

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE SUPPLEMENTARY BUDGET ESTIMATES 2011-2012

Prime Minister and Cabinet

Department/Agency: Australian National Audit Office
Outcome/Program:
Topic: ANAO Audit Report No.55 2010–11 *Administering the Character Requirements of the Migration Act 1958*

Senator: Kroger

Question reference number: 186

Type of question: Written

Date set by the committee for the return of answer: December 2011

Number of pages: 2

Question:

I refer to the ANAO report no 55/2010–11 "Administering the Character Requirements of the Migration Act 1958".

1. In conducting the review, the ANAO recommended that DIAC establish a formal basis to obtain prisoners lists from Australian prisons. Given that the States and Territories already provide this information, did the ANAO consider the possibility of a contractual agreement as opposed to legislative modifications, as suggested in 3.45?
2. In considering the number of applicants who "did not declare convictions on past visits to Australia", did the ANAO consider alternate ways in which the information could be independently be verified?

Answer:

Q 1: The ANAO considered a range of possibilities in relation to the provision of incoming prisoner lists to DIAC by the States and Territories. For example, paragraph 3.45 of ANAO Audit Report No.55 2010–11 suggests options ranging from legislative changes and/or formalising its relationships with each of the state and territory department of corrections. The means by which DIAC could formalise these relations could include memorandums of understanding, agreements or contracts.

Q 2 The ANAO considered ways in which the information about the character of a visa applicant could be independently verified. However, the options available to DIAC are quite limited because there is no simple, authoritative source of information about the character of all visa applicants. As discussed in the report, relying on visa applicants with serious criminal records, war criminals or those posing a threat to national security to declare these matters is not, in itself, a reliable method for identifying visa applicants of character concern. Therefore, DIAC draws on other

sources of information, such as checking the Movement Alert List and requiring penal certificates on a risk basis.