in adult prisons, and I ask —

- (1) Since 2006, how many Indonesian prisoners detained in Western Australian adult prisons for so called 'people smuggling' offences have later been determined to be children?
- (2) Of the Indonesian prisoners currently detained in Western Australian adult prisons for so-called 'people smuggling' offences, how many have made a claim to be underage (either themselves or through their representative)?
- (3) Where the Department of Corrective Services has taken steps to confirm the ages of the prisoners referred to in (2) —
 - (a) in how many instances has the department relied solely on the information provided by the Australian Federal Police; and
 - (b) in how many instances has an age-determination been made before a court of law?
- (4) Has the department looked at different methods for determining the age of detainees?
- (5) If yes to (4) —
 - (a) what methods were considered; and
 - (b) what were the department's findings?

Hon SIMON O'BRIEN replied:

- (1) The Commonwealth Director of Public Prosecutions (DPP) has advised the Department of Corrective Services (the Department) that since 2006, there have been four Indonesian nationals detained in Western Australian adult prisons for people smuggling offences, for whom the courts have later determined that, on the balance of probabilities, they were a juvenile at the time of their alleged offence.
- (2) The Commonwealth DPP has advised the Department that since 2006, there have been eight Indonesian nationals who have had an age determination hearing. Of these eight prisoners, four have since been released from custody following age determination decisions by courts which determined that, on the balance of probabilities, the defendant was a juvenile at the time of their alleged offence. The other four Indonesian nationals remain in the Department's custody.
- (3) (a)–(b) The Department receives prisoners on the authority of a court warrant and places them accordingly, based on the date of birth provided by the court on the warrant. The Department is not involved in age determination proceedings.
- (4) No. The court is the legal authority for hearing evidence and making an age determination.
- (5) (a)–(b) Not applicable.