



Joint Standing Committee on Migration

Submission into review processes for visa cancellations on criminal grounds

This submission is made on behalf of the Queensland Pacific Islands communities. The Pacific Islands Council of Qld Inc. (PICQ) is a non-profit umbrella organisation that represents the voice and views of Queensland based Pacific Island Nations' organisations and communities. It represents individuals and Pacific Islander community groups and supports collective development while encouraging individuals and Pacific Islands communities including Maori people to maintain and promote their cultures and skills. PICQ is committed to developing strong partnerships with all levels of government, service providing organisations and the wider communities to improve the quality of life for its members so that Pacific Islanders, families and communities are able to properly establish their lives as participating members of the Australian society. PICQ Network of individuals and community groups supporting the Pacific Islanders in the justice system was established in 2017. The network not only supports those incarcerated but their families. These recommendations have been made by the PICQ Network on support for Maori and Pacific Islanders in the justice system.

In addition, this submission fully supports the submissions of fellow submitters in raising the concerns of the public in relation to the review processes and would like to reiterate recommendations of the report by Colin Neave AM the Commonwealth Ombudsman on Development of Immigration and Border Protection – The administration of section 501 of the migration act 1958 (Report No. 8, December 2016).

In addition, this submission concurs with the recommendations of the Law Society of South Australia, in particular on *efficiency of existing review processes as they relate to decisions made under section 501 of the Migration Act* – “increasing use of the Ministers power to overturn decisions of the AAT has created inefficiencies within the existing review processes

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and should be addressed” and on *The scope of the Administrative Appeals Tribunal’s jurisdiction to review ministerial decisions* - “The administrative law system, ensures ministerial and parliamentary accountability. On this basis, the Society considers the scope of the AAT’s powers should be expanded to allow review of the Minister’s decisions.”

Examples highlighted by the network on how the review processes work on the ground in relation to how the legislation is applied has already been outlined in the Commonwealth Ombudsman’s Dec 2016 report and other submitters. The recommendations of the PICQ for this submission in addition to those raised by fellow submitters & the abovementioned report include:

1. Legislative review process is an important part of the administrative law which needs to be maintained. However, there are aspects of the review process that needs to be addressed, namely those in relation to i) ensuring procedural fairness by the Department of Home Affairs and ii) procedural fairness in ensuring adequate timelines for review and appeal.
2. The increasing Minister’s powers in overturning AAT decisions needs to be addressed to maintain ministerial and parliamentary accountability.