



Australian Government
Department of Immigration and Citizenship

DEPUTY SECRETARY

9 November 2011

Julie Dennett
Committee Secretary
Senate Standing Committee on Legal & Constitutional Affairs
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Ms Dennett

Inquiry into the Deterring People Smuggling Bill 2011

Thank you for your invitation to make a submission in relation to the Deterring People Smuggling Bill 2011 which was introduced into the House of Representatives on 1 November 2011 by the Minister for Home Affairs, The Hon Brendan O'Connor MP.

I am pleased to confirm that the Department of Immigration and Citizenship supports passage of the *Deterring People Smuggling Bill 2011* as it will clarify to laws that have criminalised people smuggling and aggravated people-smuggling offences for more than a decade.

The bill does not create any new criminal offences; rather it affirms the long understood meaning of key parts of the people smuggling offence provisions in the *Migration Act 1958* (Migration Act). The amendments expressly clarify the operation of people-smuggling offences in the Migration Act, particularly in relation to whether non-citizens have a lawful right to come to Australia.

The offences deal with the serious crimes of people smuggling and aggravated people smuggling, and do not affect the treatment of individuals seeking protection or asylum in Australia. As such, the amendments are consistent with Australia's obligations under international law.

Similarly, the amendments do not affect the rights of individuals seeking protection or asylum, or Australia's obligations in respect of those persons.

people our business

This bill does not alter any of the elements of the existing people-smuggling offences in the Migration Act. In addition the department notes that the effect of retrospective application is to clarify an existing understanding of the laws, and to ensure convictions for people smuggling offences already made as well as prosecutions underway are not invalidated.¹

Once again, thank you for the opportunity to make a submission to this inquiry. Should you require any further information please contact

Yours sincerely

(Jackie Wilson)

¹ The Commonwealth Director of Public Prosecutions (CDPP) Annual Report 2010-2011 states that as at 30 June 2011, there were 304 people smuggling prosecutions involving organisers, captain and crew before the courts.