

LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE

EXAMINATION OF ADDITIONAL ESTIMATES 2000 – 2001

**ADDITIONAL INFORMATION
VOLUME 2**

**IMMIGRATION AND MULTICULTURAL AFFAIRS
PORTFOLIO**

**Additional Information Relating to the
Examination of Expenditure 2000 – 2001**

September 2001

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QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(1) Output : Internal Products

Senator McKiernan asked:

“Project Specification:

What negotiations took place prior to the requests for tender being developed? Did OASITO negotiate with your agency separately from, or in conjunction with, external service providers?”

Answer:

DIMA did not undertake negotiations with external service providers prior to requests for tender (RFT) being developed. As noted in the ANAO Performance Audit a draft RFT was released to industry for comment prior to the Cluster 3 RFT being finalised. There was close involvement between Cluster 3 Agencies and OASITO in the development of the RFT.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(2) Output : Internal Products

Senator McKiernan asked:

“Project Specification:

Did any consultations take place with OASITO to develop the project specification, as part of the development of the request for tender?”

Answer.

Cluster 3 was the first group to be outsourced under the Whole-of-Government IT Outsourcing initiative. As noted in the ANAO performance audit report there was consultation between OASITO and Agencies concerning their general technical and business requirements, and timing and readiness for releasing an RFT. The management structure established by OASITO for the outsourcing process included a Cluster Steering Committee comprising executive level management from Agencies and a Cluster Management Team that comprised lead representatives for each Agency. These fora ensured that there was ongoing discussion with OASITO to ensure that Agency requirements were properly reflected in the RFT.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(3) Output : Internal Products

Senator McKiernan asked:

“Project Specification:

- a) Was there an independent review of your agency prior to the request for tender being developed and released?
- b) Who conducted that review?
- c) Who paid for that review and what did it cost?
- d) What role did OASITO play in the review?”

Answer:

- a) There was no independent review of DIMA prior to outsourcing. DIMA was included in the scoping exercise conducted by OGIT in 1996/97.
- b) N/A
- c) N/A
- d) N/A

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(4) Output: Internal Products

Senator McKiernan asked:

“Project Specification:

- a) Was there much development of the project specification from the release of the request for tender to the final version of the contract?
- b) Were there significant differences?
- c) Did those differences have an impact on the cost to your agency of outsourcing?”

Answer:

- a) The RFT included draft contract terms and conditions, a description of services and tasks to be performed and the proposed service standards. Following the release of the RFT a due-diligence period was set aside for vendors to interact with the Agencies and acquire a greater understanding of the nature of Agencies' service requirements. The interactions that took place between vendors and the Commonwealth during due diligence and in subsequent contract negotiations resulted in some minor clarification and refinement of contract documentation prior to contract signing.
- b) See above.
- c) The 'refinement' process referred to above was designed to ensure that there was a clear understanding between all parties about the obligations arising from the outsourcing arrangement and to ensure best value for money outcomes were achieved in contract negotiations.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(5) Output: Internal Products

Senator McKiernan asked:

“Project Specification:

Did your agency have input into the development of the project specification, the request for tender and the final contract?”

Answer:

As noted in the ANAO performance audit report there was consultation between OASITO and Agencies concerning their general technical and business requirements, and timing and readiness for releasing an RFT. The management structure established by OASITO for the outsourcing process included a Cluster Steering Committee comprising executive level management from Agencies and a Cluster Management Team that comprised lead representatives for each Agency. These fora ensured that there was ongoing discussion with OASITO to ensure that Agency requirements were properly reflected in the RFT.

IT Services and financial evaluation teams comprising individual agency representatives were established to conduct detailed evaluations and clarifications of tenderer's bids. These teams reported to the Tender Evaluation Committee that comprised the lead representatives from each Agency and OASITO.

These structures allowed for substantive input from agencies into the development of the contract documentation.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(6) Output: Internal Products

Senator McKiernan asked:

“Project Specification:

What processes were put in place to ensure that OASITO understood your business and any particular requirements that you have?”

Answer:

As noted in the ANAO performance audit report there was consultation between OASITO and Agencies concerning their general technical and business requirements, and timing and readiness for releasing an RFT. The management structure established by OASITO for the outsourcing process included a Cluster Steering Committee comprising executive level management from Agencies and a Cluster Management Team that comprised lead representatives for each Agency. These fora ensured that there was ongoing discussion with OASITO to ensure that Agency requirements were properly reflected in the RFT.

IT Services and financial evaluation teams comprising individual agency representatives were established to conduct detailed evaluations and clarifications of tenderer's bids. These teams reported to the Tender Evaluation Committee that comprised the lead representatives from each Agency and OASITO.

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QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(7) Output: Internal Products

Senator McKiernan asked:

“Tender Evaluation:

[The Humphry report at p95 says OASITO’s responsibilities in the IT initiative included the following:

- i) to provide guidance and assistance to agencies as they participate in tender processes;**
- ii) to manage the evaluation and negotiation process to ensure fairness and probity;**
- iii) together with agencies ensure a fair financial evaluation (p96)]**
 - a) Who was responsible for evaluating the tenders?
 - b) What was the process for evaluating the tenders? Can you outline the steps in the evaluation process?
 - c) Was your agency involved in each stage of the process?
 - d) Were agencies excluded from any stage in the process?
 - e) Was your agency involved in the industry development evaluation stage of the process?
 - f) What role did OASITO play in the tender evaluation for your group?
 - g) What role did your agency play in the tender evaluation process:
 - individually or as a member of a cluster grouping?
 - h) What was the extent of that role?
 - i) At any time in any of the tender evaluation processes, did the Cluster grouping make a recommendation for a particular tenderer which did not conform with OASITO’s views?
 - j) What was behind the difference of opinion – on what basis was there a difference of opinion?
 - k) How was the difference of opinion resolved in each case – what was the outcome?
 - l) Were there any interim reports or discussion papers issued by OASITO setting out the different points of view, the basis for the differences and proposed courses of action?
 - m) Did OASITO award a contract during any process to an external service provider, which was not the service provider recommended by the agencies as a group?
 - n) Did you develop or have any part in developing the tender evaluation reports?
 - o) Can you make these available?”

Answer.

- a) As noted in the Report of the ANAO IT Outsourcing performance audit, an Evaluation Committee chaired by OASITO with representation from each

- Agency oversaw the evaluation process.
- b) Specialist evaluation teams consisting of Agency representatives and advisers engaged by OASITO reported to the Evaluation Committee on specific aspects of the bids. These teams included:
- Corporate, financial, desktop, telecommunications, mainframe, midrange and security.
 - The Industry development evaluation was undertaken in parallel by a team comprising DCITA and OASITO representatives.

The Industry Development Evaluation Team and the Evaluation Committee reported to the Options Committee which was chaired by OASITO and included representatives from DCITA, DISR and independent panel members. The Options Committee made a recommendation on the preferred tenderer to the Minister.

The IT Services evaluation assessed tenderers against 'service and risk' and 'cost savings' criteria specified in RFT.

- c) Yes – DIMA was represented on the Evaluation Committee and the individual evaluation teams but not the Industry Development Evaluation team.
- d) DIMA was not involved in the Industry Development evaluation process.
- e) No
- f) OASITO provided oversight and advice to Agencies during the tender evaluation. OASITO took on the lead role during the contract negotiation process. The evaluation groups were located in OASITO premises and used OASITO logistics support – ie computers, office facilities.
- g) DIMA contributed significant staff resource to the evaluation process. DIMA personnel were part of the Evaluation Committee and each of the evaluation teams with a team manager role in a number of evaluation teams (except the Industry Development Evaluation Team).
- h) DIMA had an extensive and ongoing role through the tender evaluation and contract negotiation process.
- i) No
- j) N/A
- k) N/A
- l) N/A
- m) Not in the Cluster 3 process.
- n) DIMA was represented on the Tender Evaluation Committee and signed off on the Tender Evaluation Report which was provided to the Options Committee.
- o) OASITO is the custodian of this material.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(8) Output: Internal Products

Senator McKiernan asked:

“Contract Negotiation:

- a) What role did your agency play in contract negotiations?
- b) Did your agency have its own legal representation during the contract negotiation stages?
- c) What components were outsourced – what services does the ESP provide to your agency?”

Answer:

- a) DIMA had an ongoing involvement during the contract negotiation process while OASITO took on the lead role. DIMA officers fully participated in contract negotiations and advised OASITO whether negotiated outcomes and clarifications met DIMA’s requirements.
- b) DIMA did not engage its own legal representation. Legal advisers were appointed by OASITO.
- c) The IT infrastructure lines of service under the Cluster 3 Agreement include mainframe, midrange, voice and data network, desktop, and cross program services such as help desk and project services. DIMA uses each of these lines of service. Some aspects of IT that were excluded from the outsourcing arrangement include some overseas support activity, internally managed security responsibilities and TIS and ARMS infrastructure.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(9) Output: Internal Products

Senator McKiernan asked:

“Contract Negotiations:

Why was it deemed necessary to sell to the provider the hardware at the commencement of the contract and buy the hardware back from the provider at the end of the contract?

- i) Is this a normal arrangement?
- ii) Were both mainframe and desktop components included in the hardware transfer?
- iii) What is the life of your mainframe?
- iv) Why was the mainframe included in the transfer?
- v) What is the life of a desktop unit?
- vi) When did you last replace your desktop units?
- vii) When is the external service provider scheduled to replace your desktop units?
- viii) What provision is there in your contract for the adoption of new technology?
- ix) Are you concerned that your agency may not have the flexibility it once had to adopt new technology or to only do so at additional cost?
- x) What is your agency's potential liability for re-acquisition of assets at the end of the contract?

Answer:

- a) The existing equipment was sold to the winning tenderer at their nominated market value. This approach is normal commercial practice in IT outsourcing arrangements and reflects the transfer of responsibility for equipment and service delivery to the external service provider.
- i) The provision for DIMA to buy back equipment at the end of the contract ensures that there will be no disruption to service if the incumbent provider is replaced.
- ii) Yes, mainframe and desktop components were included in the hardware transfer.
- iii) The DIMA mainframe at the time of disposal was quite old, it was fully depreciated in market value terms and operating at near capacity with additional mainframe load anticipated.
- iv) Refer answers i) and iii) above.
- v) Under the terms of the Cluster 3 Agreement the life expectancy of a desktop unit is 3 years. This timeframe is consistent with industry standards.

- vi) A desktop refresh project to replace DIMA's desktop equipment in its central and State/Territory and regional offices was conducted in the period October 1998 to February 1999. This was the earliest opportunity after contract commencement and followed the AEC desktop rollout.
- vii) Desktop refresh for equipment rolled out from October 1998 is due to commence in October 2001.
- viii) & ix) The Cluster 3 Agreement provides for the adoption of new technology. For example there are specific provisions for:
- the refresh desktop equipment on a 3-year cycle;
 - continuous upgrading of desktop functionality and specifications in line with industry movements;
 - maintaining the currency of desktop software;
 - the Cluster and CSC to consult and agree on technology directions through the technology planning process;
 - infrastructure services to support new business applications;
 - infrastructure capacity to be adjusted to meet changing business requirements.
- x) The potential liability for re-acquisition of assets at the end of the contract is unknown at this time. The Cluster 3 Agreement is for a 5-year term with two 2-year extension options. Where the Agreement finishes for whatever reason the Cluster has a contractual option to either buy equipment it requires to maintain IT service delivery or seek that CSC re-deploy or sell the equipment. Where CSC incurs a cost from the disposal of equipment the Cluster is required to compensate CSC for any shortfall between the net book value and the proceeds from the sale of that equipment. As the liability does not arise until the contract ceases it is not possible at this time to quantify the extent of any liability.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(10) Output: Internal Products

Senator McKiernan asked:

“Clustering Approach:

The Humphry Review report concluded that “grouping of agencies has served a useful purpose in enabling economies of scale and providing a coordinated approach to the market” [para 2.1, p11], but that as the Initiative that matured the original rationale for grouping appears to be less relevant:

- a) What is your view on that conclusion – was the clustering of agencies an appropriate approach to the implementation of the policy?
- b) What benefits did the approach deliver?”

Answer:

a) & b)

DIMA is a member of the Cluster 3 group of agencies. Other members comprise AEC, IP Australia, AGAL, AUSLIG, IPS and the EOS network. The Cluster 3 arrangement continues to work effectively and has developed a management regime that ensures it works in a cohesive way. The Cluster’s management structure is underpinned by a memorandum of understanding (MOU) between each Cluster Agency. Under the MOU Cluster Agencies have established:

- a Cluster Management Committee which has overall responsibility for management and strategic directions of the Cluster 3 Agreement;
- a Contract Management Office which provides high level contract management support to the Cluster.

DIMA considers that the management framework established for Cluster 3 has enhanced the effectiveness of the Clustering arrangement.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(11) Output: Internal Products

Senator McKiernan asked:

“Agency Costs and Savings:

- a) What advice did you provide to DOFA/OASITO in relation to potential savings from outsourcing prior to actual outsourcing?
- b) Did your estimates of cost savings differ from OASITO’s? – If so, what was the quantum of the difference and how were the different figures arrived at?
- c) Were OASITO’s projections re cost savings accurate? If not, why not?
- d) What expenditure was incurred by you in preparation for outsourcing?
- e) Has outsourcing been cost effective for your agency?
- f) Was any liability for the re-acquisition of assets [guaranteed buy back] at the end of a contract factored into the savings estimates?

The Humphry Review also stated that there is broad agreement that the Initiative has delivered significant cost savings. However, the Audit report came to a different conclusion, arguing that savings estimates were unreliable and that significant elements of any savings calculation had been omitted. [ie. (1) the service potential of agency assets on hand at the end of the evaluation period and (2) the cost of guaranteeing ESP’s asset values]:

- g) Do you agree that there is broad agreement that the Initiative has delivered significant cost savings?”

Answer:

- a) DIMA along with other Commonwealth Government Agencies participated in the 1996/97 scoping study on possible outsourcing undertaken by DOFA. This study identified significant potential cost savings from IT outsourcing and led to the Commonwealth Government decision in 1997 that all budget-funded agencies be outsourced. Subsequently, using the OASITO cost base line template, DIMA, with OASITO assistance, developed a cost baseline based on the then current environment and anticipated growth. The baseline information did not attempt to quantify possible savings in advance of market testing.
- b) DIMA did not separately conduct an estimate of cost savings. The cost savings were derived by comparing the cost baseline referred to above with the ESP’s tendered prices.
- c) The initial savings estimates derived from the tender evaluation are an estimate at a point in time. They are based on assumptions about volumes of

resources to be consumed, and the nature of services delivered to Agency clients. Given the dynamic nature of IT and the changing business needs of Agencies it is misleading to attempt to make savings comparisons of this nature.

- d) The ANAO report provided information of the costs borne by OASITO in conducting the tender evaluation process. The ANAO estimates that Cluster 3 Agency costs were \$2.06m.
- e) DIMA considers that outsourcing has been cost effective and has provided a range of benefits:
 - the first 12 months under the outsourcing contract saw unprecedented enhancements and upgrades to IT infrastructure supporting cluster agencies' business needs eg major desktop rollouts, PABX and handset refresh, enhanced datanet capacity, and a significant upgrade of LAN infrastructure,
 - support for major new business initiatives and applications eg Kosovo and Safe Haven projects, unauthorised boat arrivals, internet rollout across most agencies and the rollout of ISCE in DIMA,
 - achieving a Y2K compliant environment within the government's timetable across all Cluster 3 agencies and lines of service;
 - there is far greater transparency about service standards than existed prior to outsourcing. CSC is contractually bound to meet specified service levels – in DIMA's case there are around 65 service levels. Prior to outsourcing performance standards were rarely specified;
 - there is far greater transparency and control over the cost of IT services. The Cluster 3 Agreement specifies the unit price of resources that CSC provides under the agreement. Agencies are able to more effectively budget for projects that use IT infrastructure. Expenditure and resource reports provide managers with better tools for managing their budget allocations.
- f) Yes as noted in the ANAO Audit Report the Cluster 3 evaluation included an adjustment to tenderer's prices for the estimated NBV of tenderer's assets at the end of the contract term. DIMA notes that the financial methodology adopted by OASITO for the IT outsourcing initiative is consistent with expert advice and applicable Government policy.
- g) Refer answer e) above.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(12) Output: Internal Products

Senator McKiernan asked:

“Service Delivery Standards and Service Provision:

- a) What service delivery standards were agreed with OASITO by agencies prior to finalisation of contracts? What negotiations/discussions took place between OASITO and agencies?
- b) Were service delivery standards written into the contracts?
- c) How are service delivery standards measured?
- d) How are service delivery standards reported on?
- e) Are service credits being imposed?”

Answer:

- a) Comprehensive Service Level Agreements were incorporated in the Cluster 3 Agreement. The service levels apply to all lines of service eg mainframe, desktop, midrange, voice and data networks and cross program services such as help desk and problem resolution. Extensive consultation between OASITO and Agencies occurred prior to their finalisation. Service levels have regard to industry standards and the specific requirements of individual agencies.
- b) Yes, the service delivery standards were written into contracts.
- c & d) The ESP reports against individual Service Levels on a monthly basis. There is extensive review and verification of performance reporting by the CMO and DIMA. Analysis of reports by the CMO and DIMA is used to develop strategies to improve performance.
- e) Service credits are being imposed in accordance with the provisions of the Cluster 3 Agreement.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(13) Output: Internal Products

Senator McKiernan asked:

“Service Delivery Standards and Service Provision:

- a) Have the contractual arrangement been able to provide adequately for effective levels of service – have you experienced higher levels of service or lower levels of service since your IT requirements have been outsourced?

If lower levels of service:

- b) What have been the major problems?
c) What has this cost your agency?
d) Are the costs of any downtime and poor service delivery factored into the savings figures?

If higher levels of service:

- e) What are the improvements in the service delivery? What level of savings have been made?”

Answer:

- a) The Cluster 3 Agreement has clearly-defined service levels and CSC's performance against these is monitored on a monthly basis. The Cluster and CSC have refined the originally contracted service levels and eliminated a small number of anomalies. Like most agencies DIMA did not have a comprehensive Service Level regime prior to outsourcing.
- b) CSC's performance in the areas of LAN support and related problem resolution has at times fallen below expectations and contractual requirements. Other areas are generally satisfactory.
- c) DIMA has not costed impacts of service shortfalls. This is difficult to do with accuracy and is not required under the contract. The contract provides a Service Credit approach that does not directly tie to the costs of “downtime”.
- d) No. The costs of any downtime and poor service delivery are not factored into the savings figures. Tenderers bid prices had regard for the service level standards to be met under the contract.
- e) As noted in the report of the ANAO performance audit there have been significant improvements in service delivery. These include:
- Ready access to additional mainframe resource.
 - Up to date desktop infrastructure
 - Up to date voice infrastructure
 - Single point of contact for help desk services

- High level Responsiveness to unanticipated business demands (eg Safe Havens, Detention Facilities)

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(14) Output: Internal Products

Senator McKiernan asked:

“Service Delivery Standards and Service Provision:

- a) Has your agency been required to request services which are outside those provided for under the contract?
- b) Please advise of any ‘extra contract’ services required and the costs of the provision of those services.”

Answer:

- a) There is flexibility in the Contract to obtain services outside of those explicitly defined in the Statement of Work. This work is normally undertaken as ‘project work’.
- b) The project work undertaken is normally designed to implement a new business application or support a more efficient and cost effective business process. Project service expenditure to date has been:
 - Year 1: \$2.6m
 - Year 2: \$2.2m
 - Year 3: \$0.9m(to Dec 00)

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(15) Output: Internal Products

Senator McKiernan asked:

“Service Delivery Standards and Service Provision:

- a) Have agency operations been constrained because it is unable to provide a service because it has not been specified under the contract?
- b) Would this be because there are either no or limited funds available for extra contract service provision?”

Answer:

- a & b) There is flexibility in the contract to obtain services outside those explicitly defined in the Statement of Work. Expenditure figures are shown in the answer to the question 14.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(16) Output: Internal Products

Senator McKiernan asked:

“Service Delivery Standards and Service Provision:

- a) What outages did you experience during the contract period?
- b) What service credits have been imposed as a result of outages?”

Answer:

- a) As you would expect in a complex infrastructure environment outages do occur from time to time. The Service Levels require the ESP to measure and report in a comprehensive manner for both outages and problem resolution. Service credits are imposed where shortfalls occur.
- b) The following service credits have been imposed for DIMA:

	Amount
Year 1	\$1,242,921
Year 2	\$729,183
Year 3 (to Dec 2000)	\$495,088

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(17) Output: Internal Products

Senator McKiernan asked:

“Service Delivery Standards and Service Provision:

Employment impacts

- a) Has the ESP been able to ensure continuity of contracted staff servicing your agency?
- c) Is there any indication that the changes to the taxation system, which deems contractors/self employed persons to be employees and bound by PAYE requirements, to have impacted on the continuity of service by people employed by ESPs or by sole contractors?”

Answer:

- a) DIMA considers that the ESPs efforts in ensuring continuity of staffing on the Cluster account are on par with other IT outsourcing arrangements in the Canberra environment. World wide shortages of skilled IT professionals in the broader IT industry combined with the growth of IT outsourcing in Canberra have placed considerable pressure on ESPs to retain staff.
- b) DIMA is unable to assess whether the changes to the taxation system have impacted on the continuity of service by people employed by ESPs or by sole contractors.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(18) Output: Internal Products

Senator McKiernan asked:

“Privacy Matters:

- a) Were privacy matters a significant issue for you?
- b) What consideration was given to privacy matters:
 - i) in the request for tender?
 - ii) in the contract?
- c) What were the cost implications of your privacy requirements?
- d) Were you confident that the ESP had a commitment to and could guarantee the appropriate privacy protection’s?”

Answer:

- a) Yes, privacy is a significant issue for DIMA.
- b) Privacy provisions are included in the Cluster 3 Agreement. The provisions are set out below:

“Clause 23.1 CSC must:

- *comply with the provisions of the Privacy Act 1988 (Cth) as if it were included in the definition of ‘agency’ under that Act; and*
- *ensure that each Approved Subcontractor complies with the provisions of the Privacy Act 1988 (Cth) as if it were included in the definition of ‘agency’ under that Act.*

Clause 23.2 Specific obligations

Without limiting the generality of clause 23.1, CSC must:

- *only use Personal Information held in connection with this Agreement for the purposes of fulfilling its obligations under this Agreement;*
- *not disclose Personal Information to any third party without the Cluster Delegate’s prior written consent;*
- *comply with:*
 - any directions made by the Privacy Commissioner;*
 - the privacy procedures set out in Schedule 7 (Compliance Procedures); and*
 - any other reasonable direction given by the Cluster; and*
- *ensure that CSC Personnel, the Approved Subcontractors and their*

employees and agents:

- comply with CSC's obligations under this clause; and*
- execute and provide to the Cluster a Deed of Undertaking in Relation to Personal Information in the form provided in Schedule 15."*

These provisions were put in place following consultation with the Australian Privacy Commissioner. The Defence Signals Directorate was also consulted to ensure that the Commonwealth IT Security requirements were effectively addressed in the contractual framework.

- c) Cost implications of privacy requirements were not explicitly identified.
- d) The ESPs Commitment to privacy was assessed in tender evaluation process. A representative from DSD assisted in the tender evaluation process. The Cluster has approved an audit of the ESPs compliance with the Privacy obligations in the contract as part of its 2000-2001 Audit Plan.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(19) Output: Internal Products

Senator McKiernan asked:

“Intellectual Property Matters:

- a) Were intellectual property matters an issue for you?
- b) Was this significant?
- c) What consideration was given to IP matters:
 - i) in the request for tender
 - ii) in the contract?
- d) Is it possible to value the IP component of your IT requirements?”

Answer

- a & b) Yes, intellectual property matters are an issue for DIMA and are addressed in the Contract.
- c) Intellectual property was included in the RFT process – the successful tenderer complied with the IP requirements which were incorporated in the Cluster 3 Agreement. The specific provisions are set out below:

“Clause 24.1 Ownership of pre-existing IPR

This Agreement does not assign any IPR existing as at the date of this Agreement. Neither party may assert ownership of all or part of the other party’s pre-existing IPR.

Clause 24.2 Licence of Cluster Member Material

From the date of this Agreement for the Term, the Cluster grants to CSC:

- *a revocable, royalty free, non-exclusive licence to use, reproduce, maintain, support and Modify the Cluster Member Material in Australia for the sole purpose of providing the Services; and*
- *the right to grant a sub-licence to Approved Subcontractors on the same terms for the sole purpose of performing the Services.*

Clause 24.3 Modifications to Cluster Member Material

If CSC or any person on behalf of CSC Modifies the Cluster Member Material, then CSC transfers all title to and assigns all IPR in the Modification and all Material created in designing and making the Modification to the Cluster. CSC must do all things necessary to confirm that the ownership of that

Modification and Material and those Intellectual Property Rights passes to the Cluster on the date of creation of the Modification and the Material.

Clause 24.4 End of licence

*The licence granted by the Cluster to CSC under **clause 24.2** will terminate:*

- in respect of a particular item of the Cluster Member Material, if that item ceases to be used in performance of the Services, and CSC must promptly comply with **clause 22** (Returning Material, Data and Information) in respect of that item; and*
- in total, on the Termination Date, unless otherwise specified in or in accordance with **Schedule 10** (Disengagement).*

Clause 24.5 New Material

*CSC transfers all title to and assigns all IPR in Material created by CSC (or an Approved Subcontractor) in the course of supplying the Services ('**Assigned Material**'), except for Material that CSC (or any Approved Subcontractor) creates by Modifying existing Material owned by CSC (or any Approved Subcontractor). CSC must do all things necessary to confirm that ownership of the Assigned Material and those new Intellectual Property Rights passes to the Cluster on the date of creation of the Assigned Material.*

Clause 24.6 Protection of the Cluster's rights

CSC will not at any time do anything or cause anything to be done which would prejudice the Cluster's right, title and interest in any of the Cluster's IPR.

Clause 24.7 Protection of CSC's rights

The Cluster will not at any time do anything or cause anything to be done which would prejudice CSC's ownership or any licence of CSC Material or CSC's IPR.

Clause 24.8 Escrow

To enable the Cluster to maintain and Modify CSC Material that is Software if CSC becomes unable or unwilling to support that Software, CSC must, if required by the Cluster:

- arrange for itself, the Cluster and an escrow agent approved by the Cluster to enter into an escrow agreement substantially in the form set out in **Schedule 14** under which a copy of the current source code of that Software and associated documentation will be held in escrow; or*
- arrange for the Cluster to become a party to an existing escrow arrangement where there is an escrow arrangement already in place covering that Software which the Cluster regards as a satisfactory arrangement.*

*The cost of each escrow arrangement (or, if the Cluster becomes a party to an existing arrangement in accordance with **paragraph (b)**, any additional costs caused by the Cluster becoming a party) will be paid by the Cluster. CSC must consult with, and comply with the reasonable directions of, the Cluster in any negotiations with the escrow agent arising under this clause."*

- d) No, it is not possible to value the IP component of the IT requirements.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(20) Output: Internal Products

Senator McKiernan asked:

“Audit Report:

- a) The Audit Report contained a Whole of Government response to the report – have you any comment on that response and did it accurately reflect your own agency’s views on all the findings and recommendations?
- b) If not, where did your views differ from the whole of government response?”

Answer:

- a & b) The comments on each of the ANAO recommendations in the whole of government response properly reflected DIMA’s views.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(21) Output: Internal Products

Senator McKiernan asked:

“Humphry Review:

- a) What is your reaction to the findings of the Humphry review?
- b) Did your agency have input into the Humphry review?
- c) Was that input written or oral – did you meet with Mr Humphry?
- d) Were meeting notes or minutes taken or any documentation at all developed out of these meetings?
- e) Did the Secretariat discuss any meeting notes with you – distribute any meeting notes for your comments?
- f) Would it surprise you to know that there is no documentation standing behind the findings and recommendations of the Humphry review?”

Answer:

- a) The Humphry Review builds on the experience of the Cluster and other outsourced agencies. The findings will assist DIMA and other Cluster members in dealing with a number of significant issues facing the Cluster. In particular, in the context of decisions about whether to extend the current 5-year contract, the Cluster will need to determine:
 - The appropriate composition of the Cluster;
 - The appropriate model of outsourcing;
 - whether to retain CSC for some or all of the services
 - what form of benchmarking and/or market testing should be conducted
- b) Yes our agency did have input into the Humphry review.
- c) Mr Humphry met the DIMA Secretary and Chief Information Officer. A member of the Review secretariat met with Cluster Management Committee and the Cluster 3 CMO.
- d) & e) DIMA was not supplied with any reports or minutes of meetings. Accordingly DIMA is not able to comment.
- f) This has now been widely reported and is a matter for Mr Humphry.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(22) Output: Internal Products

Senator McKiernan asked:

Will your agency continue to outsource at the conclusion of the present contract?

Answer:

DIMA is half way through a five year contract with a further 2 2-year extension options. Future decisions on outsourcing will need to take account of the issues identified in the Humphry review. These include:

- The appropriate **composition of the Cluster** – the Humphry review found that while grouping of agencies may have served a useful purpose in enabling economies of scale decisions on the future composition of Clusters should be based on the existence of clear synergistic benefits from a particular grouping of agencies. There are synergies within the current Cluster 3 arrangement, although not across the board, for example:
 - DIMA, AEC and IP Aus use mainframe services,
 - all agencies except IP Aus use desktop and LAN services.

Ultimately each agency will need to address the matter of remaining in the Cluster from its own business perspectives.

- The appropriate **model of outsourcing** – the Humphry review noted research suggesting the full outsourcing model currently used in Cluster 3 is not the favoured model based on international experience and that other models that need to be considered include:
 - selective outsourcing – the most common form of outsourcing where deals are established for selected functions with best of breed service providers;
 - insourcing – this model represents the creation of a separate internal information technology unit (s);
 - a combination of the above.

It should be noted that the current Cluster 3 arrangement provides a discretion for Agencies to depart the Cluster or remove particular components of service from the scope of the Cluster Agreement.

- Having regard to the above models, whether to **retain CSC for some or all of the services** – this decision will require consideration of a number of issues including:
 - an understanding of the service levels, pricing and scope of work that CSC is prepared to commit to in years 6 and 7;
 - the outcome of benchmarking and/or market testing – eg Clustering, the type of outsourcing model.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(23) Output: Internal Products

Senator McKiernan asked:

- a) What implications will it have for your agency if you decide not to continue with the present contract provider?
- b) What are the financial implications?
- c) What are the hardware and software implications?

Answer:

- a) Note the response to question 22.
- c) Not assessed at this stage.
- c) Not assessed at this stage.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(24) Output: Internal Products

Senator McKiernan asked:

The initial contract for Cluster 3 was valued at around \$160 million over 5 years by OASITO in its 1997-98 annual report [p9]:

- a) What proportion of that contract was your agency responsible for – how much was it going to cost you for your IT services?
- b) Is this sum still an accurate assessment of the value of the contract and estimated savings?
- c) Was there potential for savings only as a group or were savings to be found on an individual basis?
- d) Were savings made on a group basis?
- e) Did your own agency make savings?
- f) What payments have been made by you to date?
- g) What payments have been made by you to CSC Australia which are within the contract?
- h) What payments have been made by you for services not covered by the initial contract?
- i) What is your obligation at the conclusion of the contract to buy back hardware?
- j) What software exposure will you have – ie. What is the situation with software licensing and product development provided during the course of the contract?

Answer:

- a) The DIMA proportion is approximately 45% of \$160m (over 5 years) ie expenditure of \$70m (projection as at March 1998).
- b) There has been significant growth in DIMA's IT resource usage and related expenditure on IT services.

eg.	Year 1 DIMA expenditure	\$25.0m
	Year 2 DIMA expenditure	\$27.8m

-
-
- c) If extrapolated over 5 years, expenditure would be approx \$132m. With the exception of IP Australia all agencies were expected to achieve savings.
- d&e) As reported in the ANAO Performance Audit all agencies with the exception of IP Australia were able to demonstrate a 'notional' savings based on unit rate comparison. However direct comparisons of projected and actual

savings are not appropriate given the dynamic nature of IT and rapidly changing business environment.

- f)

Year 1 expenditure	\$25.0m
Year 2 expenditure	\$27.8m
Year 3 to date (to Dec 00)	\$13.1m
- g) All the above payments are within the Contract.
- h) As noted in the response to question 14 b) DIMA has commissioned additional project work. To December 2000 there had been approximately \$5.7m of expenditure on projects. Examples of these projects include infrastructure support for new business initiatives such as the Safe Haven project, the student Internet project, on-shore processing of overseas workload and the introduction of remote access capability.
- i) Hardware that is for the exclusive use of the Cluster (ie not a mainframe) is optionally available to the Cluster at its net book value.
- j) The Contract requires CSC to make available to the Cluster or its agent at no cost all software required for the delivery of the services.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(25) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan asked:

In relation to the incident that resulted in a worker being threatened, attacked and then taken to hospital and the union notifying the Department of the incident:

- a) What if any investigations have been undertaken by the Department?
- b) Have any Departmental staff interviewed the workers involved with the unfair dismissal?
- c) What if any protection do these workers have since being threatened by their employer?
- d) What recourse is available to these workers under Immigration law to seek their rights?
- e) If not, is there any recourse regarding Australian law; loss of income; assault; injury; are there any penalties compensation that this particular employer has to pay these workers?

Answer:

- a) The department has worked closely with the CFMEU (NSW) in investigating concerns relating to the employment of 4 foreign workers at a Chatswood building site. On 5 February the CFMEU (NSW) contacted the Department following a complaint to the union over the work practices of the employer and sub-contractors working on this site. The information provided related to:
 - an apparent wage dispute between the workers and the employer – this was later clarified as being a concern over workers compensation coverage stemming from the manner in which overtime payments were made;
 - an alleged assault by the employer and/or sub-contractor on one of the workers; and
 - the possible employment of illegal workers at the site.

The Department followed up these matters in consultation with the CFMEU. The CFMEU advised the Department that the dispute concerning overtime payments and workers compensation had been resolved to their satisfaction. The CFMEU also advised that they had assisted the worker who was allegedly assaulted to report the incident to the police for further appropriate action. The Department is still

conducting checks against the list provided of workers at the site to determine if any persons were unlawful or had visas without appropriate work rights.

The Union and the workers have been invited to contact the Department to discuss this matter and their concerns, including visa status of the workers. These offers were not taken up.

- b) An offer was made on 9 February through the union for the workers to contact the Department to discuss their circumstances. It was subsequently determined that the wage issue related to concerns over overtime payment and workers compensation coverage and not unfair dismissal. The union advised that the matter had been resolved to their satisfaction. It was therefore not considered necessary to pursue interviewing the workers.
- c) Temporary overseas workers who may be threatened or otherwise mistreated by their employer have the same courses of action available as Australian workers, namely:
 - . to seek redress under the relevant industrial relation laws;
 - . take action against the employer in the Courts; or
 - . in cases of alleged assault or criminal intimidation, to report the matter to the police.

In this case the matter was reported to the police. An invitation has been made for the workers to contact departmental officers.

- d) These workers have recourse through industrial relations laws and actions in the courts to pursue their rights. Under Migration legislation business sponsorships can be cancelled where an employer fails to comply with their signed undertakings, including that they will employ workers in accordance with Australian wages and conditions of employment.
- e) Recourse for alleged mistreatment and exploitation of foreign workers is covered under relevant industrial relations, OH&S and criminal laws.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(26) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan asked:

- a) What measures has the Department undertaken to do regarding this employer who is well known to the police regarding his underground connections?
- b) What protection do these workers have against the thuggery tactics of this employer?
- c) Has the Department interviewed the employer involved in this case?

Answer:

- a) The Department is currently examining and monitoring the sponsorship of this employer to determine if any breaches of the sponsorship have occurred. If an Australian employer has underground connections, that is a matter for the police.
- b) A police report was lodged in relation to the alleged assault on one of the workers. This is now a matter for the police to investigate. The Department offered through the union to meet these workers to discuss their concerns. This offer still stands.
- c) Departmental officers have not interviewed the employer in relation to concerns raised by the CFMEU. The union advised the Department that the matter in dispute had been satisfactorily resolved, and police authorities were handling the matter of the alleged assault. We are currently examining and closely monitoring the sponsorship. Depending on the outcome of this action, the sponsor may be interviewed.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(27) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan asked:

- a) Has the Department liaised with the police regarding the reports of the workers?
- b) Has the Department contacted the union representative regarding the incidence of this case?
- c) If not, does the Department intend on contacting the union to consult on the issues of this case?
- d) Does the Department consider it useful to liaise with the union regarding this case?

Answer:

- a) Yes. The Department has contacted the police to confirm details of this incident. The police have advised that their investigations into this matter have not been finalised.
- b) The Department has maintained close contact with the union (through Mr Andrew Ferguson) since this matter was first brought to our attention on 5 February. Information provided to the Department has been investigated. An offer was made to the union to meet senior officers of the Department to discuss this matter.
- c) Not applicable.
- d) The Department works closely with community and union representatives on a range of matters. In this instance, our office in The Rocks has worked closely with the CFMEU and has acted upon the information provided.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(28) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan asked:

- a) Will this employer be eligible to sponsor future workers?
- b) How will the Department ensure that this particular employer cannot continue to sponsor workers from off-shore under employer nomination?
- c) What penalty if any will the employer undergo by the Department?
- d) Has the Department had similar cases in the past?
- e) If so, how many cases have been known to the Department?

Answer:

- a) Any applications for sponsorship will be considered under the circumstances at the time the application is made and in accordance with legal requirements. Departmental officers must take into account the past record of sponsorship applicants and whether they have complied with their undertakings in the past. Under Migration legislation, adverse information relating to an employer may be grounds to refuse a business sponsorship.
- b) Departmental systems record an employer's complete history of applications with the Department. This information is available to decision-makers when considering any subsequent business sponsorship applications.
- c) As for a).
- d) The Department has had previous cases claiming that employers exploit overseas workers in Australia or that they are not meeting their obligations.
- e) The Department receives allegations of this type from time to time and undertakes appropriate investigations. Specific numbers are not available, but would not be large as only around 1% of employer sponsorships in the temporary business class relate to non-managerial positions in the construction/building, agriculture or hospitality sectors.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(29) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan asked:

- a) What measures have been undertaken in the past?
- b) What sanctions are in place to counter this behaviour by bad employers who have been known to have underground connections?

Answer:

- a) The Department undertakes regular monitoring of the 457 caseload to ensure compliance with Migration law. For example, in January and February this year, the Department sent out 88 monitoring survey forms to targeted employers, undertook 39 site visits, and cancelled four business sponsorships. Instances of alleged exploitation that are brought to the Department's attention are investigated, including referral of cases to relevant Federal and State agencies for their action. Sponsorships can be cancelled where sponsors are found to have breached their undertakings.
- b) Under Migration legislation, for approval as a business sponsor the Minister or delegate must be satisfied that nothing adverse is known to Immigration about the business background of the applicant, and that where relevant, the applicant has a satisfactory record of compliance with immigration laws. Adverse information can result in refusal or cancellation of a business sponsorship. Where relevant, such information is referred to appropriate agencies.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(30) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan asked:

- a) Does the Department consult or liaise with the Union and industry representatives to ensure they are informed of the developments or trends in the various industries?
- b) If not, will the Department consider the issue in the future?

Answer:

- a) The Department has regular and ongoing consultations with a range of agencies (including DEWRSB, DISR and State/Territory Governments), and Industry and Union representatives at both a national level and through our staff in Business Centres, to obtain information on emerging trends and concerns. The views of Industry and Unions have also been sought for the current review of the Temporary Residence Program.
- b) Not applicable.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(31) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan asked:

- a) How is the Department currently keeping informed as to what trends are happening in particular industries?
- b) Does the Department liaise with labour hire companies?
- c) If not, will it be considered in the future?

Answer:

- a) The Department has regular and ongoing consultations with a range of stakeholders including agencies (DEWRSB, DISR and State/Territory Governments) and Industry and Union representatives at both a national level and through our staff in Business Centres, to obtain information on emerging trends and concerns.
- b) Business Centres maintain ongoing contact with a range of stakeholders including businesses, recruitment companies, community groups and unions over immigration and visa matters.
- c) Not applicable.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(32) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan asked:

Has the Department considered imposing sanctions and/or fines to known employers who clearly abuse the good intentions of the employee in this particular instance (in Sydney) where the workers were threatened by the employer who had underground connections that were known to the police?

Answer:

Under Migration Legislation, provision exists to cancel business sponsorships of employers who have failed to honour signed undertakings in relation to overseas workers, and to refuse any future sponsorships to employers with an unsatisfactory sponsorship record. Penalties or sanctions exist in State and Commonwealth legislation for employers who do not comply with the relevant Australian laws, such as industrial relations, OH&S and taxation. The need for additional penalties under Migration legislation for Australian employers has not been established.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(33) Output 1.3: Enforcement of Immigration Law

Senator McKiernan asked:

ACM Staffing at Woomera:

In December 2000, the Minister stated that the manager of the Woomera IDC was not being sacked but rather temporarily relocated to other duties following the allegations of abuse in the centre. Last week, advertisements appeared for the position of manager of the Woomera IDC.

- a) Has Mr Meakins been officially relieved of his duties and no longer in the employ of ACM?
- b) If so, why?

Answer:

- a) Mr Meakins was initially transferred from Woomera Immigration Reception and Processing Centre (IRPC) to ACM Headquarters in Sydney. He was transferred to Sydney to assist ACM management with their internal investigation of the allegations of child abuse at Woomera.
- b) Mr Meakins was on contract to ACM, his contract has concluded and he is no longer in the employ of ACM.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(34) Output 1.3: Enforcement of Immigration Law

Senator McKiernan asked:

Additional advertisements in the South Australian Press recently appeared seeking a Health Services coordinator and a Support Services Manager.

- a) Are these positions new or have previous incumbents vacated them?
- b) If they are not new positions, why have the previous incumbents decided to leave and are they still in the employ of ACM?

Answer:

- a) The Health Services Coordinator position at the Woomera IRPC has been filled on a rotational basis. ACM is seeking to recruit a permanent staff member for this position.

The Support Services Manager is a new position. This position was created in order to bring support services functions together under one position at the Woomera Immigration Reception and Processing Centre

- b) The majority of nurses employed as Health Services Coordinator by ACM have been on leave from positions they hold at either private or public hospitals or other institutions. The current Health Services Coordinator is contracted until April 2001, following which she intends to return to Victoria where she will resume her employment at the Melbourne Custodial Centre, an ACM-run facility.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(35) Output 2.3: Australian Citizenship

Senator McKiernan asked:

Citizenship Drives:

- a) Since the citizenship drive associated with the 50th Anniversary of Australian citizenship in 1999, has there been a further campaign to encourage permanent residents to value and apply for citizenship eg As part of the Centenary of Federation celebrations?
- b) If any such campaigns have been administered, what was/is the Department's budget?
- c) If any such campaign has been administered has it provoked a positive response from the public in terms of increased uptake of citizenship?

Answer:

- a) The principal objective of the 50th Anniversary of Australian citizenship celebrations in 1999 was to raise awareness of the significance of Australian citizenship in the Australian community, rather than to encourage acquisition of Australian citizenship.

The Australian Citizenship Council in its report to Government in February 2000, titled *Australian Citizenship for a New Century*, recommended that the Commonwealth Government develop and implement an ongoing strategy to enhance community understanding of the role of Australian citizenship, particularly as a unifying concept, and to promote the acquisition of Australian citizenship by eligible persons. The Council also recommended that the Centenary of Federation, a time when Australians are reflecting on the civic values that unite us as a nation, provides a unique focal point for citizenship activities. The Government is expected to respond shortly to the Council's report.

- b) Not applicable. Refer to (a).
- c) Not applicable. Refer to (a).

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(36) Output 2.3: Australian Citizenship

Senator McKiernan asked:

Do the character checks against applicants for citizenship extend only to recorded convictions or does the check also encompass charges laid but not yet prosecuted?

Answer:

The Department undertakes character checks through an on-line check with CrimTrac. The results of the checks include charges laid but not yet prosecuted, for some jurisdictions. The relevant State/Territory legislation for each police jurisdiction dictates whether or not charges laid can be released to the Department through CrimTrac.

In addition applicants for grant of citizenship are asked to provide information in relation to character, including any outstanding proceedings against them, in questions 37 and 38 of the citizenship application form.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(37) Output 2.3: Australian Citizenship

Senator McKiernan asked:

What is the standard delay between the completion of character checks and the final decision to grant citizenship?

Answer:

Decisions on grant are made, in most cases, very close to the time the character checking information is received.

The meaning of the term “grant” is the approval of the application, the first step of the two step process to become an Australian citizen.

Conferral of citizenship by the Department or by the local council, which is the final step in the process, may take place either within a short time or some months after the grant.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(38) Output 2.3: Australian Citizenship

Senator McKiernan asked:

Does the Department employ measures to ensure decision makers are aware of any events/ activities involving the applicant which affect character, which occur between formal character check and the grant of citizenship?

Answer:

The Department does not conduct a further round of character checks between the decision to grant citizenship and conferral but may act on information received.

The Australian Citizenship Council has recommended that *The Australian Citizenship Act 1948* be amended to provide a power to revoke the grant of Australian citizenship between the decision to grant and conferral, if a person comes to the attention of the Department, prior to conferral, as no longer satisfying the requirements (including the requirement of good character) of section 13 of the Act.

Section 21 of the Act provides for deprivation of Australian citizenship in relation to a person convicted, after conferral of citizenship, of certain offences committed at any time before grant of citizenship.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(39) Output 2.3: Australian Citizenship

Senator McKiernan asked:

On what grounds, other than character will a decision to refuse citizenship be made?

Answer:

The other most common grounds for refusal of an application for grant of citizenship are failure to meet:

- The residential requirements (present in Australia for at least one year in the last two years and a total of two years in the last five years), and
- The English language requirement.

However, other possible grounds for refusal are if:

- The person is not a permanent resident,
- The person does not understand the nature of the citizenship application,
- The person does not have an adequate knowledge of the responsibilities and privileges of Australian citizenship,
- The person is not likely to reside or continue to reside in or to maintain a close and continuing association with Australia.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(40) Output 2.3: Australian Citizenship

Senator McKiernan asked:

What is the average processing time for citizenship applications?

Answer:

The published departmental service standard is that 90% of applications for grant of Australian citizenship are decided within 90 days of lodgement. For the 2000/2001 financial year to date, 94.8% of applications lodged have been decided within the 90-day period.

For the financial year to 31 January 2001, 74.6% were decided within 30 days and 32.9% were decided on the date of lodgement of the application.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(41) Output 2.3: Australian Citizenship

Senator McKiernan asked:

Are applicants advised of the average processing time upon lodgement?

Answer:

Departmental officers would normally advise clients of average processing times on lodgement.

If the application is lodged by mail the applicant is not advised of the average processing time directly. However, information on the average processing times is available from the Department's Internet site, from the recorded information on the citizenship telephone enquiry line (CTEL) and the CTEL operators.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(42) Refugee Review Tribunal

Senator McKiernan (L&C 130) asked for the number of boat cases that have been rejected by the RRT that have lodged applications for judicial review.

Answer:

In the year to date, 172 boat case decisions have been affirmed by the Refugee Review Tribunal (RRT) following hearing, resulting in 88 appeals to the Federal Court. In an additional 3 cases, it was found that the RRT had no jurisdiction resulting in 3 appeals to the Federal Court. In one case, the RRT set aside the Department's decision and the Minister has appealed this case to the Federal Court.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(43) Refugee Review Tribunal

Senator McKiernan (L&C 131) asked the Refugee Review Tribunal to undertake a comparative research to see whether there are any different trends arising from the different methods of hearings.

Answer:

It appears that the overall trend shows a higher occurrence of Set Aside decisions at video hearings than at in-person hearings both for boat cases and for the Tribunal's caseload generally. There are some variations to this between case countries, notably Iraq and Burma.

In the year to end February 2001:

For the Boat Caseload:

In Person Hearings (24% of caseload – 71 cases): Affirmed 72% (51 cases); Set
Side 28% (20 cases)

Video Hearings (76% of caseload - 225 cases): Affirmed 54% (122 cases);
Set Aside 46% (103 cases)

For the General Caseload (includes Boat Caseload):

In Person Hearings (80% of caseload – 1,470 cases): Affirmed 85% (1,245
cases);
Set Aside 14% (210
cases)

Video Hearings (20% of caseload - 362 cases): Affirmed 64% (230 cases);
Set Aside 36% (130 cases)

Of the statistically significant countries for the same period:

For the Boat Caseload:

Iran (105 cases):

In Person Hearings (37 cases): Affirmed 89% (33 cases)
Set Aside 11% (4 cases)

Video Hearings (68 cases): Affirmed 78% (53 cases)
Set Aside 22% (15 cases)

Iraq (89 cases):

In Person Hearings (8 cases): Affirmed 25% (2 cases)
Set Aside 75% (6 cases)

Video Hearings (81 cases): Affirmed 33% (27 cases)
Set Aside 67% (54 cases)

Afghanistan (46 cases):

In Person Hearings (10 cases): Affirmed 70% (7 cases)
Set Aside 30% (3 cases)

Video Hearings (36 cases): Affirmed 33% (12 cases)
Set Aside 67% (24 cases)

For the General Caseload (includes Boat Caseload):

Iran (135 cases):

In Person Hearings (57 cases): Affirmed 79% (45 cases)
Set Aside 21% (12 cases)

Video Hearings (78 cases): Affirmed 81% (63 cases)
Set Aside 19% (15 cases)

Iraq (102 cases):

In Person Hearings (13 cases): Affirmed 15% (2 cases)
Set Aside 85% (11 cases)

Video Hearings (89 cases): Affirmed 30% (27 cases)
Set Aside 70% (62 cases)

Afghanistan (61 cases):

In Person Hearings (22 cases): Affirmed 64% (14 cases)
Set Aside 37% (8 cases)

Video Hearings (39 cases): Affirmed 33% (13 cases)
Set Aside 67% (26 cases)

Indonesia (289 cases):

In Person Hearings (266 cases): Affirmed 99% (265 cases)

Set Aside <1% (1 case)

Video Hearings (23 cases): Affirmed 91% (21 cases)
Set Aside 8% (2 cases)

Sri Lanka (213 cases):

In Person Hearings (202 cases): Affirmed 81% (164 cases)
Set Aside 19% (38 cases)

Video Hearings (11 cases): Affirmed 64% (7 cases)
Set Aside 36% (4 cases)

India (118 cases):

In Person Hearings (103 cases): Affirmed 97% (100 cases)
Set Aside 3% (3 cases)

Video Hearings (15 cases): Affirmed 93% (14 cases)
Set Aside 7% (1 case)

Burma (106 cases):

In Person Hearings (96 cases): Affirmed 52% (50 cases)
Set Aside 48% (46 cases)

Video Hearings (10 cases): Affirmed 60% (6 cases)
Set Aside 40% (4 cases)

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(44) Output 1.3: Enforcement of Immigration Law

Senator Harradine (L&C 132) asked, "Do you have the figures providing an overall cost, a cost per centre and a cost per detainee per year?"

Answer:

The attached table provides the direct costs for detention, for each centre and on a cost per day basis. The costs include payments made under the contract for managing the detention centres as well as departmental expenses such as those for employees, travel, motor vehicles, telephones, interpreting costs, depreciation and other administrative costs. The costs shown do not include capital costs or those for detainees located in state correctional centres.

DETENTION CENTRE COSTS AND DETAINEE DAYS 1999-00			
	Total Expenses	Total detainee days	Cost per day
Immigration Detention Centres			
Villawood	\$9,141,760	113,528	\$80.52
Maribyrnong	\$4,605,915	27,309	\$168.66
Perth	\$2,850,248	11,258	\$253.18
Sub total	\$16,597,923	152,095	\$109.13
Immigration Reception and Processing Centres			
Port Hedland	\$18,531,842	268,147	\$69.11
Curtin	\$28,205,096	260,168	\$108.41
Woomera	\$31,929,333	248,800	\$128.33
Sub total	\$78,666,271	777,115	\$101.23
Central Office direct costs	\$1,386,507		
Total	\$96,650,701	929,210	\$104.01

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(45) Output 1.3: Enforcement of Immigration Law

Senator Harradine (L&C 132) asked, "Can the Committee be provided with information on how they (ACM) have gone and whether they have made a profit out of the contract with you?"

Answer:

The contract with Australasian Correctional Services (ACS) sets the price the Commonwealth will pay for provision of detention services. This arrangement was entered into on the basis of best value for money for the Commonwealth in accordance with contracting guidelines. ACS is a commercial entity and it would reasonably be expected that a commercial rate of return would be generated under the contractual arrangements.

The Detention Services Contract with ACS provides for a sharing of cost savings that have been achieved through operational efficiencies. This also effectively caps profits generated by ACS to a commercial return and therefore limits the Commonwealth's financial exposure under the contract.

The Commonwealth is currently engaged in litigation with one of the unsuccessful tenderers for the initial contract. DIMA has been advised that disclosure of commercial contractual information would prejudice the legal position of the Commonwealth.

Australasian Correctional Management (ACM) is required to provide financial statements to the Australian Securities and Investments Commission (ASIC) within four months of the end of their financial year. These statements would include all their activities, not just those related to immigration detention operations. This information is available on request from ASIC for a fee.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(46) Output 1.3: Enforcement of Immigration Law

Senator Harradine (L&C 133-134) asked for the Hansard reference to the earlier exchange in which the analysis of the comparison between the cost to the taxpayer of the detention prior to privatisation as against after privatisation was discussed and, in addition, provide any comparative work that has been done.

Answer:

The reference to the earlier exchange is contained in the Senate Legal and Constitutional Legislation Committee Additional Estimates *Hansard* of 9 February 1999 under Program 2 Border Control and Compliance, Sub-Program 2.2 – Detention. A print out of the relevant pages is attached.

The Department has not subsequently done any comparative work on pre and post outsourcing of detention services. As outlined in the response provided during Estimates hearings on 9 February 1999, the services provided by ACM are fundamentally different in scope and size to those previously provided by APS.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(47) Output 1.3: Enforcement of Immigration Law

Senator Cooney (L&C 134) asked "... We were told that it did not have a management link, that it had an ownership link and that it was all done in Australia... (L&C 135) How do you know that? ... Have you got those evaluation documents?"

Answer:

At the Senate Estimates hearing on 20 February 2001, Ms Bedlington informed the Committee that Wackenhut did not have a direct responsibility management link, but where they developed "... products and procedures that might be useful, for example, particular management techniques and so on, there is an informal sharing of best practice across Wackenhut and all its subsidiaries. They are not subject to direction from the parent company."

Attached is an excerpt from the evaluation documentation, the Work in Progress Report to the Evaluation Committee. This summarises the ownership structure of the Wackenhut group with reference to the extensive international experience of detention available to members of the group.

Also attached is an excerpt from the Tender Evaluation documents, which mentions the adoption by the Wackenhut group of a suicide prevention model developed by ACS as a best practice/benchmark program.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(48) Output 1.3: Enforcement of Immigration Law

Senator Cooney (L&C 138) asked for details of the training given to ACM staff.

Answer:

The following training courses outlined below are provided to ACM staff involved in the delivery of detention services.

A: Pre Service Training

All new Detention Officer recruits receive 240 hours of orientation and pre-service training covering the following topics:

- Cultural Awareness
- Human Rights
- Onshore Protection
- Refugee Council of Australia presentation
- Sexual Abuse Management
- Suicide awareness
- Torture & Trauma Awareness
- Course Administration
- Commonwealth Privacy Legislation
- Communication
- Control & Restraint
- Defence Tactics
- DIMA Detention Policy
- EEO, Harassment
- Escort Procedures
- Explanation of Traineeship
- Fire Safety Awareness
- First Aid
- Health & Hygiene
- HRAT (High Risk Assessment Team)
- Infection Control
- Managing Emergencies
- Occupational Health & Safety
- Detainee Management
- Ombudsman
- Preservation of a Crime Scene
- Radio Telephone Procedure
- Safety & Security
- Use of Batons
- Use of Handcuffs

Where possible tutors are sourced from specialist organisations in the field covered by a particular topic. (eg the Human Rights topic is presented by a representative from the Human Rights and Equal Opportunity Commission and the Torture and Trauma topic is presented by a representative from the organisation Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS)). ACM employees are generally engaged to deliver safety and security components of the program.

B: Certificate III Correctional Practise

ACM is registered as a Registered Training Organisation with the Australian National Training Authority for the purposes of delivering this certificate program. This certificate course is comprised of 19 competencies, four of which are completed in the first six weeks of Pre Service Training detailed above. The remaining 15 competencies are completed on the job over a 15-month period. Certificate III is a developmental tool used in conjunction with on the job training.

Core Competencies

- CSC 010 Develop and maintain effective workplace practice and standards
- CSC 020 Contribute to the achievement of organisational goals
- CSC 030 Contribute to achieving the goals of the justice system
- CSC 040 Communicate effectively
- CSC 050 Manage direct contact (interview) to gather and provide information
- CSC 060 Prepare and present reports
- CSC 080 Contribute to supervision, surveillance and monitoring
- CSC 090 Contribute to the health, safety and welfare of individuals
- CSC 110 Maintain safety and security
- CSC 130 Contain incidents which jeopardise safety and security
- CSC 150 Use and organise the maintenance of workplace equipment
- PSX 127/20 Implement effective communication techniques

Specialist Competencies

- CSC 120 Maintain security system
- CSC 140 Conduct searches
- CSC 180 Promote cooperative behaviour

Optional Competencies (minimum 3 of these)

- CSC 070 Process offender/inmate/detainee induction and discharge
- CSC 100 Support offenders/detainees to maintain positive relationships
- CSC 210 Report to a formal inquiry
- CSC 220 Provision of support to detainees from multicultural communities
- BSTRG1.2 Conduct training

C: Special Needs Training

The following are examples of Special Needs Training carried out in the last quarter of 2000:

- Training in Mandatory Reporting of Child Abuse was conducted by the South Australian Department of Family and Youth Services for key personnel including:
 - Health Service Coordinator
 - Centre Manager
 - Human Resource Manager
 - Operations Manager
- High Risk Assessment Team (HRAT) - the recognition and management of at risk detainees)

D: Induction Program

ACM staff complete 8 hours of training as part of the Induction Program when re-assigned to a new detention facility.

This training may involve on the job training and off the job training. It could include shadowing and or mentoring while performing the tasks required of the position.

Key areas targeted are as follows:

- Centre Emergency Procedures
- Detainee Profile Issue
- Fire Awareness Training
- Occupational Health & Safety
- Roles and Responsibilities of DIMA
- Multicultural Understanding

E: Refresher Training

All staff within ACM receive 40 hours mandatory refresher training, off-line, each year.

F: Bridging Training

This course has been developed to assist Correctional Officers to achieve a smooth transition into the field of Detention Services. (24 hours direct tuition, 6 hours self paced pack, 2 hours briefing and 8 hours on site orientation)

Key areas targeted are as follows:

- Legislative Overview
- Multicultural Awareness
- Role of a Detention Officer
- Code of Conduct
- Immigration Detention Standards
- Onshore Protection & Privacy Act
- Cross Cultural Communication
- Escort
- Searches
- Language Services

G: Independent Assessment of Training

In November 2000 Australasian Correctional Management underwent an independent evaluation of its training programs. This evaluation was conducted by East Gippsland TAFE. Final recommendations have provided ACM with directions in which they can further develop their training programs for all staff.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(49) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 142) asked:

Going back briefly to the incident where a complaint has been made by the police, you indicated that the officer has been suspended.

- a) Is he suspended on salary or without salary?
- b) Do you know whether he was a locally-engaged employee of ACM?
- c) Is ACM paying or contributing in any way to the officer's legal costs?

Answer:

- a) The officer in question was suspended on full pay pending the outcome of an ACM investigation. The officer's employment was subsequently terminated, effective 2 March 2001.
- b) The officer was a locally-engaged staff member of ACM.
- c) We are advised that ACM is not paying any of the officer's legal costs.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(50) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 143) asked, "In regard to the earlier incident last year in Woomera, have any charges been laid?"

Answer:

8-9 June 2000 Breakout

Investigations were conducted by ACM and the Australian Federal Police

- no charges were laid, due to insufficient evidence linking individual detainees to specific offences.

26 August 2000-Riots

Investigations were conducted by the Australian Federal Police.

- 26 detainees were charged.
- Six of these cases did not proceed due to insufficient evidence.

Charges against the remaining 20 are detailed in the following matrix.

CHARGES STILL PROCEEDING

POA-Public Order Act 1971 CA-Crimes Act 1914

CURRENTLY IN DETENTION

CHARGE	CURRENT STATUS
Charged under POA, 1 count of throwing rocks, section 10(1)(d). On separate information CA property damage, Section 29.	Trial set for 5/4/01.
Charged under POA, 1 count throwing rocks, Section 10 (1)(d). NIC 22/9/00.	Case adjourned until 15/03/01.

GRANTED TPV

Charged under S29 of Crimes Act 1914 – damage to Commonwealth property (perimeter fence).	To re-appear 24/4/01.
Charged under POA, 2 counts throwing rocks and assault. Sections 10 (1)(d) and 6(2) respectively. Separate information, property damage Section 29 CA.	Two day trial on 16 and 20/3/01.

CHARGED BUT CASES FINALISED

Charged under POA S 10(1) (d) of the Public Order (Protection of Persons & Property) Act 1971-threw numerous rocks in a manner likely to cause injury to persons or property.	Defendant acquitted 7/3/01.
Charged under POA, 1 count throwing rocks, section 10(1) (d).	Case withdrawn.
Charged under POA S 10(1) (d) of the Public Order (Protection of Persons & Property) Act 1971 – threw numerous rocks in a manner likely to cause injury to persons or property.	Charges dismissed 4/1/01.
Charged under POA, 2 counts throwing rocks and 1 count assault. Sections 10(1)(d) and 6(2) respectively.	Case withdrawn 5/1/01.
Charged under POA 2 counts assault and throwing rocks. Section 6(2) and 10(1)(d) respectively.	Charges withdrawn 22/12/00.
Charged under POA, 4 counts under section 10(1)(d). Also charged with 4 counts under POA section 6(2) and 1 count for property damage by fire as per section 29 CA. The prosecution does not consent to summary determination.	Summary charges withdrawn. Defendant excused 11/1/01.
Charged under POA S6 (2) of the Public Order (Protection of Persons & Property) Act 1971 – physical violence to another persons.	Charges dropped 17/1/01.

Charged under POA, 2 counts, property damage, throwing bricks and throwing rocks, sections 6(2) and 10(1)(d) respectively	Charges dropped 16/1/01.
Charged under POA, 2 counts throwing rocks and assault, section 10(1)(d) and 6(2) respectively. Separate on information, property damage Section 29 CA.	Charges withdrawn.
Charged under POA, 1 count assault (Using a pole to cause injury). Section 6(2).	Charges dismissed 16/1/01.
Charged under POA 3 counts property damage, throw bricks and throw rocks. Section 6(2), 10(1)(d) and 10(1)(d) respectively. On separate information, 2 counts of property damage by fire as per section 29 CA. The prosecution does not consent to summary determination.	Charges withdrawn 31/1/01.
Charged under POA 7 counts. Property damage (x5) and throwing rocks (x2). Sections 6(2) and 10(1)(d) respectively. On separate information, property damage by fire as per section 29 CA. The prosecution does not consent to summary determination.	Charges withdrawn 1/2/01.
Charged under POA 1 count on information property damage, section 29 CA.	Charges withdrawn 6/2/01.
Charged with 2 counts under POA S 6(2) of the Public Order (Protection of Persons & Property) Act 1971 – physical violence to another person, throwing rocks in a manner likely to cause injury to person or property. Also 2 counts under S29 of the crimes Act 1914 – damage to Commonwealth property – perimeter fence.	Charges withdrawn 13/2/01.
Charged under POA 2 counts property damage and throwing rocks. Section 10(1)(d). This defendant is also to be charged with 2 counts under section 29 of Crimes Act. The prosecution will not consent to summary determination.	Charges dropped 8/2/01.
Charged under CA property damage 1 count section 29. NIC 22/9/00.	No further action-case finalised.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(51) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 144) asked for information on the charges, if any, coming out of (1) the Port Hedland incident and also (2) the incident at Curtin last month.

Answer:

(1) Port Hedland Immigration Reception and Processing Centre (PHIRPC)

20 January 2001

46 detainees were involved in a disturbance.

Western Australian Police (WAPOL) were called and conducted investigations.

WAPOL advised that due to insufficient evidence linking individual detainees to specific offences, no charges were laid.

21 January 2001

Approximately 100 detainees were involved in a disturbance.

WAPOL attended and in a joint operation with ACM, restored order.

Following initial investigations, reports and witness statements that were provided proved to be contradictory and, as a result, WAPOL advised no charges would be laid.

(2) Curtin Immigration Reception and Processing Centre (CIRPC)

27 January 2001

Two groups of detainees were involved in a disturbance.

WAPOL conducted interviews with four detainees.

- no charges were laid and the investigation was completed.
- One detainee refused to press assault charges against his detainee assailant.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(52) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 144) asked, "The other information I am seeking concerns the amount of damage that was done in each of the incidents at Woomera, Port Hedland and Curtin. Do you have an indication of the amount of money that these incidents have cost taxpayers of Australia".

Answer:

Woomera

August 2000

*Total buildings to be replaced (estimate)	\$454,492
Total contents of buildings	\$82,806
Operations equipment damaged	\$3,673
Other equipment damaged	\$24,760
Additional guarding	\$403,009
Demolition of burnt buildings	\$10,540
Contractors' tools destroyed	\$2,993
Rental car X 4	\$4,157
*Damage to other buildings (estimate)	\$70,000
Total	\$1,056,430

* Final costings will be known when purchase and installation is complete.

Under the terms of the insurance with Comcover each incident incurs a \$100,000 excess. There is a \$2000 additional excess in respect to the damaged rental vehicles.

Only a percentage of the additional guarding cost will be refunded through insurance as the insurance agreement covers rectification of damage and not costs associated with other incidents while broader security covers remain. The amount to be recovered is to be negotiated between DIMA and Comcover.

Taking the insurance cover into account, the total cost to the taxpayer is expected to be up to \$500,000.

Curtin

January 2001

Damage was limited to removal of towel rails and blinds from walls. The cost is estimated at less than \$1000.

Port Hedland

November 2000

The final cost of repairs to extensive smoke and water damage was \$12,000. Insurance loss adjusters initially valued the damage at \$80,000, quotes for repairs came in at above \$20,000, but with the help of detainees and ACM staff the repairs were completed for just \$12,000.

January 2001

The damage consisted of 15 broken windows, one wash basin pulled from the wall, 1 TV smashed, two internal gates damaged and an internal fence line had holes torn in it, resulting in \$16,000 worth of damage to Commonwealth assets.

June 2000.

Woomera, Curtin and Port Hedland incidents resulted in minor damages to fences that were repaired by ACS under the contract at no cost to the Commonwealth.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(53) Output 1.3: Enforcement of Immigration Law

Senator Schacht (L&C 149) asked, "On how many occasions has the regulation allowing the forcible medical treatment of hunger strikers been used?"

Answer:

The Senator's question is taken to relate to Migration Regulation 5.35 which covers the medical treatment of persons in detention under the Act.

(1) In this regulation:

Detainee

Means a person held at a detention centre in detention under the Act;

Medical treatment includes:

- (a) the administration of the nourishment of fluids; and
- (b) treatment in a hospital

(2) The Secretary may authorise medical treatment to be given to a detainee if:

(a) the Secretary, acting in person and on the written advice of:

- (i) a Commonwealth Medical Officer; or
- (ii) another registered medical practitioner;

forms the opinion that:

- (iii) that detainee needs medical treatment; and
- (iv) if medical treatment is not given to that detainee, there will be a serious risk to his or her life or health; and

(b) that detainee fails to give, refuses to give, or is not reasonably capable of giving, consent to the medical treatment

(3) An authorisation by the Secretary under subregulation (2) is authority for the use of reasonable force (including the reasonable use of restraint and sedatives) for the purpose of giving medical treatment to a detainee.

(4) A detainee to whom medical treatment is given under an authorisation under subregulation (2) is taken for all purposes to have consented to the treatment.

(5) Medical treatment that is given under an authorisation under subregulation (2) must be given by, or in the presence of, a registered medical practitioner.

- (6) Nothing in this regulation authorises the Secretary to require a registered medical practitioner to act in a way contrary to the ethical, moral or religious convictions of that medical practitioner.

Records for the period 1 January 2000 until 9 March 2001, show that the regulation has been used for the rehydration of 29 detainees on hunger strikes, as follows:

Villawood IDC	14 people
Woomera IRPC	14 people
Port Hedland IRPC	0
Perth IDC	0
Maribyrnong IDC	0
Curtin IRPC	1 person

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(54) Output 1.3: Enforcement of Immigration Law

Senator Schacht (L&C 153) asked, "In relation to the report from ACM on the Woomera incident, provide the details of any request of what it meant to change to have their powers reviewed and whether that was a request for additional material or ability to handle the inmates of the detention centre."

Answer:

In August 2000 ACM Provided to DIMA a report in relation to incidents at Woomera, Port Hedland and Curtin IRPCs which occurred over the period 8 and 9 June 2000. One recommendation noted:

"DIMA initiate regulatory changes to define and permit the use of alternative restraints, eg mechanical and chemical, and full strip searches."

It has become apparent over time that the powers available under the *Migration Act* to manage an increasingly non-compliant (and often violent) caseload are limited. This not only includes issues related to use of force and restraints but also search powers. For example, there have been a number of occasions where detainees have been able to secrete items such as razor blades on or about their person. These items have subsequently been used in self-harm incidents and also pose safety risks for ACM and DIMA staff. ACM and DIMA staff currently have limited powers to search individuals for such items.

In these circumstances it is difficult for ACM to fully meet its duty of care obligations to all detainees and occupational health and safety obligations to staff. Safety of detainees and detention facilities may be compromised by the inability of ACM staff to search visitors for dangerous items or other contraband.

The Government has announced that it will introduce legislation in the current session of Parliament to strengthen its powers in relation to proper management of immigration detention centres. The proposed legislation will increase the penalties for existing criminal offences and introduce new offences into the Migration Act dealing with immigration detainees and their behaviour while in immigration detention. The proposed legislation will also include power to conduct strip searches of immigration detainees but will contain strict rules regarding the conduct of, and procedures for authorising, a strip search.

The Government is to consider further measures to enhance the power to ensure that its duty of care to all detainees is appropriately discharged, including powers of restraint for immigration detainees.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(55) Output 1.3: Enforcement of Immigration Law

Senator Schacht (L&C 157) asked, “how many times in the last two calendar years some force, by definition, has had to be used to get people in – manhandle them into the truck or car, out of the detention centre, and physically guide them onto the plane, where the pilot may have taken a decision to handcuff them.”

Answer:

While comprehensive statistics are not readily available, a sample of 24 removals effected from Villawood Immigration Detention Centre in the month of February 2001 showed that restraint was used on 19 occasions. In most cases this takes the form of the use of flexi-cuffs. Each case is assessed on its merits and is based on an assessment of various risk factors. For example, a decision whether to use handcuffs on the journey from the detention centre to the airport is informed by the pattern of behaviour the detainee has displayed while in detention and whether the departure is voluntary.

All detainees are physically escorted on to the aircraft.

It is not universal practice for airlines to report to DIMA on decisions taken by pilots once removees are placed on board and such information, if provided, is not recorded on a database. A pilot will only order the restraint of a removee if the pilot believes the detainee's actions are a danger to the aircraft, other passengers or the detainee.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(56) Output 1.3: Enforcement of Immigration Law

Senator Schacht (L&C 159) asked:

What is the average length of time of a bridging visa - those that are granted to give them a chance to make arrangements to leave the country - a month, 28 days?

Answer:

In the 1999-2000 Financial Year, 2,559 Bridging E Visa were issued to enable departure.

The average length of the 2,559 Bridging E Visas issued to enable departure was 12.5 days.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(57) Output 1.3: Enforcement of Immigration Law

Senator Schacht (L&C 159-160) asked:

- a) Are most of the overstayers that you catch of that nature - that have been here for only a short time after the visa ran out - or are you catching people who have been here for years as overstayers?
- b) Have the three quarters who are not caught been here for a long time? Is it possible to give, of the approximately 50,000 illegal overstayers, the time? Is it 10 per cent that have been here illegally for five years and just disappeared into the community?

Answer:

- a) In the 1999/2000 Financial Year the department located 5,782 overstayers in field operations.

The table below shows length of overstaying for these overstayers.

	Numbers	%
1 year or less	4,373	75.63
Between 1 and 2 years	728	12.59
Between 2 and 3 years	306	5.29
Between 3 and 4 years	108	1.87
Between 4 and 5 years	63	1.09
Between 5 and 6 years	28	0.48
Between 6 and 7 years	17	0.29
Between 7 and 8 years	11	0.19
Between 8 and 9 years	19	0.33
More than 9 years	129	2.23

- b) At 30 June 2000 there were an estimated 58,748 overstayers in Australia. The length of overstaying is shown in the table below.

	Numbers	%
1 year or less	16,776	28.6
Between 1 and 2 years	8,848	15.1
Between 2 and 3 years	4,838	8.2
Between 3 and 4 years	3,535	6.0
Between 4 and 5 years	2,175	3.7
Between 5 and 6 years	1,715	2.9
Between 6 and 7 years	1,687	2.9
Between 7 and 8 years	1,416	2.4
Between 8 and 9 years	1,315	2.2
More than 9 years	16,441	28.2

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(58) Output 1.3: Enforcement of Immigration Law

Senator Schacht (L&C 160) asked:

How many are actually - after you detect them as overstayers - defined as being risky: people who, if you gave them a bridging visa, would just disappear back into the community until next time they were unlucky enough, in their view, to be caught again? At any one stage, do we have 50 of these people detained as overstayers who are a risk until we get them out of the country? Is it 500? I just want to get a rough idea of what we are dealing with.

Answer:

In the 1999/2000 Financial Year the Department located 5,782 overstayers in field operations. Of these:

- 4,191 were granted Bridging E Visas
- 1,591 were not granted Bridging E Visas and were detained.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(59) Output 1.3: Enforcement of Immigration Law

Senator Schacht (L&C 160) asked:

Of that 5,000 (UK overstayers), how many are literally the backpackers who stayed an extra month and how many have just disappeared into the system for years?

Answer:

At 30 June 2000 there were an estimated 5,931 UK overstayers in Australia.

There is no visa category for backpackers as such, but generally young people from the UK aged between 18 and 30 who backpack in Australia come here with Working Holiday Maker or Tourist-Visitor visas.

It is estimated that at 30 June 2000

- 438 UK Working Holiday Makers and
- 464 UK Tourist Visitors aged between 18 and 30, were overstayers.

The table below shows the length of overstaying of these two groups.

Length of overstaying	WHMs	Tourists (aged 18-30)
less than 1 month	32	35
1 to 3 months	51	96
3 to 6 months	66	76
6 to 12 months	72	66
more than 12 months	217	191
Totals	438	464

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(60) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator McKiernan (L&C 162) asked for details of individuals within the processing stream – the number that had been screened out, the number in primary processing, the number in review, the number of those who had exhausted all processes and the number of those involved in litigation, and others who were not involved in litigation.

Answer:

The status of unauthorised boat arrivals in detention in Australia as at 23 February 2001 was as follows:

- 148 were screened out;
- 1096 were awaiting a decision on their protection visa (PV) application;
- 68 who had received a decision that they were not refugees, were eligible to apply for review of the primary decision;
- 222 were at the review stage;
- 326 had exhausted all processes; and
- 96 were at judicial review.

There were a further 32 detainees who had their review applications remitted by the Refugee Review Tribunal.

Date & Place of Arrival	Offence - 232A	233(1)(a)	Adults	Juveniles	Number of Pax	Prosecution & Sentence	Court/Location
28/07/99 Ashmore Reef	PAJAN, Olang A	X		1	14	Gd behaviour bond	
28/07/99 Ashmore Reef	KADIR, Nas	X		1	14	Gd behaviour bond 23/05/00	
28/07/99 Ashmore Reef	PAJAN, Amin	X	1		14	back up trial 28/02/00, head trial 01/05/00. Sentenced 12/05/00 to 2 yrs - to be released after 12 mths.	
28/07/99 Ashmore Reef	SADLIL, Amir	X	1		14	back up trial 28/02/00, head trial 01/05/00. Sentenced 12/05/00 to 3 yrs - to be released after 18 mths.	
31/07/99 Ashmore Reef	SULEIMAN, Key	X	1		44	sentenced 23/05/00 to 3 yrs, 3 mths, to be released after 20 mths. Commenced 31/07/99.	Darwin Supreme Ct
31/07/99 Ashmore Reef	SUKARNI, Bin UMAR	X		1	44	sentenced 23/05/00 to 2 yrs, 9 mths, to be released after 17 mths. Commenced 31/07/99	Darwin Supreme Ct
31/07/99 Ashmore Reef	RANJANE, Ali	X	1		44	sentenced 23/05/00 to 21 mths to be released after 11 mths. Commenced 31/07/99.	Darwin Supreme Ct
31/07/99 Ashmore Reef	HUSAYNI, Bin Madi			1	44	sentenced 23/05/00 to 21 mths to be released after 11 mths. Commenced 31/07/99.	Darwin Supreme Ct
25/08/99 Ashmore Reef	GURUAPIN, Samsul	X	1		12	22/11/99 convicted & Sentenced for 2 yrs, commencing on 27/08/99, to be released on expiration of 12 months upon entering recognizance \$500	Supreme Court
" " " "	HAPIS, Abdul	X	1		"	" " " "	" "
30/08/99 Ashmore Reef	SIDIK, Mohamed (SIDIQ)	X		1	24	10/09/99 convicted & sentenced 6 mths detention, suspended on entering good behaviour bond \$100- conditioned he not enter Australian territory for 5 years.	Darwin Juvenile Court & Supreme Court
" " " "	NAJAR, Koa	X		1	"	" " " "	Darwin Juvenile Court & Supreme Court
" " " "	SALIHIN, Kusman	X	1		"	22/11/99 convicted & Sentenced for 2 yrs, commencing on 30/08/99, to be released on expiration of 12 months upon entering recognizance \$500	Supreme Court
" " " "	SIRUP, Hama (SIRIP)	X	1		"	22/11/99 convicted & Sentenced for 2 yrs, commencing on 30/08/99, to be released on expiration of 12 months upon entering recognizance \$500	Supreme Court

Date & Place of Arrival		Offence - 232A		233(1)(a)	Adults	Juveniles	Number of		Prosecution & Sentence	Court/Location
							Pax			
" " " "	"	KUNI, Laaji		X	1		"		22/11/99 convicted & Sentenced for 2 yrs, commencing on 30/08/99, to be released on expiration of 12 months upon entering recognizance \$500-	Supreme Court
31/08/99	Ashmore Reef	TAHER		X	1		86		12/01/00 sentenced 1 yr 10 mths - to be released after 13 mths.	Supreme Court
" " " "	"	SYARIF, Ahmad		X	1		"		12/01/00 sentenced 1 yr 10 mths - to be released after 13 mths.	Supreme Court
" " " "	"	PARLIN, Muhamat		X	1		"		12/01/00 sentenced 1 yr 10 mths - to be released after 13 mths.	Supreme Court
" " " "	"	SADIRI, Putra		X	1		"		12/01/00 sentenced 2 yr 3 mths - to be released after 17 mths.	Supreme Court
" " " "	"	BACAO, Saleh		X	1		"		12/01/00 sentenced 1 yr 10 mths / 13 mths	Supreme Court
" " " "	"	HARSONO		X	1		"		12/01/00 sentenced 2 yr 3 mths - to be released after 17 mths.	Supreme Court
03/09/99	Ashmore Reef	SADIRI		X	1		35		25/01/00 sentenced 2 yrs - to be released after 1 yr.	Supreme Court
03/09/99	Ashmore Reef	DARMO		X	1		"		25/01/00 sentenced 2 yrs - to be released after 1 yr.	Supreme Court
03/09/99	Ashmore Reef	RAJIUN		X	1		"		25/01/00 sentenced 2 yrs - to be released after 1 yr.	Supreme Court
03/09/99	Ashmore Reef	LADUMA, Abdullah M		X	1		"		25/01/00 sentenced 2 yrs - to be released after 1 yr.	Supreme Court
03/09/99	Ashmore Reef	IDRIS, Julimin		X	1		"		25/01/00 sentenced 2 yrs - to be released after 1 yr.	Supreme Court
17/09/99	Ashmore Reef	SAMSUL, Alam		X	1		4		12/01/00 sentenced 16 mths - to be released after 10 mths.	Supreme Court
17/09/99	Ashmore Reef	NURSIA, Udin		X	1		4		12/01/00 sentenced 16 mths - to be released after 10 mths. To be released 16/07/00. Removed 22/07/00	Supreme Court
19/09/99	Ashmore Reef	SYUKUR, Andika				1	8		Listed for arraignment on 06/12/99. Sentenced 02/08/00 to 2 yrs 6 mths - release after 1 yr 3 mths.	Supreme Court

Date & Place of Arrival		Offence - 232A			233(1)(a)			Number of			Prosecution & Sentence		Court/Location	
								Adults	Juveniles	Pax				
19/09/99	Ashmore Reef								1	8	Listed for arraignment on 06/12/99. Sentenced 02/08/00 to 1 yr 6 mths - released forthwith.		Supreme Court	
05/10/99	Kimberley Coast	NDOLU, Albert						1		24	Sentenced 02/08/00 to 2 yrs - release after 1 yr.		Supreme Court	
05/10/99	Kimberley Coast	BUKRAN			X			1		24	Sentenced 02/08/00 to 2 yrs - release after 1 yr.		Supreme Court	
		MUYAMADIYA			X			1		24	Sentenced 02/08/00 to 2 yrs - release after 1 yr.		Supreme Court	
11/10/99	Ashmore Reef	RAJIMAN, Ari			X				1	110	Listed for committal on 13/12/99. Convicted & released 07/09/00 without sentence.		Darwin Court of Summary Jurisdiction /Supreme Crt	
11/10/99	Ashmore Reef	SANDI, Irsan (SANDY)			X			1		110	Listed for committal on 13/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt	
11/10/99	Ashmore Reef	SYARIF, Ahmad			X			1		110	Listed for committal on 13/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt	
11/10/99	Ashmore Reef	LATIF, Umar			X			1		110	Listed for committal on 13/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt	
11/10/99	Ashmore Reef	RUSDY, Azis			X				1	110	Concluded - 26/10/99 sentenced to 6 mths detention suspended on entering good behaviour bond \$1000- for 5 years.		Darwin Juvenile Court	
11/10/99	Ashmore Reef	NULUK, Jopi (NULIK)			X			1		110	Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt	
11/10/99	Ashmore Reef	MULUK			X			1		110	Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt	
11/10/99	Ashmore Reef	SYAIFUL			X			1		110	Listed for committal on 13/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt	
13/10/99	Kuri Bay	SAIFUL			X				1	12	Concluded - 19/10/99 sentenced to 6 mths detention suspended on entering good behaviour bond \$1000- for 5 years.		Darwin Juvenile Court	
13/10/99	Kuri Bay	SAMSUDIN			X				1	12	Listed for committal on 13/12/99.		Darwin Court of Summary Jurisdiction /Supreme Crt	
01/11/99	Ashmore Reef	MIN, Sidin						1		352	Listed for committal on 20/03/00. Sentenced 13/10/00 to 7 yrs - non-parole 3 yrs.		Darwin Court of Summary Jurisdiction /Supreme Crt	
01/11/99	Ashmore Reef	JAFAR, Lapulu			X				1	352	Listed for committal on 20/03/00. Sentenced 07/09/00 to 12 mths suspended forthwith.		Darwin Court of Summary Jurisdiction /Supreme Crt	
01/11/99	Ashmore Reef	ARIFIN, Batjo (BACO)			X				1	352	Listed for committal on 20/03/00. Sentenced 13/10/00 to 4 yrs - non-parole 2 yrs.		Darwin Court of Summary Jurisdiction /Supreme Crt	
01/11/99	Ashmore Reef	WACHID, Koli (Wahid KOLI)			X			1		352	Listed for committal on 20/03/00. Sentenced 13/10/00 to 4 yrs - non-parole 2 yrs.		Darwin Court of Summary Jurisdiction /Supreme Crt	

Date & Place of Arrival		Offence - 232A			233(1)(a)		Adults		Juveniles		Number of Pax		Prosecution & Sentence		Court/Location	
01/11/99	Ashmore Reef	ISMAIL, Kasim			X		1				352		Listed for committal on 20/03/00. Sentenced 13/10/00 to 4 yrs - non-parole 2 yrs.		Darwin Court of Summary Jurisdiction /Supreme Ct	
11/11/99	Ashmore Reef	DAENG, Ibrahim			X		1				23		Listed for committal on 13/12/99. Sentenced 02/08/00 to 2 yrs 2 mths - release after 1 yr 1 mth.		Darwin Court of Summary Jurisdiction /Supreme Ct	
11/11/99	Ashmore Reef	MAN			X		1				23		Listed for committal on 13/12/99. Sentenced 02/08/00 to 2 yrs 2 mths - release after 1 yr 1 mth.		Darwin Court of Summary Jurisdiction /Supreme Ct	
16/11/99	Ashmore Reef	HERI	X		X		1				31		Listed for committal on 17/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr.		Darwin Court of Summary Jurisdiction /Supreme Ct	
16/11/99	Ashmore Reef	NGATARI RIKA	X		X		1				31		Listed for committal on 17/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr.		Darwin Court of Summary Jurisdiction /Supreme Ct	
18/11/99	Ashmore Reef	JUNAEDI			X		1				33		Listed for committal on 10/01/00. Sentenced 06/10/00 to 2 yrs - released forthwith.		Darwin Court of Summary Jurisdiction /Supreme Ct	
18/11/99	Ashmore Reef	MUHAMAD, Jamil			X		1				33		Listed for committal on 10/01/00. Sentenced 06/10/00 sentenced to 2 yrs released forthwith.		Darwin Court of Summary Jurisdiction /Supreme Ct	
19/11/99	Ashmore Reef	BUKRAN			X		1				23		Listed for committal on 10/01/00. Sentenced 18/08/00 to 2 yrs - release after 1 yr.		Darwin Court of Summary Jurisdiction /Supreme Ct	
19/11/99	Ashmore Reef	ABDULRAHIM (RAHIM)			X		1				23		Listed for committal on 10/01/00. Sentenced 18/08/00 to 2 yrs - release after 1 yr.		Darwin Court of Summary Jurisdiction /Supreme Ct	
26/11/99	Ashmore Reef	BADI Kenny	X				1				152		Listed for committal on 25/01/00. Sentenced 09/08/00 to 6 yrs - 3 yr non-parole period.		Darwin Court of Summary Jurisdiction /Supreme Ct	
26/11/99	Ashmore Reef	MAWAR			X		1				152		Listed for committal on 25/01/00. Sentenced 12/10/00. Sentenced 3 yrs, release after 18 mths.		Darwin Court of Summary Jurisdiction /Supreme Ct	
26/11/99	Ashmore Reef	HASAN Husin			X		1				152		Listed for committal on 25/01/00. Sentenced 12/10/00. Sentenced 3 yrs, release after 18 mths.		Darwin Court of Summary Jurisdiction /Supreme Ct	
26/11/99	Ashmore Reef	LAPATI			X		1				152		Listed for committal on 25/01/00. Sentenced 12/10/00. Sentenced 3 yrs, release after 12 mths.		Darwin Court of Summary Jurisdiction /Supreme Ct	
26/11/99	Ashmore Reef	RANO			X		1				152		Listed for committal on 25/01/00. Sentenced 12/10/00. Sentenced 3 yrs, release after 18 mths.		Darwin Court of Summary Jurisdiction /Supreme Ct	
26/11/99	Ashmore Reef	RANNO, Rinaldy			X				1		152		Listed for plea of guilty 03/12/99 Suspended sentence.		Darwin Court of Summary Jurisdiction Darwin Juve Ct	
26/11/99	NW Kimberley Coast	YUSUF, Muhamad			X		1				27		Sentenced 06/10/00 to 2 yrs released on bond.		Darwin Court of Summary Jurisdiction /Supreme Ct	

Date & Place of Arrival		Offence - 232A			233(1)(a)			Adults		Juveniles		Number of Pax		Prosecution & Sentence		Court/Location	
26/11/99	NW Kimberley Coast	KALI, Joko			X			1				27		Sentenced 06/10/00 released on bond.		Darwin Court of Summary Jurisdiction /Supreme Ct	
8/12/1999	Ashmore Reef	SURADI			X					1?		7		Sentenced 18/08/00.		Darwin Court of Summary Jurisdiction /Supreme Ct	
8/12/1999	Ashmore Reef	SUTIKNO			X			1				7		Sentenced 18/08/00 to 20 mths - release after 10 mths.		Darwin Court of Summary Jurisdiction /Supreme Ct	
1/12/1999	Ashmore Reef	HUNGAN, Ampu			X			1				6		Sentenced 05/10/00 - 2 yrs to be released after 12 mths. Pleaded not guilty.		Darwin Court of Summary Jurisdiction /Supreme Ct	
1/12/1999	Ashmore Reef	DETHAN, Riki A			X			1				6		Sentenced 05/10/00 to 18 mths - released forthwith.		Darwin Court of Summary Jurisdiction /Supreme Ct	
7/12/1999	Ashmore Reef	HUSAINI			X			1				135		Sentenced 25/07/00 to 2 yrs 6 mths to be released after 1 yr 3 mths.		Darwin Court of Summary Jurisdiction /Supreme Ct	
7/12/1999	Ashmore Reef	ABANG, Sarimin			X			1				135		Sentenced 25/07/00 to 4 yrs, non-parole of 2 yrs.		Darwin Court of Summary Jurisdiction /Supreme Ct	
7/12/1999	Ashmore Reef	HAL, Din (DIN)			X			1				135		Sentenced 25/07/00 to 4 yrs, non-parole of 2 yrs.		Darwin Court of Summary Jurisdiction /Supreme Ct	
7/12/1999	Ashmore Reef	HUSEIN, Abdul Rayman (ABDULLAH)	X					1				135		Sentenced 25/07/00 to 6 yrs, non-parole 3 yrs.		Darwin Court of Summary Jurisdiction /Supreme Ct	
7/12/1999	Ashmore Reef	KADIR, Bili			X			1				135		Sentenced 25/07/00 to 4 yrs, non-parole of 2 yrs.		Darwin Court of Summary Jurisdiction /Supreme Ct	
7/12/1999	Ashmore Reef	HANDALO, Misa (HANDO)			X					1?		135		Sentenced 25/07/00 to 3 yrs to be released after 1 yr 6 mths		Darwin Court of Summary Jurisdiction /Supreme Ct	
16/12/1999	Ashmore Reef	BEY, Sari	X		X			1				126		Sentenced 30/11/00 to 3 yrs release after 1 yr 6 mths.		Darwin Court of Summary Jurisdiction /Supreme Ct	
16/12/1999	Ashmore Reef	EN, Yunus	X		X			1				126		Sentenced 30/11/00 to 3 yrs release after 1 yr 6 mths.		Darwin Court of Summary Jurisdiction /Supreme Ct	
16/12/1999	Ashmore Reef	LASANI	X		X			1				126		Sentenced 30/11/00 to 3 yrs release after 1 yr 6 mths.		Darwin Court of Summary Jurisdiction /Supreme Ct	
16/12/1999	Ashmore Reef	HATIM, Asri	X		X			1				127		Sentenced 30/11/00 to 4 yrs to be released after 2 yrs.		Supreme	
16/12/1999	Ashmore Reef	KADIR, Nasruddin	X		X					1		127		Sentenced 30/11/00 to 2 yrs 6 mths to be released after 15 mths.		Supreme	
16/12/1999	Ashmore Reef	RUDJANTO, Irgy	X		X			1				127		Sentenced 30/11/00 to 2 yrs 6 mths. Release after 1 yr 3 mths.		Supreme	

Date & Place of Arrival		Offence - 232A			233(1)(a)		Adults		Juveniles		Number of Pax		Prosecution & Sentence		Court/Location	
16/12/1999	Ashmore Reef	ABDULLAH, Masko			X				1		127		Sentenced 07/01/00 to 7 mths to be released forthwith.		Darwin Juve Crt	
16/12/99	NW Kimberely Cst	SULAIMAN			X		1				58		Sentenced 25/07/00 to 2 yrs 6 mths for release after 12 mths.		Supreme	
16/12/99	NW Kimberely Cst	ANDIKA			X				1		58		Sentenced 25/07/00 to 9 mths suspended.		Supreme	
													Sentenced 02/06/00 to 3 yrs 4 mths for release after 20 mths. To be released			
18/12/99	Ashmore Reef	LATIF, Haji	X				1				52		17/03/01		Supreme	
18/12/99	Ashmore Reef	SIMIN, Rudi	X				1				52		Sentenced 02/06/00 to 3 yrs 4 mths for release after 20 mths.		Supreme	
18/12/99	Ashmore Reef	RAHMAN, Abdul (ILA)	X				1				52		Sentenced 02/06/00 to 2 yrs 6 mths for release after 15 mths.		Supreme	
18/12/99	Ashmore Reef	HUSIN, Hasan (MOHAMAD)	X				1				52		Sentenced 02/06/00 to 2 yrs 6 mths for release after 15 mths.		Supreme	
18/12/99	Ashmore Reef	ANUS, Mal (Mau)	X				1				52		Sentenced 02/06/00 to 3 yrs 4 mths for release after 20 mths.		Supreme	
21/12/99	Asmore Reef	HARTONTO, Rudi	X						1		35		Sentenced 11/08/00 to 2 yrs for release after 12 mths.		Supreme	
21/12/99	Asmore Reef	BARON	X						1		35		Sentenced 11/08/00 to 2 yrs for release after 12 mths.		Supreme	
21/12/99	Asmore Reef	BELGianto	X						1		35		Sentenced 11/08/00 to 2 yrs for release after 12 mths. To be released 20/12/00. Removed 23/12/00		Supreme	
07/01/00	Waters off NW Aust.	TUANG, Benny Benedictos	X				1				44		Sentenced 11/08/00 to 2 yrs for release after 12 mths.		Supreme	
07/01/00	Waters off NW Aust.	TUMIWIJAY, Buyung	X				1				44		Sentenced 11/08/00 to 2 yrs for release after 12 mths.		Supreme	
07/01/00	Waters off NW Aust.	TUAFIK		X			1				44		Sentenced 11/08/00 to 2 yrs for release after 12 mths.		Supreme	
07/01/00	Waters off NW Aust.	JOCOBUS AKUAWANG	X				1				44		Sentenced 11/08/00 to 2 yrs for release after 12 mths.		Supreme	
17/01/00	Hibernian Reef (near Ashmore)	DAI, Haya (DAENG)	X				1				25		Sentenced 01/06/00 to 3 yrs, to be released after 18 mths. Then on 2 yr bond. (had previous conviction for illegal fishing). Sentenced 01/06/00.		Supreme	
17/01/00	Hibernian Reef (near Ashmore)	NDOLU, Agus	X						1		25		Sentenced 01/06/00. 2 yrs, to be released after 12 mths. Then 2 yr bond.		Supreme	
17/01/00	Hibernian Reef (near Ashmore)	LETE, Jofrin	X						1		25		Sentenced 01/06/00. 2 yrs to be released after 12 mths. Then 2 yr bond.		Supreme	
17/01/00	Hibernian Reef (near Ashmore)	DONG, Kampu TONG							1		25		Sentenced 21/01/00 to 6 mths suspended.		Darwin Juve Crt	
25/01/00	Cape Bougainville	AMUNULLAH AMINOLLAH	X				1				38		Sentenced 12/05/00 to 3 yrs for release after 18 mths.		Supreme	

Date & Place of Arrival		Offence - 232A			233(1)(a)		Adults		Juveniles		Number of Pax		Prosecution & Sentence		Court/Location	
25/01/00	Cape Bougainville	RISMAN	X				1				38		Sentenced 12/05/00 to 3 yrs for release after 18 mths.		Supreme	
25/01/00	Cape Bougainville	WARU, Daeng	X				1				38		Sentenced 12/05/00 to 3 yrs for release after 18 mths.		Supreme	
11/02/00	Ashmore Reef	LOE, Ibrahim	X						1		45		Sentenced 25/08/00 to 2 yrs 8 mths for release after 14 mths		Supreme	
11/02/00	Ashmore Reef	KARABI, Dahlan	X				1				45		Sentenced 25/08/00 to 2 yrs 8 mths for release after 14 mths.		Supreme	
11/02/00	Ashmore Reef	SOGO, Ahmad	X						1		45		Sentenced 25/08/00 to 2 yrs for release after 1 yr.		Supreme	
11/02/00	Ashmore Reef	KEY, Laona	X				1				45		Sentenced 25/08/00 to 2 yrs 8 mths for release after 14 mths.		Supreme	
11/02/00	Ashmore Reef	KURA, Jamal	X						1		45		Sentenced 25/08/00 to 2 yrs for release after 1 yr.		Supreme	
11/02/00	Ashmore Reef	MIN MUSTAFA	X				1				45		Sentenced 25/08/00 to 2 yrs 8 mths for release after 14 mths.		Supreme	
1/03/2000	Ashmore Reef	HENUK, Hendrik	X				1				71		Sentenced 18/08/00 to 4 yrs for release after 2 yrs.		Supreme	
1/03/2000	Ashmore Reef	SANTIAGO, Laigo	X						1		71		Sentenced 18/08/00 to 2 yrs for release after 1 yr.		Supreme	
1/03/2000	Ashmore Reef	ANSYARUDI, Aswan	X				1				71		Sentenced 18/08/00 to 3 yrs for release after 18 mths.		Supreme	
1/03/2000	Ashmore Reef	DAHLAN, Ilham	X						1		71		Sentenced 18/08/00 to 2 yrs for release after 1 yr.		Supreme	
1/03/2000	Ashmore Reef	MUJIN, Amir Rosidi	X						1		71		Sentenced 18/08/00 to 2 yrs for release after 1 yr.		Supreme	
26/03/00	Ashmore Reef	BACO, Kadir	X								70		Sentenced 18/08/00 to 4 yrs for release after 2 yrs.		Supreme	
26/03/00	Ashmore Reef	BINSIMIN, Syarif	X								70		Sentenced 18/08/00 to 3 yrs for release after 18 mths.		Supreme	
26/03/00	Ashmore Reef	BIN LABAU, Hastun	X								70		Sentenced 18/08/00 to 2 yrs for release after 12 mths.		Supreme	
26/03/00	Ashmore Reef	BACO, Usman	X								70		Sentenced 18/08/00 to 2 yrs for release after 12 mths.		Supreme	
26/03/00	Ashmore Reef	GOMANG, Asis	X								70		Sentenced 18/08/00 to 3 yrs for release after 18 mths.		Supreme	
28/03/00	Ashmore Reef	KALOMANA, Jamaludin	X								19		01/12/00 - discontinue proceedings - withdrawn. No reasonable prospect in obtaining conviction. Spent 8 mths in remand.		Supreme	
28/03/00	Ashmore Reef	HASAN, Edi	X								19		01/12/00 - discontinue proceedings - withdrawn. No reasonable prospect in obtaining conviction. Spent 8 mths in remand.		Supreme	

Date & Place of Arrival		Offence - 232A			233(1)(a)	Adults	Juveniles	Number of		Prosecution & Sentence	Court/Location
								Pax			
28/03/00	Ashmore Reef	TALUMA, Mahadil	X		X			19		01/12/00 - discontinue proceedings - with drawn. No reasonable prospect in obtaining conviction. Spent 8 mths in remand.	Supreme
03/04/00	Ashmore Reef	MODO, Anus	X					62		Sentenced 03/11/00 to 3 yrs for release after 18 mths.	Supreme
03/04/00	Ashmore Reef	ADU, Jon			X		1	62		Sentence date 07/04/00. Suspended.	Darwin Juve Crt
03/04/00	Ashmore Reef	PAH, Lius	X					62		Sentenced 03/11/00 to 2 yrs for release after 12 mths.	Supreme
03/04/00	Ashmore Reef	BALU, Jus	X					62		Sentenced 19/12/00 to 2 yrs for release after 10 mths.	Supreme
09/05/00	Ashmore Reef	LOE, Adrianus	X		X			66		Mention on 02/02/01	Supreme
09/05/00	Ashmore Reef	NAFIE, Welem						66		Sentenced 04/12/00 to 3 yrs for release after 18 mths.	Supreme
09/05/00	Ashmore Reef	BADU, Ismail	X					66		Sentenced 04/12/00 to 3 yrs for release after 18 mths.	Supreme
09/05/00	Ashmore Reef	AMAL, Bayu	X					66		Sentenced 04/12/00 to 2 yrs for release after 1 yr.	Supreme
09/05/00	Ashmore Reef	ROHINDI, Ode	X					66		Sentenced 04/12/00 to 3 yrs for release after 18 mths.	Supreme
09/05/00	Ashmore Reef	SELLU JIMMI	X					66		Sentenced 04/12/00 to 2 yrs for release after 1 yr.	Supreme
16/05/00	Ashmore Islands	LOBANG, Tahir	X					17		Sentenced 13/10/00 to 2 yrs for release after 1 yr.	Supreme
16/05/00	Ashmore Islands	SUHARDI						17		Sentenced 13/10/00 to 2 yrs for release after 1 yr.	Supreme
16/05/00	Ashmore Islands	EMTAYEB (TAYEB)	X					17		Sentenced 13/10/00 to 2 yrs for release after 1 yr.	Supreme
16/05/00	Ashmore Islands	KAHARUDDIN						17		Sentenced 13/10/00 to 2 yrs for release after 1 yr.	Supreme
01/06/00	Ashmore Islands	MINASAI	X					36		Sentenced 18/07/00 to 3 yrs for release after 18 mths.	Supreme
01/06/00	Ashmore Islands	ANDI	X					36		Sentenced 18/07/00 to 2 yrs 6 mths for release after 15 mths.	Supreme
14/09/00	N.W. West Australia	SIREGAR, Syakban						101		Mention on 02/02/01. Listed for plea 21/2/01	Supreme
14/09/00	N.W. West Australia	JOHANES, Oskar Flores						101		Sentenced 19/01/01 to 2yrs 6 mths to serve 15 mths	Supreme
14/09/00	N.W. West Australia	SAHAMUDIN SAHABUDI	X					101		Sentenced 19/01/01 to 2yrs 6 mths to serve 15 mths	Supreme
27/09/00	Ashmore Reef	MINI, Abdurachman	X					47		Sentenced 19/01/01 to 2yrs 6 mths to serve 15 mths	Supreme
27/09/00	Ashmore Reef	MUSA, Akbar			X		1	47		Sentenced 10/10/00. 6 Mth Suspended. Removed 14/10/00	Darwin Mag Ct/ Juve
27/09/00	Ashmore Reef	BAUKI, Amra Safrudin	X					47		Sentenced 19/01/01 to 2yrs 6 mths to serve 15 mths	Supreme
27/09/00	Ashmore Reef	BOLANG, Justus	X					47		Sentenced 19/01/01 to 3 yrs to serve 18 mths	Supreme

Date & Place of Arrival		Offence - 232A		233(1)(a)	Adults	Juveniles	Number of		Prosecution & Sentence		Court/Location
							Pax				
07/10/00	Ashmore Islands	ABDULLAH, Rocky	X				94		Sentenced 19/01/01 to 4 yrs to serve 2 yrs	Supreme	
07/10/00	Ashmore Islands	MANCORA, Mardiansa - WARDEANSA, Manjora	X	X			94		Sentenced 27/10/00 to 8 mths to serve 2 mths. For release 05/12/00. Removed 09/12/00	Supreme	
07/10/00	Ashmore Islands	LAIDI, Amir	X				94		Sentenced to 3yrs to serve 18 mths	Supreme	
07/10/00	Ashmore Islands	AHMAD, Taru	X				94		Sentenced to 2 yrs to serve 12 mths	Supreme	
27/12/00	Ashmore Islands	TONG, Bonar				1	49		Sentenced to 8mths to be released after 10 w	Magistrates	

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(61) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 162) asked:

- (a) How many people have been prosecuted for their involvement in people trafficking activities?
- (b) Along with the number of prosecutions, can you provide me with the number of convictions that have been secured?
- (c) The penalties that go with those convictions?
- (d) The nationalities of the persons who were convicted of people smuggling or indeed the countries they have been operating in?
- (e) If the persons were charged whilst in Australia, can you inform the Committee what form of publicly funded legal assistance they are receiving, if they are receiving any?

Answer:

- (a) As at February 2001, a total of 291 persons have been charged for their involvement in people trafficking activities. Of the 291 persons, 234 persons have been prosecuted and 57 persons are currently listed at Court for arraignment, hearings or sentencing on people smuggling charges.
- (b) In July 1999 the *Migration Legislation Amendment Act (No.1 1999)* was introduced increasing the penalties for people smuggling offences. Since that time, 234 persons have been convicted of offences against Section 233 and 233A of the Migration Act 1958.
- (c) Penalties under the Migration Act 1958:
 - Section 233. Penalty: Imprisonment for 10 years or 1,000 penalty units, or both.
 - Section 232A. Penalty: Imprisonment for 20 years or 2,000 penalty units, or both.

Penalties imposed by the Courts range from:

- six months detention, suspended on entering a good behaviour bond in the sum of \$100.00, conditioned that he not enter Australia or Australian territorial waters for 5 years for any reason; to,
- a maximum sentence of seven years imprisonment, with a non-parole period of three years.

Juveniles have generally been given lighter sentences, the most common being a six month suspended sentence or a good behaviour bond with a condition not to enter Australia for five years.

Attached are details of convictions secured in each state and the sentences imposed.

- Attachment A lists Western Australian prosecutions since the *Migration Legislation Amendment Act (No.1 1999)* came into effect.
- Attachment B lists Western Australian prosecutions prior to the *Migration Legislation Amendment Act (No.1 1999)*.
- Attachment C lists Northern Territory prosecutions.
- Attachment D lists Queensland prosecutions.

- (d) One boat's port of origin was Hong Kong carrying PRC nationals crewed by two Indonesian nationals who were convicted. All other boats have originated from Indonesia and all persons convicted are Indonesian nationals.
- (e) The Australian Federal Police and the Director of Public Prosecutions have advised that at the time of arrest boat crews are offered legal aid assistance. They all have legal aid when they first attend court and during the entire court process.

ATTACHMENT A

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
21/07/1999 Ashmore Reef	NGGADAS, Samuel		X	1		7	Complete 16/08/00 - 6 mths imprisonment	Pt Hed Mag 16/08/99
21/07/1999 Ashmore Reef	SULEIMAN		X	1		7	Complete 16/08/00 - 6 mths imprisonment	Pt Hed Mag 16/08/99
21/07/1999 Ashmore Reef	TUKA, Welem		X	1		7	Complete 16/08/00 - 6 mths imprisonment	Pt Hed Mag 16/08/99
21/07/1999 Ashmore Reef	LAY, Maltus		X	1		7	Complete 16/08/00 - 6 mths imprisonment	Pt Hed Mag 16/08/99
11/08/1999 Ashmore Reef	MUSTAFA, Boy		X	1		15	Complete at 29/08/99. 12 mths imprisonment.	Broome Mag 29/08/99
11/08/1999 Ashmore Reef	BACO, Kasmal		X	1		15	Complete at 29/08/99. 12 mths imprisonment.	Broome Mag 29/08/99
11/08/1999 Ashmore Reef	LATIF, King		X	1		15	Complete at 29/08/99. 12 mths imprisonment.	Broome Mag 29/08/99
11/08/1999 Ashmore Reef	MATINOS, Rokyi		X	1		15	Complete at 29/08/99. 15 mths imprisonment.	Broome Mag 29/08/99
11/08/1999 Ashmore Reef	LAHAYA, Commodo		X	1		15	Complete at 29/08/99. 12 mths imprisonment.	Broome Mag 29/08/99
13/08/1999 Christmas Island	ALI, Rusdin Bin		X	1		140	Complete at 01/02/00. 4 yr 6 mth imprisonment to serve 2y6m. 2 yr \$1000-.	Pt Hed District Ct
13/08/1999 Christmas Island	DARMONDO, Bin Dambo		X	1		140	Complete at 01/02/00. 3 yr imprisonment to serve 1y8m. 18 mths \$750-.	Pt Hed District Ct

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
23/08/1999 Ashmore Reef	MUCHLIS		X	1		8	Complete 29/11/99. 2 yrs imprisonment, to serve 12mths.	Pt Hed District Ct
23/08/1999 Ashmore Reef	SUHARTANG		X		1	8	Complete 06/09/99. self surety \$100	Pt Hed Childs Ct
23/08/1999 Ashmore Reef	HASAN BASRI		X		1	8	Complete 06/09/99. self surety \$100	Pt Hed Childs Ct
14/09/1999 Bonaparte Archi	SUKRISMAN SUTIMAN	X		1		14	Sentenced 25/02/00. 3 yrs imprison to serve 18 mths. To be released 13/03/01	Peth Dist Ct
14/09/1999 Bonaparte Archi	RUDDIN, Hami (HAMID Abdul)	X		1		14	Sentenced 03/05/00. 3 yrs to serve 18 mths.	Perth Dist Ct
18/10/1999 Cape Leveque	ALAM, Andi Samsu	X		1		24	Sentenced 11/04/00 - 2 yrs impris to commence 18/10/99 release after 1 yr. Recog \$2000- to be good behav.	Broome Dist Ct
18/10/1999 Cape Leveque	ALWI, Mohamad	X		1		24	Sentenced 11/04/00 - 2 yrs impris to commence 18/10/99 release after 1 yr. Recog \$2000- to be good behav.	Broome Dist Ct
2/10/1999 Kimberely Coast	KUSAN (KUSNANTO)	X		1		21	Sentence 25/02/00 3 yrs imprison to serve 18 mths.	Perth Dist Ct
2/10/1999 Kimberely Coast	SALEH, Mohamad	X		1		21	Sentenced 28/04/00. 3 yr 6 mth, to serve 21 mths.	Broome Dist Ct
24/10/1999 Kimberely Cst	RASID, Jamil		X		1	25	12 mths imprisonment backdated to 25/10/99.	Perth Childs Ct
24/10/1999 Kimberely Cst	SAM, Anjijis		X		1	25	12 mths imprisonment backdated to 25/10/99.	Perth Childs Ct
22/10/1999 Ashmore Reef	KADIR, Usman		X	1		3	Complete 23/11/99. 2 yrs imprisonment.	Broome Mag
22/10/1999 Ashmore Reef	UR Erasmus		X	1		3	Complete 23/11/99. 20 mths imprisonment. No RRO.	Broome Mag
22/10/1999 Ashmore Reef	UMBU, Afrit		X	1		3	Complete 23/11/99. 20 mths imprisonment. No RRO.	Broome Mag

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
22/10/1999 Ashmore Reef	LADUMA, Hanafi	X		1		140	Sentenced 11/04/00 - 5 1/2 yrs impris (non-parole 2 yrs & 9 mths) to commence 22/10/99.	Broome Dist Ct
22/10/1999 Ashmore Reef	LADUMA, Dede	X		1		140	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) to commence 22/10/99.	Broome Dist Ct
22/10/1999 Ashmore Reef	KLAU, Anton Karos	X		1		140	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) to commence 22/10/99.	Broome Dist Ct
22/10/1999 Ashmore Reef	OLANG, Jumadi	X		1		140	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) to commence 22/10/99.	Broome Dist Ct
22/10/1999 Ashmore Reef	KASIM, Salim	X		1		140	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) to commence 22/10/99.	Broome Dist Ct
22/10/1999 Ashmore Reef	LURY, Mathius	X		1		140	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) to commence 22/10/99.	Broome Dist Ct
7/11/1999 Ashmore Reef	WAHAB, Ridwan	X		1		82	Sentenced 11/04/00 - 5 yrs impris (non-parole 2 1/2 yrs) from 07/11/99.	Broome Dist Ct
7/11/1999 Ashmore Reef	ILU, Samsudin	X		1		82	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) from 7/11/99.	Broome Dist Ct
7/11/1999 Ashmore Reef	AMIR, Samsul	X			1	82	On remand- awaiting court appearance on 06/06/2000. Sentenced 11/07/00	Broome Dist Ct/ Perth Child's Crt
7/11/1999 Ashmore Reef	AMAR, Alan	X			1	82	On remand- awaiting court appearance on 06/06/2000. Sentenced 11/07/00.	Broome Dist Ct/ Perth Child's Crt
7/11/1999 Ashmore Reef	UDIN, Syafrudin Bin	X		1		82	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) from 7/11/99.	Broome Dist Ct
5/11/1999 Ashmore Reef	WETANGKI, Jusuf	X		1		75	Sentenced 11/04/00 - 4 yrs impris non-parole 2 yrs from 7/11/99.	Broome Dist Ct

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
5/11/1999 Ashmore Reef	YUSEF, Mohammad	X		1		75	Sentenced 11/04/00 - 3 yrs impris non-parole 1 1/2 yrs from 7/1/99.	Broome Dist Ct
08/11/99 NW Kimberely Cst	HARIS Edi	X		1		25	Sentenced 11/04/00. 2 yrs to serve 12 mths.Released 07/11/00	Broome Dist Ct
08/11/99 NW Kimberely Cst	WIJAYA, Heri	X		1		25	Sentenced 11/04/00. 2 yrs to serve 12 mths.Released 07/11/00	Broome Dist Ct
8/11/1999 Christmas Island	JULU, Anwar Bin	X		1		156	sentenced 17/05/00 to 4 yrs, minimum of 2 yrs.	Perth Dist Ct
8/11/1999 Christmas Island	SUKANDI	X		1		156	sentenced 17/05/00 to 4 yrs, minimum of 2 yrs.	Perth Dist Ct
8/11/1999 Christmas Island	BASITE, Rustam Bin	X		1		156	Sentenced 16/08/00. 3 yrs to serve 18 mths.	Perth Dist Ct
27/11/99 Christmas Island	LAMAHA, Jarjuddin	X		1		180	Sentenced on 06/06/00. 5 1/2 yrs, to serve 2 yrs, 9 mths. Starting point 7 1/2 yrs with 2 yrs off for cooperation. Sought leave to appeal against sentence on 13/11/00. Supreme Court WA refused.	Perth Dist Ct
27/11/99 Christmas Island	ABDULLAH, Jumah		X	1		180	Sentenced 21/07/00. 3 yr 4 mths, to serve 20 mths.	Perth Dist Ct
27/11/99 Christmas Island	MAKMUR, Rosli		X	1		180	Sentenced 21/07/00. 3 yr 4 mths, to serve 20 mths.	Perth Dist Ct
21/12/99 Powerful Island	GOMANG, Akmal		X	1		4	Sentenced - 03/04/00 - 2 yrs imprisonment to serve 1.	South Hedland District Court
21/12/99 Powerful Island	TALLO, Ali		X	1		4	Sentenced - 03/04/00 - 2 yrs imprisonment to serve 1.	South Hedland District Court

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
21/12/99 Powerful Island	ABANG, Umar		X	1		4	Sentenced - 03/04/00 - 2 yrs imprison to serve 1.	South Hedland District Court
20/12/99 Christmas Island	ILYAS ABDULLAH	X		1		228	Sentenced 31/05/00. 5 yr, non- parole 2 yr, 6 mths.	Perth Dist Ct
20/12/99 Christmas Island	RAHMAT AL RAHMAN	X		1		228	Sentenced 31/05/00. 6 yr, non- parole 3 yrs.	Perth Dist Ct
20/12/99 Christmas Island	MUHAMMAD ALWI	X		1		228	Sentenced 31/05/00. 6 yr, non- parole 3 yrs.	Perth Dist Ct
01/02/00 Christmas Island	CITA, Wira	X		1		281	Sentenced 19/05/00. 7 yrs, 3&1/2 yrs non-parole.. Sought leave to appeal against sentence on 13/11/00. Supreme Court WA refused.	Perth District Ct
01/02/00 Christmas Island	SALAMA, Lorens	X		1		281	S100 Statement 09/03/00. Status Conf - 19/12/00. Trial 04/04/01.	Perth Dist Ct
16/02/00 Christmas Island	DARWAN (KASIN, Darwan) KASIM		X	1		22	S100 Statement - 09/03/00. Status Conf - 19/01/01	Perth Dist Ct
16/02/00 Christmas Island	HALILI SUNGGUH, La-ode		X	1		22	Sentenced 12/05/00. 3 yrs to serve 18 mths.	Perth Dist Ct
16/02/00 Christmas Island	BAYUNI (KAMARUNDIN, Bayuni)		X	1		22	Sentenced 12/05/00. 3 yrs to serve 18 mths.	Perth Dist Ct
21/03/2000 NW Kimberley Coast	AMAN, Sania	X			1	34	Sentenced 08/11/00. 18 mths deten, release after 9 mths.	Broome Children's Ct
21/03/2000 NW Kimberley Coast	UDIN, Astar	X			1	34	Sentenced 08/11/00. 18 mths deten, release after 9 mths.	Broome Children's Ct
19/06/00 Ashmore Islands	NURU MALENG	X		1		112	Sentenced 03/10/00. 3 yrs 6 mths, non-parole 21 mths.	Broome Dist Ct

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
19/06/00 Ashmore Islands	Mahmud RIDWAN	X			1	112	Sentenced 17/10/00. 18 mths, supervised release after 9 mths.	Broome Dist Ct - Perth Child's Crt
19/06/00 Ashmore Islands	Anton RAJ (RAJI)	X		1		112	Sentenced 03/10/00. 3 yrs 3 mths, non-parole 18 mths.	Broome Dist Ct
19/06/00 Ashmore Islands	Fijai ABDUL RAHMAN	X		1		112	Sentenced 03/10/00. 3 yrs 3 mths, non-parole 18 mths.	Broome Dist Ct
27/06/00 Christmas Island	DULLALAH IKSAN, Ibrahim		X	1		3	Sentenced 07/11/00. 4 yr, non-parole 2 yrs.	Broome Dist Ct
27/06/00 Christmas Island	KEREN, Suyanto (Girin)		X	1		3	Sentenced 07/11/00. 2 yrs, to serve 12 mths. \$5000.	Broome Dist Ct
27/06/00 Christmas Island	SALIM, Zaenal Abidin SALAM		X	1		3	Sentenced 07/11/00. 2 yrs, to serve 12 mths. \$5000.	Broome Dist Ct
27/06/00 Christmas Island	CEWAN, Sukirman		X	1		3	Sentenced 07/11/00. 2 yrs, to serve 12 mths. \$5000.	Broome Dist Ct
10/07/00 Ashmore Reef	BAHARUDIN, Hassan	X		1		30	Transferred from Pt Hedland to Broome 28/07/00. Sentence 05/12/00 3 yrs to serve 18 mths.	Broome Dist Ct/ Broome Mag Crt
10/07/00 Ashmore Reef	EHMAN (MAKKA TOU)	X		1		30	Transferred from Pt Hedland to Broome 28/07/00. Sentence 05/12/00 3 yrs to serve 18 mths.	Broome Dist Ct
10/07/00 Ashmore Reef	BUDAIN, Umar	X		1		30	Hearing 05/02/2001.	Broome Dist Ct/ Broome Mag Crt
11/07/00 Ashmore Reef	TOBI, Lette	X		1		36	Sentenced 07/11/00. 4 yrs, non-parole 2 yrs.	Broome Dist Ct
11/07/00 Ashmore Reef	BOY, Bulan	X		1		36	Sentenced 07/11/00. 4 yrs, non-parole 2 yrs.	Broome Dist Ct
17/08/00 Ashmore Reef	NASON GIRI	X		1		74	Sentenced 08/11/00.3 yrs 6 mths, non-parole 20 mths.	Broome Dist Ct

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
17/08/00 Ashmore Reef	IFAN	X			1	74	Sentenced 13/11/00 8 months young offenders detention.	Perth Children's Ct
17/08/00 Ashmore Reef	RUDIN (UDIN, Bin Mohamad Ali)	X			1	74	Sentenced 13/11/00 8 Mths young offenders detention.	Perth Children's Ct
04/09/00 Ashmore Reef	Dahwali UD-DIN	X		1		77	Sentenced 07/11/00. 4 yrs, non-parole 2 yrs.	Broome Dist Ct
04/09/00 Ashmore Reef	JUMA Rudin	X		1		77	Sentenced 07/11/00. 3 yrs, to serve 18 mths \$5000.	Broome Dist Ct
04/09/00 Ashmore Reef	LEY, Leroy	X		1		77	Sentenced 07/11/00. 3 yrs to serve 18 mths \$5000.	Broome Dist Ct
04/09/00 Ashmore Reef	Mustafa, RIDWAN		X		1	77	Sentenced 31/10/00. 12 mths, supervised release after 6 mths.	Perth Children's Ct
04/09/00 Ashmore Reef	Abu Bakar JAMAL	X		1		77	Sentenced 07/11/00. 3 yrs, to serve 18 mths \$5000.	Broome Dist Ct
25/10/00 Ashmore Islands	Joni Agles	X		1		32	Sentenced 12/02/01. 3Y to serve 18M \$5000.	Broome Dist Crt
25/10/00 Ashmore Islands	PARENCES	X			1	32	Sentenced 12/02/01. 9M to serve 4M2W.	Perth Children's Crt
25/10/00 Ashmore Islands	MUHAMMAD	X			1	32	Sentenced 12/02/01. 9M to serve 4M2W.	Perth Children's Crt
25/10/00 Ashmore Islands	Ujang Inus	X		1		32	Sentenced 12/01/01. 2Y3M, to serve 1Y1M2W \$3000.	Broome Dist Crt
28/10/00 Ashmore Islands	Jon Fanggi	X		1		116	Sentenced 12/02/01. 4Y6M , to serve 2Y3M \$5000.	Broome Dist Crt
28/10/00 Ashmore Islands	Saleh Baco	X		1		116	Sentenced 12/02/01. 4Y6M , to serve 2Y3M \$5000.	Broome Dist Crt
28/10/00 Ashmore Islands	Bahrudin Wahyu	X		1		116	Sentenced 12/01/01. 3Y9M, to serve 1Y9M \$4000.	Broome Dist Crt

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
28/10/00 Ashmore Islands	Sani Sidik	X			1	116	Sentenced 12/02/01. 9M to serve 4M2W.	Perth Children's Crt
28/10/00 Ashmore Islands	Linus Adu	X		1		116	Sentenced 12/01/01. 3Y9M, to serve 1Y9M \$4000.	Broome Dist Crt
17/12/00 NW Kimberley coast	LUBIS, Edi Nurhadi	X		1		92	Sentence 02/04/01	Due Court 02/04/01
17/12/00 NW Kimberley coast	ANTONI (ANTON)	X		1		92	Sentence 02/04/01	Due Court 02/04/01
17/12/00 NW Kimberley coast	ARIFIN, Samsul	X			1	92	Sentenced 12/02/01. 9 M, to serve 4 M 2 W	Banksia
06/01/01 Christmas Island	AGUS, Mohamad	X					Sentence 02/04/01	
06/01/01 Christmas Island	DONI	X					Sentence 02/04/01	

X-Keten	29/06/99 Ashmore Reef	MAHYUDIN, Udin		1	53	Removed 07/07/99	
X-Keten	29/06/99 Ashmore Reef	DULAH, At	1		53	Removed 08/01/00	
X-Keten	29/06/99 Ashmore Reef	BIN UDIN,	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	HUSEIN, A	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	JUNAEDI,	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	KAMIL, Yu	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	SIMIN, Rud	1		53	Removed 29/09/99	
York/Zeil	12/07/99 Ashmore Reef	SAFFRUDIN, Imran		1	6 + 16	Removed 21/07/99	
York/Zeil	12/07/99 Ashmore Reef	MISAK, Ronal		1	6 + 16	Removed 21/07/99	
York/Zeil	12/07/99 Ashmore Reef	LOE, Ari	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	GIRI, Asar	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	TOMONO,	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	GIRI, Milki	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	LATIF, Haj	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	LAABU, La	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	MENCURA	1		6 + 16	Removed 20/10/99	

Date & Place of Arrival	Offence - 232A	233(1)(a)	Adults	Juveniles	Number of Pax	Prosecution & Sentence	Court/Location
28/07/99 Ashmore Reef	PAJAN, Olang A			1	14	Gd behaviour bond	
28/07/99 Ashmore Reef	KADIR, Nas	X		1	14	Gd behaviour bond 23/05/00	
28/07/99 Ashmore Reef	PAJAN, Amin	X	1		14	back up trial 28/02/00, head trial 01/05/00. Sentenced 12/05/00 to 2 yrs - to be released after 12 mths.	
28/07/99 Ashmore Reef	SADLIL, Amir	X	1		14	back up trial 28/02/00, head trial 01/05/00. Sentenced 12/05/00 to 3 yrs - to be released after 18 mths.	
31/07/99 Ashmore Reef	SULEIMAN, Key	X	1		44	sentenced 23/05/00 to 3 yrs, 3 mths, to be released after 20 mths. Commenced 31/07/99.	Darwin Supreme Ct
31/07/99 Ashmore Reef	SUKARNI, Bin UMAR	X		1	44	released after 17 mths. Commenced 31/07/99	Darwin Supreme Ct
31/07/99 Ashmore Reef	RANJANE, Ali	X	1		44	sentenced 23/05/00 to 21 mths to be released after 11 mths. Commenced 31/07/99.	Darwin Supreme Ct
31/07/99 Ashmore Reef	HUSAYNI, Bin Madi			1	44	sentenced 23/05/00 to 21 mths to be released after 11 mths. Commenced 31/07/99.	Darwin Supreme Ct
25/08/99 Ashmore Reef	GURUAPIN, Samsul	X	1		12	22/11/99 convicted & Sentenced for 2 yrs, commencing on 27/08/99, to be released on expiration of 12 months upon entering recognizance \$500	Supreme Court
" " " "	HAPIS, Abdul	X	1		"	" " " "	" "
30/08/99 Ashmore Reef	SIDIK, Mohamed (SIDIQ)	X		1	24	10/09/99 convicted & sentenced 6 mths detention, suspended on entering good behaviour bond \$100- conditioned he not enter Australian territory for 5 years.	Darwin Juvenile Court & Supreme Court
" " " "	NAJAR, Koa	X		1	"	" " " "	Darwin Juvenile Court & Supreme Court
" " " "	SALIHIN, Kusman	X	1		"	22/11/99 convicted & Sentenced for 2 yrs, commencing on 30/08/99, to be released on expiration of 12 months upon entering recognizance \$500	Supreme Court
" " " "	SIRUP, Hama (SIRIP)	X	1		"	22/11/99 convicted & Sentenced for 2 yrs, commencing on 30/08/99, to be released on expiration of 12 months upon entering recognizance \$500	Supreme Court

Date & Place of Arrival		Offence - 232A		233(1)(a)		Adults		Juveniles		Number of Pax		Prosecution & Sentence		Court/Location	
"	"	"													
"	"	"	KUNI, Laaji	X			1				"	22/11/99 convicted & Sentenced for 2 yrs. commencing on 30/08/99, to be released on expiration of 12 months upon entering recognizance \$500-		Supreme Court	
31/08/99	Ashmore Reef		TAHER	X			1				86	12/01/00 sentenced 1 yr 10 mths - to be released after 13 mths.		Supreme Court	
"	"	"	SYARIF, Ahmad	X			1				"	12/01/00 sentenced 1 yr 10 mths - to be released after 13 mths.		Supreme Court	
"	"	"	PARLIN, Muhamat	X			1				"	12/01/00 sentenced 1 yr 10 mths - to be released after 13 mths.		Supreme Court	
"	"	"	SADIRI, Putra	X			1				"	12/01/00 sentenced 2 yr 3 mths - to be released after 17 mths.		Supreme Court	
"	"	"	BACAO, Saleh	X			1				"	12/01/00 sentenced 1 yr 10 mths / 13 mths		Supreme Court	
"	"	"	HARSONO	X			1				"	12/01/00 sentenced 2 yr 3 mths - to be released after 17 mths.		Supreme Court	
03/09/99	Ashmore Reef		SADIRI	X			1				35	25/01/00 sentenced 2 yrs - to be released after 1 yr.		Supreme Court	
03/09/99	Ashmore Reef		DARMO	X			1				"	25/01/00 sentenced 2 yrs - to be released after 1 yr.		Supreme Court	
03/09/99	Ashmore Reef		RAJIUN	X			1				"	25/01/00 sentenced 2 yrs - to be released after 1 yr.		Supreme Court	
03/09/99	Ashmore Reef		LADUMA, Abdullah M	X			1				"	25/01/00 sentenced 2 yrs - to be released after 1 yr.		Supreme Court	
03/09/99	Ashmore Reef		IDRIS, Julimin	X			1				"	25/01/00 sentenced 2 yrs - to be released after 1 yr.		Supreme Court	
17/09/99	Ashmore Reef		SAMSUL, Alam	X			1				4	12/01/00 sentenced 16 mths - to be released after 10 mths.		Supreme Court	
17/09/99	Ashmore Reef		NURSIA, Udin	X			1				4	12/01/00 sentenced 16 mths - to be released after 10 mths. To be released 16/07/00. Removed 22/07/00		Supreme Court	
19/09/99	Ashmore Reef		SYUKUR, Andika						1		8	Listed for arraignment on 06/12/99. Sentenced 02/08/00 to 2 yrs 6 mths - release after 1 yr 3 mths.		Supreme Court	

Date & Place of Arrival		Offence - 232A		233(1)(a)		Adults		Juveniles		Number of Pax		Prosecution & Sentence		Court/Location	
19/09/99	Ashmore Reef	NDOLU, Albert						1		8		Listed for arraignment on 06/12/99 Sentenced 02/08/00 to 1 yr 6 mths - released forthwith.	Supreme Court		
05/10/99	Kimberley Coast	BUKRAN		X		1				24		Sentenced 02/08/00 to 2 yrs - release after 1 yr.	Supreme Court		
05/10/99	Kimberley Coast	MUYAMADIYA		X		1				24		Sentenced 02/08/00 to 2 yrs - release after 1 yr.	Supreme Court		
11/10/99	Ashmore Reef	RAJIMAN, Ari		X				1		110		Listed for committal on 13/12/99. Convicted & released 07/09/00 without sentence.	Darwin Court of Summary Jurisdiction /Supreme Crt		
11/10/99	Ashmore Reef	SANDI, Irsan (SANDY)		X						110		Listed for committal on 13/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.	Darwin Court of Summary Jurisdiction /Supreme Crt		
11/10/99	Ashmore Reef	SYARIF, Ahmad		X		1				110		Listed for committal on 13/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.	Darwin Court of Summary Jurisdiction /Supreme Crt		
11/10/99	Ashmore Reef	LATIF, Umar		X		1				110		Listed for committal on 13/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.	Darwin Court of Summary Jurisdiction /Supreme Crt		
11/10/99	Ashmore Reef	RUSDY, Azis		X				1		110		Concluded - 26/10/99 sentenced to 6 mths detention suspended on entering good behaviour bond \$1000- for 5 years.	Darwin Juvenile Court		
11/10/99	Ashmore Reef	NULUK, Jopi (NULIK)		X		1				110		Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.	Darwin Court of Summary Jurisdiction /Supreme Crt		
11/10/99	Ashmore Reef	MULUK		X		1				110		Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.	Darwin Court of Summary Jurisdiction /Supreme Crt		
11/10/99	Ashmore Reef	SYAIFUL		X		1				110		Listed for committal on 13/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.	Darwin Court of Summary Jurisdiction /Supreme Crt		
13/10/99	Kuri Bay	SAIFUL		X				1		12		Concluded - 19/10/99 sentenced to 6 mths detention suspended on entering good behaviour bond \$1000- for 5 years.	Darwin Juvenile Court		
13/10/99	Kuri Bay	SAMSUDIN		X				1		12		Listed for committal on 13/12/99.	Darwin Court of Summary Jurisdiction /Supreme Crt		
01/11/99	Ashmore Reef	MIN, Sidin				1				352		Listed for committal on 20/03/00. Sentenced 13/10/00 to 7 yrs - non-parole 3 yrs.	Darwin Court of Summary Jurisdiction /Supreme Crt		
01/11/99	Ashmore Reef	JAFAR, Lapulu		X				1		352		Listed for committal on 20/03/00. Sentenced 07/09/00 to 12 mths suspended forthwith.	Darwin Court of Summary Jurisdiction /Supreme Crt		
01/11/99	Ashmore Reef	ARIFIN, Batjo (BACO)		X				1		352		Listed for committal on 20/03/00. Sentenced 13/10/00 to 4 yrs - non-parole 2 yrs.	Darwin Court of Summary Jurisdiction /Supreme Crt		

Date & Place of Arrival		Offence - 232A			233(1)(a)			Number of			Prosecution & Sentence		Court/Location		
								Adults			Juveniles			Pax	
01/11/99	Ashmore Reef	WACHID, Koli (Wahid KOLI)			X			1				352	Listed for committal on 20/03/00. Sentenced 13/10/00 to 4 yrs - non-parole 2 yrs.	Darwin Court of Summary Jurisdiction /Supreme Crt	
01/11/99	Ashmore Reef	ISMAIL, Kasim			X			1				352	Listed for committal on 20/03/00. Sentenced 13/10/00 to 4 yrs - non-parole 2 yrs.	Darwin Court of Summary Jurisdiction /Supreme Crt	
11/11/99	Ashmore Reef	DAENG, Ibrahim			X			1				23	Listed for committal on 13/12/99. Sentenced 02/08/00 to 2 yrs 2 mths - release after 1 yr 1 mth.	Darwin Court of Summary Jurisdiction /Supreme Crt	
11/11/99	Ashmore Reef	MAN			X			1				23	Listed for committal on 13/12/99. Sentenced 02/08/00 to 2 yrs 2 mths - release after 1 yr 1 mth.	Darwin Court of Summary Jurisdiction /Supreme Crt	
16/11/99	Ashmore Reef	HERI	X		X			1				31	Listed for committal on 17/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr.	Darwin Court of Summary Jurisdiction /Supreme Crt	
16/11/99	Ashmore Reef	NGATARI RIKA	X		X			1				31	Listed for committal on 17/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr.	Darwin Court of Summary Jurisdiction /Supreme Crt	
18/11/99	Ashmore Reef	JUNAEDI			X			1				33	Listed for committal on 10/01/00. Sentenced 06/10/00 to 2 yrs - released forthwith.	Darwin Court of Summary Jurisdiction /Supreme Crt	
18/11/99	Ashmore Reef	MUHAMAD, Jamil			X			1				33	Listed for committal on 10/01/00. Sentenced 06/10/00 sentenced to 2 yrs released forthwith.	Darwin Court of Summary Jurisdiction /Supreme Crt	
19/11/99	Ashmore Reef	BUKRAN			X			1				23	Listed for committal on 10/01/00. Sentenced 18/08/00 to 2 yrs - release after 1 yr.	Darwin Court of Summary Jurisdiction /Supreme Crt	
19/11/99	Ashmore Reef	ABDULRAHIM (RAHIM)			X			1				23	Listed for committal on 10/01/00. Sentenced 18/08/00 to 2 yrs - release after 1 yr.	Darwin Court of Summary Jurisdiction /Supreme Crt	
26/11/99	Ashmore Reef	BADI Kenny	X					1				152	Listed for committal on 25/01/00. Sentenced 09/08/00 to 6 yrs - 3 yr non-parole period.	Darwin Court of Summary Jurisdiction /Supreme Crt	
26/11/99	Ashmore Reef	MAWAR			X			1				152	Listed for committal on 25/01/00. Sentenced 12/10/00. Sentenced 3 yrs, release after 18 mths.	Darwin Court of Summary Jurisdiction /Supreme Crt	
26/11/99	Ashmore Reef	HASAN Husin			X			1				152	Listed for committal on 25/01/00. Sentenced 12/10/00. Sentenced 3 yrs, release after 18 mths.	Darwin Court of Summary Jurisdiction /Supreme Crt	
26/11/99	Ashmore Reef	LAPATI			X			1				152	Listed for committal on 25/01/00. Sentenced 12/10/00. Sentenced 3 yrs, release after 12 mths.	Darwin Court of Summary Jurisdiction /Supreme Crt	
26/11/99	Ashmore Reef	RANO			X			1				152	Listed for committal on 25/01/00. Sentenced 12/10/00. Sentenced 3 yrs, release after 18 mths.	Darwin Court of Summary Jurisdiction /Supreme Crt	

Date & Place of Arrival		Offence - 232A			233(1)(a)			Number of			Prosecution & Sentence		Court/Location
								Adults	Juveniles	Pax			
26/11/99	Ashmore Reef					X			1	152	Listed for plea of guilty 03/12/99 Suspended sentence.		Darwin Court of Summary Jurisdiction Darwin Juve Crt
26/11/99	NW Kimberley Coast					X		1		27	Sentenced 06/10/00 to 2 yrs released on bond.		Darwin Court of Summary Jurisdiction /Supreme Crt
26/11/99	NW Kimberley Coast					X		1		27	Sentenced 06/10/00 released on bond.		Darwin Court of Summary Jurisdiction /Supreme Crt
8/12/1999	Ashmore Reef					X			1?	7	Sentenced 18/08/00.		Darwin Court of Summary Jurisdiction /Supreme Crt
8/12/1999	Ashmore Reef					X		1		7	Sentenced 18/08/00 to 20 mths - release after 10 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt
1/12/1999	Ashmore Reef					X		1		6	Sentenced 05/10/00 - 2 yrs to be released after 12 mths. Pleaded not guilty.		Darwin Court of Summary Jurisdiction /Supreme Crt
1/12/1999	Ashmore Reef					X		1		6	Sentenced 05/10/00 to 18 mths - released forthwith.		Darwin Court of Summary Jurisdiction /Supreme Crt
7/12/1999	Ashmore Reef					X		1		135	Sentenced 25/07/00 to 2 yrs 6 mths to be released after 1 yr 3 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt
7/12/1999	Ashmore Reef					X		1		135	Sentenced 25/07/00 to 4 yrs, non-parole of 2 yrs.		Darwin Court of Summary Jurisdiction /Supreme Crt
7/12/1999	Ashmore Reef					X		1		135	Sentenced 25/07/00 to 4 yrs, non-parole of 2 yrs.		Darwin Court of Summary Jurisdiction /Supreme Crt
7/12/1999	Ashmore Reef					X		1		135	Sentenced 25/07/00 to 6 yrs, non-parole 3 yrs.		Darwin Court of Summary Jurisdiction /Supreme Crt
7/12/1999	Ashmore Reef					X		1		135	Sentenced 25/07/00 to 4 yrs, non-parole of 2 yrs.		Darwin Court of Summary Jurisdiction /Supreme Crt
7/12/1999	Ashmore Reef					X			1?	135	Sentenced 25/07/00 to 3 yrs to be released after 1 yr 6 mths		Darwin Court of Summary Jurisdiction /Supreme Crt
16/12/1999	Ashmore Reef					X		1		126	Sentenced 30/11/00 to 3 yrs release after 1 yr 6 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt
16/12/1999	Ashmore Reef					X		1		126	Sentenced 30/11/00 to 3 yrs release after 1 yr 6 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt
16/12/1999	Ashmore Reef					X		1		126	Sentenced 30/11/00 to 3 yrs release after 1 yr 6 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt
16/12/1999	Ashmore Reef					X		1		127	Sentenced 30/11/00 to 4 yrs to be released after 2 yrs.		Supreme

Date & Place of Arrival		Offence - 232A		233(1)(a)		Adults		Juveniles	Number of Pax		Prosecution & Sentence	Court/Location
16/12/1999	Ashmore Reef		X		X			1	127		Sentenced 30/11/00 to 2 yrs 6 mths to be released after 15 mths.	Supreme
16/12/1999	Ashmore Reef		X		X		1		127		Sentenced 30/11/00 to 2 yrs 6 mths. Release after 1 yr 3 mths.	Supreme
16/12/1999	Ashmore Reef							1	127		Sentenced 07/01/00 to 7 mths to be released forthwith.	Darwin Juve Crt
16/12/99	NW Kimberely Cst				X		1		58		Sentenced 25/07/00 to 2 yrs 6 mths for release after 12 mths.	Supreme
16/12/99	NW Kimberely Cst				X			1	58		Sentenced 25/07/00 to 9 mths suspended.	Supreme
18/12/99	Ashmore Reef		X				1		52		Sentenced 02/06/00 to 3 yrs 4 mths for release after 20 mths. To be released 17/03/01	Supreme
18/12/99	Ashmore Reef		X				1		52		Sentenced 02/06/00 to 3 yrs 4 mths for release after 20 mths.	Supreme
18/12/99	Ashmore Reef						1		52		Sentenced 02/06/00 to 2 yrs 6 mths for release after 15 mths.	Supreme
18/12/99	Ashmore Reef		X				1		52		Sentenced 02/06/00 to 2 yrs 6 mths for release after 15 mths.	Supreme
18/12/99	Ashmore Reef		X				1		52		Sentenced 02/06/00 to 3 yrs 4 mths for release after 20 mths.	Supreme
21/12/99	Asmore Reef		X					1	35		Sentenced 11/08/00 to 2 yrs for release after 12 mths.	Supreme
21/12/99	Asmore Reef		X					1	35		Sentenced 11/08/00 to 2 yrs for release after 12 mths.	Supreme
21/12/99	Asmore Reef		X					1	35		Removed 23/12/00	Supreme
07/01/00	Waters off NW Aust.		X				1		44		Sentenced 11/08/00 to 2 yrs for release after 12 mths.	Supreme
07/01/00	Waters off NW Aust.		X				1		44		Sentenced 11/08/00 to 2 yrs for release after 12 mths.	Supreme
07/01/00	Waters off NW Aust.				X		1		44		Sentenced 11/08/00 to 2 yrs for release after 12 mths.	Supreme
07/01/00	Waters off NW Aust.		X				1		44		Sentenced 11/08/00 to 2 yrs for release after 12 mths.	Supreme
17/01/00	Hibernian Reef (near Ashmore)		X				1		25		Sentenced 01/06/00 to 3 yrs, to be released after '18 mths. Then on 2 yr bond. (had previous conviction for illegal fishing). Sentenced 01/06/00.	Supreme

Date & Place of Arrival		Offence - 232A		233(1)(a)		Adults		Juveniles		Number of Pax		Prosecution & Sentence		Court/Location	
17/01/00	Hibernian Reef (near Ashmore)											Sentenced 01/06/00. 2 yrs, to be released after 12 mths. Then 2 yr bond.		Supreme	
17/01/00	Hibernian Reef (near Ashmore)	NDOLU, Agus	X					1		25		Sentenced 01/06/00. 2 yrs to be released after 12 mths. Then 2 yr bond.		Supreme	
17/01/00	Hibernian Reef (near Ashmore)	LETE, Jofrin	X					1		25				Supreme	
17/01/00	Hibernian Reef (near Ashmore)	DONG, Kampu TONG						1		25		Sentenced 21/01/00 to 6 mths suspended. Sentenced 12/05/00 to 3 yrs for release after 18 mths.		Darwin Juve Crt	
25/01/00	Cape Bougainville	AMUNULLAH AMINOLLAH	X				1			38				Supreme	
25/01/00	Cape Bougainville	RISMAN	X				1			38		Sentenced 12/05/00 to 3 yrs for release after 18 mths.		Supreme	
25/01/00	Cape Bougainville	WARU, Daeng	X				1			38		Sentenced 12/05/00 to 3 yrs for release after 18 mths.		Supreme	
11/02/00	Ashmore Reef	LOE, Ibrahim	X					1		45		Sentenced 25/08/00 to 2 yrs 8 mths for release after 14 mths.		Supreme	
11/02/00	Ashmore Reef	KARABI, Dahlan	X				1			45		Sentenced 25/08/00 to 2 yrs 8 mths for release after 14 mths.		Supreme	
11/02/00	Ashmore Reef	SOGO, Ahmad	X					1		45		Sentenced 25/08/00 to 2 yrs for release after 1 yr.		Supreme	
11/02/00	Ashmore Reef	KEY, Laona	X				1			45		Sentenced 25/08/00 to 2 yrs 8 mths for release after 14 mths.		Supreme	
11/02/00	Ashmore Reef	KURA, Jamal	X					1		45		Sentenced 25/08/00 to 2 yrs for release after 1 yr.		Supreme	
11/02/00	Ashmore Reef	MIN MUSTAFA	X				1			45		Sentenced 25/08/00 to 2 yrs 8 mths for release after 14 mths.		Supreme	
1/03/2000	Ashmore Reef	HENUK, Hendrik	X				1			71		Sentenced 18/08/00 to 4 yrs for release after 2 yrs.		Supreme	
1/03/2000	Ashmore Reef	SANTIAGO, Laigo	X					1		71		Sentenced 18/08/00 to 2 yrs for release after 1 yr.		Supreme	
1/03/2000	Ashmore Reef	ANSYARUDI, Aswan	X				1			71		Sentenced 18/08/00 to 3 yrs for release after 18 mths.		Supreme	
1/03/2000	Ashmore Reef	DAHLAN, Ilham	X					1		71		Sentenced 18/08/00 to 2 yrs for release after 1 yr.		Supreme	
1/03/2000	Ashmore Reef	MUJIN, Amir Rosidi	X					1		71		Sentenced 18/08/00 to 2 yrs for release after 1 yr.		Supreme	
26/03/00	Ashmore Reef	BACO, Kadir	X							70		Sentenced 18/08/00 to 4 yrs for release after 2 yrs.		Supreme	
26/03/00	Ashmore Reef	BINSIMIN, Syarif	X							70		Sentenced 18/08/00 to 3 yrs for release after 18 mths.		Supreme	
26/03/00	Ashmore Reef	BIN LABAU, Hasrun	X							70		Sentenced 18/08/00 to 2 yrs for release after 12 mths.		Supreme	
26/03/00	Ashmore Reef	BACO, Usman	X							70		Sentenced 18/08/00 to 2 yrs for release after 12 mths.		Supreme	

Date & Place of Arrival		Offence - 232A			233(1)(a)		Adults		Juveniles		Number of Pax		Prosecution & Sentence		Court/Location	
26/03/00	Ashmore Reef	GOMANG, Asis	X								70		Sentenced 18/08/00 to 3 yrs for release after 18 mths.		Supreme	
28/03/00	Ashmore Reef	KALOMANA, Jamaludin	X		X						19		01/12/00 - discontinue proceedings - withdrawn. No reasonable prospect in obtaining conviction. Spent 8 mths in remand.		Supreme	
28/03/00	Ashmore Reef	HASAN, Edi	X		X						19		01/12/00 - discontinue proceedings - withdrawn. No reasonable prospect in obtaining conviction. Spent 8 mths in remand.		Supreme	
28/03/00	Ashmore Reef	TALUMA, Mahadil	X		X						19		01/12/00 - discontinue proceedings - withdrawn. No reasonable prospect in obtaining conviction. Spent 8 mths in remand.		Supreme	
03/04/00	Ashmore Reef	MODO, Anus	X								62		Sentenced 03/11/00 to 3 yrs for release after 18 mths.		Supreme	
03/04/00	Ashmore Reef	ADU, Jon			X				1		62		Sentence date 07/04/00. Suspended.		Darwin Juve Crt	
03/04/00	Ashmore Reef	PAH, Lius	X								62		Sentenced 03/11/00 to 2 yrs for release after 12 mths.		Supreme	
03/04/00	Ashmore Reef	BALU, Jus	X								62		Sentenced 19/12/00 to 2 yrs for release after 10 mths.		Supreme	
09/05/00	Ashmore Reef	LOE, Adrianus	X		X						66		Mention on 02/02/01		Supreme	
09/05/00	Ashmore Reef	NAFIE, Welem									66		Sentenced 04/12/00 to 3 yrs for release after 18 mths.		Supreme	
09/05/00	Ashmore Reef	BADU, Ismail	X								66		Sentenced 04/12/00 to 3 yrs for release after 18 mths.		Supreme	
09/05/00	Ashmore Reef	AMAL, Bayu	X								66		Sentenced 04/12/00 to 2 yrs for release after 1 yr.		Supreme	
09/05/00	Ashmore Reef	ROHINDI, Ode	X								66		Sentenced 04/12/00 to 3 yrs for release after 18 mths.		Supreme	
09/05/00	Ashmore Reef	SELLU JIMMI	X								66		Sentenced 04/12/00 to 2 yrs for release after 1 yr.		Supreme	
16/05/00	Ashmore Islands	LOBANG, Tahir	X								17		Sentenced 13/10/00 to 2 yrs for release after 1 yr.		Supreme	
16/05/00	Ashmore Islands	SUHARDI									17		Sentenced 13/10/00 to 2 yrs for release after 1 yr.		Supreme	
16/05/00	Ashmore Islands	EMTAYEB (TAYEB)	X								17		Sentenced 13/10/00 to 2 yrs for release after 1 yr.		Supreme	
16/05/00	Ashmore Islands	KAHARUDDIN									17		Sentenced 13/10/00 to 2 yrs for release after 1 yr.		Supreme	
01/06/00	Ashmore Islands	MINASAI	X								36		Sentenced 18/07/00 to 3 yrs for release after 18 mths.		Supreme	
01/06/00	Ashmore Islands	ANDI	X								36		Sentenced 18/07/00 to 2 yrs 6 mths for release after 15 mths.		Supreme	
14/09/00	N.W. West Australia	SIREGAR, Syakban									101		Mention on 02/02/01. Listed for plea 21/2/01		Supreme	

Date & Place of Arrival		Offence - 232A		233(1)(a)		Adults		Juveniles		Number of Pax		Prosecution & Sentence		Court/Location	
14/09/00	N.W. West Australia	JOHANES, Oskar Flores								101		Sentenced 19/01/01 to 2yrs 6 mths to serve 15 mths		Supreme	
14/09/00	N.W. West Australia	SAHAMUDIN SAHABUDI	X							101		Sentenced 19/01/01 to 2yrs 6 mths to serve 15 mths		Supreme	
27/09/00	Ashmore Reef	MINI, Abdurachman	X							47		Sentenced 19/01/01 to 2yrs 6 mths to serve 15 mths		Supreme	
27/09/00	Ashmore Reef	MUSA, Akbar			X			1		47		Sentenced 10/10/00. 6 Mth Suspended. Removed 14/10/00		Darwin Mag Ct/ Juve	
27/09/00	Ashmore Reef	BAUKI, Amra Safrudin	X							47		Sentenced 19/01/01 to 2yrs 6 mths to serve 15 mths		Supreme	
27/09/00	Ashmore Reef	BOLANG, Justus	X							47		Sentenced 19/01/01 to 3 yrs to serve 18 mths		Supreme	
07/10/00	Ashmore Islands	ABDULLAH, Rocky	X							94		Sentenced 19/01/01 to 4 yrs to serve 2 yrs		Supreme	
07/10/00	Ashmore Islands	MANCORA, Mardiansa -										Sentenced 27/10/00 to 8 mths to serve 2 mths. For release 05/12/00. Removed 09/12/00		Supreme	
07/10/00	Ashmore Islands	WARDEANSA, Manjora	X		X					94		Sentenced to 3yrs to serve 18 mths		Supreme	
07/10/00	Ashmore Islands	LAIDI, Amir	X							94		Sentenced to 2 yrs to serve 12 mths		Supreme	
27/12/00	Ashmore Islands	AHMAD, Taru	X							49		Sentenced 16/01/01.		Magistrates	
		TONG, Bonar						1							

ATTACHMENT B

Date & Place of Arrival	Name of Crew	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
Near Cartier Inlet 04/01/99	MESAK, Rojer			9	24 mths gd behaviour bond 11/01/99	
Near Cartier Inlet 04/01/99	IDRIS, N			9	returned to Willie Ck for repat -	
Near Cartier Inlet 04/01/99	MARHOM, Bimbi			9	sentenced to 14 mths with no parole on 11/01/99 -	
Thursday Island 03/02/99	NOLDY RASFI			5	9 mths - 4 mths each	
Thursday Island 03/02/99	LAIYA, Airon			5	9 mths - 4 mths each	
Thursday Island 03/02/99	MAHUSE Makyh			5	9 mths - 4 mths each	
Thursday Island 03/02/99	KAISE, Julius			5	9 mths - 4 mths each	
22/02/99 Christmas Island	JAMADI , Bin Ilam			13	47 mths imprisonment, no non-parole	
22/02/99 Christmas Island	DEDEJONO, Bin Jono			13	16 mths imprisonment - no non-parole	
22/02/99 Christmas Island	SUHAMEN, Bin Tasar			13	16 mths imprisonment - no non-parole	
24/02/99 NW Kimberely Cst	IWAN BAKIAR			3	6 mths imprisonment	
24/02/99 NW Kimberely Cst	LA NUNU			3	6 mths imprisonment	
16/04/99 Broome	ARULI			3	Global penalty 22 mths, serve min 18 mths.	
16/04/99 Broome	DARWIN			3		

Date & Place of Arrival	Name of Crew	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
16/04/99 Broome	HAYADIN			3	fined \$4200.	
21/04/99 Ashmore Reef	RAMLAN, Rifal			3	3 mths imprisonment	
21/04/99 Ashmore Reef	ROBTH			3	3 mths imprisonment	
25/05/99 Ashmore Reef	LEMBA			10	5 mths, 20 days suspended \$500	
25/05/99 Ashmore Reef	HUSEIN			10	5 mths, 20 days suspended \$500	
25/05/99 Ashmore Reef	SADIRI			10	5 mths, 20 days suspended \$500	
25/05/99 Ashmore Reef	TERIK			10	5 mths, 20 days to be released after 3 mths \$500 condition	
25/05/99 Ashmore Reef	ZAHARIAH, Lamisi			10	11 mths, 20 days	
01/06/99 Cape Leveque	LA TIMA			9	\$9000 in default 150 days imprison, no time to pay	
01/06/99 Cape Leveque	LA AIDA			9	fined \$6600 in default 220 days imprison.	
01/06/99 Cape Leveque	MAOUDIN			9	\$5000 gd behaviour bond for 3 yrs.	
01/06/99 Cape Leveque	RAHAMUDIN			9	fined \$6000 in default 160 days imprison	
04/06/99 Broken Bay NSW	Jian Zhen Hua (Jean Jenn Hwa)			108	Setenced to 13/12 mths.	
07/06/99 NW Kimberley Cst	AMIR			10	12 mths	
07/06/99 NW Kimberley Cst	SAHAK			10	12 mths	
Christmas Island	ULOH, Aceh			8	5 mths imprison	
Christmas Island	HANDOYO, Iwan			8	5 mths imprison	

Date & Place of Arrival	Name of Crew	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
Christmas Island	UDIN, Asep			8	3 mths & 1 day	
Christmas Island	BAKO, Chandra			8	3 mths & 1 day	
25/06/99 Ashmore Reef	IDRUS			12	\$6000 gd behaviour bond for 4 mths	
25/06/99 Ashmore Reef	SUHERMAN, Herman			12	8 mths imprison min 6 mths. Breach of bond - 6 mths penalties to be served concurrent.	

X-Keten	29/06/99 Ashmore Reef	MAHYUDIN, Udin		1	53	Removed 07/07/99	
X-Keten	29/06/99 Ashmore Reef	DULAH, A	1		53	Removed 08/01/00	
X-Keten	29/06/99 Ashmore Reef	BIN UDIN,	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	HUSEIN, A	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	JUNAEDI,	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	KAMIL, Yu	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	SIMIN, Rud	1		53	Removed 29/09/99	
York/Zeil	12/07/99 Ashmore Reef	SAFFRUDIN, Imran		1	6 + 16	Removed 21/07/99	
York/Zeil	12/07/99 Ashmore Reef	MISAK, Ronal		1	6 + 16	Removed 21/07/99	
York/Zeil	12/07/99 Ashmore Reef	LOE, Ari	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	GIRI, Asar	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	TOMONO,	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	GIRI, Milki	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	LATIF, Haj	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	LAABU, La	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	MENCURA	1		6 + 16	Removed 20/10/99	

Date & Place of Arrival	Offence - 232A	233(1)(a)	Adults	Juveniles	Number of Pax	Prosecution & Sentence	Court/Location
28/07/99 Ashmore Reef	PAJAN, Olang A			1	14	Gd behaviour bond	
28/07/99 Ashmore Reef	KADIR, Nas	X		1	14	Gd behaviour bond 23/05/00	
28/07/99 Ashmore Reef	PAJAN, Amin	X	1		14	back up trial 28/02/00, head trial 01/05/00. Sentenced 12/05/00 to 2 yrs - to be released after 12 mths.	
28/07/99 Ashmore Reef	SADLIL, Amir	X	1		14	back up trial 28/02/00, head trial 01/05/00. Sentenced 12/05/00 to 3 yrs - to be released after 18 mths.	
31/07/99 Ashmore Reef	SULEIMAN, Key	X	1		44	sentenced 23/05/00 to 3 yrs, 3 mths, to be released after 20 mths. Commenced 31/07/99.	Darwin Supreme Ct
31/07/99 Ashmore Reef	SUKARNI, Bin UMAR	X		1	44	released after 17 mths. Commenced 31/07/99	Darwin Supreme Ct
31/07/99 Ashmore Reef	RANJANE, Ali	X	1		44	sentenced 23/05/00 to 21 mths to be released after 11 mths. Commenced 31/07/99.	Darwin Supreme Ct
31/07/99 Ashmore Reef	HUSAYNI, Bin Madi			1	44	sentenced 23/05/00 to 21 mths to be released after 11 mths. Commenced 31/07/99.	Darwin Supreme Ct
25/08/99 Ashmore Reef	GURUAPIN, Samsul	X	1		12	22/11/99 convicted & Sentenced for 2 yrs, commencing on 27/08/99, to be released on expiration of 12 months upon entering recognizance \$500	Supreme Court
" " " "	HAPIS, Abdul	X	1		"	" " " "	" "
30/08/99 Ashmore Reef	SIDIK, Mohamed (SIDIQ)	X		1	24	10/09/99 convicted & sentenced 6 mths detention, suspended on entering good behaviour bond \$100- conditioned he not enter Australian territory for 5 years.	Darwin Juvenile Court & Supreme Court
" " " "	NAJAR, Koa	X		1	"	" " " "	Darwin Juvenile Court & Supreme Court
" " " "	SALIHIN, Kusman	X	1		"	22/11/99 convicted & Sentenced for 2 yrs, commencing on 30/08/99, to be released on expiration of 12 months upon entering recognizance \$500	Supreme Court
" " " "	SIRUP, Hama (SIRIP)	X	1		"	22/11/99 convicted & Sentenced for 2 yrs, commencing on 30/08/99, to be released on expiration of 12 months upon entering recognizance \$500	Supreme Court

Date & Place of Arrival		Offence - 232A		233(1)(a)		Adults		Juveniles		Number of Pax		Prosecution & Sentence		Court/Location	
"	"	"													
"	"	"	KUNI, Laaji	X			1				"	22/11/99 convicted & Sentenced for 2 yrs. commencing on 30/08/99, to be released on expiration of 12 months upon entering recognizance \$500-		Supreme Court	
31/08/99	Ashmore Reef		TAHER	X			1				86	12/01/00 sentenced 1 yr 10 mths - to be released after 13 mths.		Supreme Court	
"	"	"	SYARIF, Ahmad	X			1				"	12/01/00 sentenced 1 yr 10 mths - to be released after 13 mths.		Supreme Court	
"	"	"	PARLIN, Muhamat	X			1				"	12/01/00 sentenced 1 yr 10 mths - to be released after 13 mths.		Supreme Court	
"	"	"	SADIRI, Putra	X			1				"	12/01/00 sentenced 2 yr 3 mths - to be released after 17 mths.		Supreme Court	
"	"	"	BACAO, Saleh	X			1				"	12/01/00 sentenced 1 yr 10 mths / 13 mths		Supreme Court	
"	"	"	HARSONO	X			1				"	12/01/00 sentenced 2 yr 3 mths - to be released after 17 mths.		Supreme Court	
03/09/99	Ashmore Reef		SADIRI	X			1				35	25/01/00 sentenced 2 yrs - to be released after 1 yr.		Supreme Court	
03/09/99	Ashmore Reef		DARMO	X			1				"	25/01/00 sentenced 2 yrs - to be released after 1 yr.		Supreme Court	
03/09/99	Ashmore Reef		RAJIUN	X			1				"	25/01/00 sentenced 2 yrs - to be released after 1 yr.		Supreme Court	
03/09/99	Ashmore Reef		LADUMA, Abdullah M	X			1				"	25/01/00 sentenced 2 yrs - to be released after 1 yr.		Supreme Court	
03/09/99	Ashmore Reef		IDRIS, Julimin	X			1				"	25/01/00 sentenced 2 yrs - to be released after 1 yr.		Supreme Court	
17/09/99	Ashmore Reef		SAMSUL, Alam	X			1				4	12/01/00 sentenced 16 mths - to be released after 10 mths.		Supreme Court	
17/09/99	Ashmore Reef		NURSIA, Udin	X			1				4	12/01/00 sentenced 16 mths - to be released after 10 mths. To be released 16/07/00. Removed 22/07/00		Supreme Court	
19/09/99	Ashmore Reef		SYUKUR, Andika						1		8	Listed for arraignment on 06/12/99. Sentenced 02/08/00 to 2 yrs 6 mths - release after 1 yr 3 mths.		Supreme Court	

Date & Place of Arrival		Offence - 232A		233(1)(a)		Adults		Juveniles		Number of Pax		Prosecution & Sentence		Court/Location	
19/09/99	Ashmore Reef	NDOLU, Albert						1		8		Listed for arraignment on 06/12/99 Sentenced 02/08/00 to 1 yr 6 mths - released forthwith.		Supreme Court	
05/10/99	Kimberley Coast	BUKRAN		X		1				24		Sentenced 02/08/00 to 2 yrs - release after 1 yr.		Supreme Court	
05/10/99	Kimberley Coast	MUYAMADIYA		X		1				24		Sentenced 02/08/00 to 2 yrs - release after 1 yr.		Supreme Court	
11/10/99	Ashmore Reef	RAJIMAN, Ari		X				1		110		Listed for committal on 13/12/99. Convicted & released 07/09/00 without sentence.		Darwin Court of Summary Jurisdiction /Supreme Crt	
11/10/99	Ashmore Reef	SANDI, Irsan (SANDY)		X						110		Listed for committal on 13/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt	
11/10/99	Ashmore Reef	SYARIF, Ahmad		X		1				110		Listed for committal on 13/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt	
11/10/99	Ashmore Reef	LATIF, Umar		X		1				110		Listed for committal on 13/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt	
11/10/99	Ashmore Reef	RUSDY, Azis		X				1		110		Concluded - 26/10/99 sentenced to 6 mths detention suspended on entering good behaviour bond \$1000- for 5 years.		Darwin Juvenile Court	
11/10/99	Ashmore Reef	NULUK, Jopi (NULIK)		X		1				110		Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt	
11/10/99	Ashmore Reef	MULUK		X		1				110		Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt	
11/10/99	Ashmore Reef	SYAIFUL		X		1				110		Listed for committal on 13/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr 2 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt	
13/10/99	Kuri Bay	SAIFUL		X				1		12		Concluded - 19/10/99 sentenced to 6 mths detention suspended on entering good behaviour bond \$1000- for 5 years.		Darwin Juvenile Court	
13/10/99	Kuri Bay	SAMSUDIN		X				1		12		Listed for committal on 13/12/99.		Darwin Court of Summary Jurisdiction /Supreme Crt	
01/11/99	Ashmore Reef	MIN, Sidin				1				352		Listed for committal on 20/03/00. Sentenced 13/10/00 to 7 yrs - non-parole 3 yrs.		Darwin Court of Summary Jurisdiction /Supreme Crt	
01/11/99	Ashmore Reef	JAFAR, Lapulu		X				1		352		Listed for committal on 20/03/00. Sentenced 07/09/00 to 12 mths suspended forthwith.		Darwin Court of Summary Jurisdiction /Supreme Crt	
01/11/99	Ashmore Reef	ARIFIN, Batjo (BACO)		X				1		352		Listed for committal on 20/03/00. Sentenced 13/10/00 to 4 yrs - non-parole 2 yrs.		Darwin Court of Summary Jurisdiction /Supreme Crt	

Date & Place of Arrival		Offence - 232A			233(1)(a)			Number of			Prosecution & Sentence		Court/Location	
								Adults			Pax			
01/11/99	Ashmore Reef	WACHID, Koli (Wahid KOLI)			X			1			352	Listed for committal on 20/03/00. Sentenced 13/10/00 to 4 yrs - non-parole 2 yrs.	Darwin Court of Summary Jurisdiction /Supreme Crt	
01/11/99	Ashmore Reef	ISMAIL, Kasim			X			1			352	Listed for committal on 20/03/00. Sentenced 13/10/00 to 4 yrs - non-parole 2 yrs.	Darwin Court of Summary Jurisdiction /Supreme Crt	
11/11/99	Ashmore Reef	DAENG, Ibrahim			X			1			23	Listed for committal on 13/12/99. Sentenced 02/08/00 to 2 yrs 2 mths - release after 1 yr 1 mth.	Darwin Court of Summary Jurisdiction /Supreme Crt	
11/11/99	Ashmore Reef	MAN			X			1			23	Listed for committal on 13/12/99. Sentenced 02/08/00 to 2 yrs 2 mths - release after 1 yr 1 mth.	Darwin Court of Summary Jurisdiction /Supreme Crt	
16/11/99	Ashmore Reef	HERI	X		X			1			31	Listed for committal on 17/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr.	Darwin Court of Summary Jurisdiction /Supreme Crt	
16/11/99	Ashmore Reef	NGATARI RIKA	X		X			1			31	Listed for committal on 17/12/99. Sentenced 11/10/00 to 2 yrs - release after 1 yr.	Darwin Court of Summary Jurisdiction /Supreme Crt	
18/11/99	Ashmore Reef	JUNAEDI			X			1			33	Listed for committal on 10/01/00. Sentenced 06/10/00 to 2 yrs - released forthwith.	Darwin Court of Summary Jurisdiction /Supreme Crt	
18/11/99	Ashmore Reef	MUHAMAD, Jamil			X			1			33	Listed for committal on 10/01/00. Sentenced 06/10/00 sentenced to 2 yrs released forthwith.	Darwin Court of Summary Jurisdiction /Supreme Crt	
19/11/99	Ashmore Reef	BUKRAN			X			1			23	Listed for committal on 10/01/00. Sentenced 18/08/00 to 2 yrs - release after 1 yr.	Darwin Court of Summary Jurisdiction /Supreme Crt	
19/11/99	Ashmore Reef	ABDULRAHIM (RAHIM)			X			1			23	Listed for committal on 10/01/00. Sentenced 18/08/00 to 2 yrs - release after 1 yr.	Darwin Court of Summary Jurisdiction /Supreme Crt	
26/11/99	Ashmore Reef	BADI Kenny	X					1			152	Listed for committal on 25/01/00. Sentenced 09/08/00 to 6 yrs - 3 yr non-parole period.	Darwin Court of Summary Jurisdiction /Supreme Crt	
26/11/99	Ashmore Reef	MAWAR			X			1			152	Listed for committal on 25/01/00. Sentenced 12/10/00. Sentenced 3 yrs, release after 18 mths.	Darwin Court of Summary Jurisdiction /Supreme Crt	
26/11/99	Ashmore Reef	HASAN Husin			X			1			152	Listed for committal on 25/01/00. Sentenced 12/10/00. Sentenced 3 yrs, release after 18 mths.	Darwin Court of Summary Jurisdiction /Supreme Crt	
26/11/99	Ashmore Reef	LAPATI			X			1			152	Listed for committal on 25/01/00. Sentenced 12/10/00. Sentenced 3 yrs, release after 12 mths.	Darwin Court of Summary Jurisdiction /Supreme Crt	
26/11/99	Ashmore Reef	RANO			X			1			152	Listed for committal on 25/01/00. Sentenced 12/10/00. Sentenced 3 yrs, release after 18 mths.	Darwin Court of Summary Jurisdiction /Supreme Crt	

Date & Place of Arrival		Offence - 232A			233(1)(a)			Number of			Prosecution & Sentence		Court/Location
								Adults	Juveniles	Pax			
26/11/99	Ashmore Reef		RANNO, Rinaldy		X				1	152	Listed for plea of guilty 03/12/99 Suspended sentence.		Darwin Court of Summary Jurisdiction Darwin Juve Crt
26/11/99	NW Kimberley Coast		YUSUF, Muhamad		X			1		27	Sentenced 06/10/00 to 2 yrs released on bond.		Darwin Court of Summary Jurisdiction /Supreme Crt
26/11/99	NW Kimberley Coast		KALI, Joko		X			1		27	Sentenced 06/10/00 released on bond.		Darwin Court of Summary Jurisdiction /Supreme Crt
8/12/1999	Ashmore Reef		SURADI		X				1?	7	Sentenced 18/08/00.		Darwin Court of Summary Jurisdiction /Supreme Crt
8/12/1999	Ashmore Reef		SUTIKNO		X			1		7	Sentenced 18/08/00 to 20 mths - release after 10 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt
1/12/1999	Ashmore Reef		HUNGAN, Ampi		X			1		6	Sentenced 05/10/00 - 2 yrs to be released after 12 mths. Pleaded not guilty.		Darwin Court of Summary Jurisdiction /Supreme Crt
1/12/1999	Ashmore Reef		DETHAN, Riki A		X			1		6	Sentenced 05/10/00 to 18 mths - released forthwith.		Darwin Court of Summary Jurisdiction /Supreme Crt
7/12/1999	Ashmore Reef		HUSAINI		X			1		135	Sentenced 25/07/00 to 2 yrs 6 mths to be released after 1 yr 3 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt
7/12/1999	Ashmore Reef		ABANG, Sarimin		X			1		135	Sentenced 25/07/00 to 4 yrs, non-parole of 2 yrs.		Darwin Court of Summary Jurisdiction /Supreme Crt
7/12/1999	Ashmore Reef		HAL, Din (DIN)		X			1		135	Sentenced 25/07/00 to 4 yrs, non-parole of 2 yrs.		Darwin Court of Summary Jurisdiction /Supreme Crt
7/12/1999	Ashmore Reef	X	HUSEIN, Abdul Rayman (ABDULLAH)					1		135	Sentenced 25/07/00 to 6 yrs, non-parole 3 yrs.		Darwin Court of Summary Jurisdiction /Supreme Crt
7/12/1999	Ashmore Reef		KADIR, Bili		X			1		135	Sentenced 25/07/00 to 4 yrs, non-parole of 2 yrs.		Darwin Court of Summary Jurisdiction /Supreme Crt
7/12/1999	Ashmore Reef		HANDALO, Misa (HANDO)		X				1?	135	Sentenced 25/07/00 to 3 yrs to be released after 1 yr 6 mths		Darwin Court of Summary Jurisdiction /Supreme Crt
16/12/1999	Ashmore Reef	X	BEY, Sari		X			1		126	Sentenced 30/11/00 to 3 yrs release after 1 yr 6 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt
16/12/1999	Ashmore Reef	X	EN, Yunus		X			1		126	Sentenced 30/11/00 to 3 yrs release after 1 yr 6 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt
16/12/1999	Ashmore Reef	X	LASANI		X			1		126	Sentenced 30/11/00 to 3 yrs release after 1 yr 6 mths.		Darwin Court of Summary Jurisdiction /Supreme Crt
16/12/1999	Ashmore Reef	X	HATIM, Asri		X			1		127	Sentenced 30/11/00 to 4 yrs to be released after 2 yrs.		Supreme

Date & Place of Arrival		Offence - 232A			233(1)(a)		Adults		Juveniles	Number of		Prosecution & Sentence		Court/Location
										Pax				
16/12/1999	Ashmore Reef	KADIR, Nasruddin	X			X			1		127		Sentenced 30/11/00 to 2 yrs 6 mths to be released after 15 mths.	Supreme
16/12/1999	Ashmore Reef	RUDIANTO, Irgy	X			X					127		Sentenced 30/11/00 to 2 yrs 6 mths. Release after 1 yr 3 mths.	Supreme
16/12/1999	Ashmore Reef	ABDULLAH, Masko				X			1		127		Sentenced 07/01/00 to 7 mths to be released forthwith.	Darwin Juve Crt
16/12/99	NW Kimberely Cst	SULAIMAN				X		1			58		Sentenced 25/07/00 to 2 yrs 6 mths for release after 12 mths.	Supreme
16/12/99	NW Kimberely Cst	ANDIKA				X			1		58		Sentenced 25/07/00 to 9 mths suspended.	Supreme
18/12/99	Ashmore Reef	LATIF, Haji	X					1			52		Sentenced 02/06/00 to 3 yrs 4 mths for release after 20 mths. To be released 17/03/01	Supreme
18/12/99	Ashmore Reef	SIMIN, Rudi	X					1			52		Sentenced 02/06/00 to 2 yrs 6 mths for release after 15 mths.	Supreme
18/12/99	Ashmore Reef	RAHMAN, Abdul (ILA)						1			52		Sentenced 02/06/00 to 2 yrs 6 mths for release after 15 mths.	Supreme
18/12/99	Ashmore Reef	HUSIN, Hasan (MOHAMAD)	X					1			52		Sentenced 02/06/00 to 3 yrs 4 mths for release after 20 mths.	Supreme
18/12/99	Ashmore Reef	ANUS, Mal (Mau)	X					1			52		Sentenced 11/08/00 to 2 yrs for release after 12 mths.	Supreme
21/12/99	Asmore Reef	HARTONTO, Rudi	X						1		35		Sentenced 11/08/00 to 2 yrs for release after 12 mths.	Supreme
21/12/99	Asmore Reef	BARON	X						1		35		Sentenced 11/08/00 to 2 yrs for release after 12 mths.	Supreme
21/12/99	Asmore Reef	BELGIANTO	X						1		35		Sentenced 11/08/00 to 2 yrs for release after 12 mths. To be released 20/12/00. Removed 23/12/00	Supreme
07/01/00	Waters off NW Aust.	TUANG, Benny Benedictos	X					1			44		Sentenced 11/08/00 to 2 yrs for release after 12 mths.	Supreme
07/01/00	Waters off NW Aust.	TUMIWIJAY, Buyung	X					1			44		Sentenced 11/08/00 to 2 yrs for release after 12 mths.	Supreme
07/01/00	Waters off NW Aust.	TUAFIK				X		1			44		Sentenced 11/08/00 to 2 yrs for release after 12 mths.	Supreme
07/01/00	Waters off NW Aust.	JOCOBUS AKUAWANG	X					1			44		Sentenced 11/08/00 to 2 yrs for release after 12 mths.	Supreme
17/01/00	Hibernian Reef (near Ashmore)	DAI, Haya (DAENG)	X					1			25		Sentenced 01/06/00 to 3 yrs, to be released after 18 mths. Then on 2 yr bond. (had previous conviction for illegal fishing). Sentenced 01/06/00.	Supreme

Date & Place of Arrival		Offence - 232A			233(1)(a)		Adults		Juveniles	Number of Pax		Prosecution & Sentence		Court/Location
17/01/00 Hibernian Reef (near Ashmore)	NDOLU, Agus	X							1	25		Sentenced 01/06/00. 2 yrs, to be released after 12 mths. Then 2 yr bond.	Supreme	
17/01/00 Hibernian Reef (near Ashmore)	LETE, Jofrin	X							1	25		Sentenced 01/06/00. 2 yrs to be released after 12 mths. Then 2 yr bond.	Supreme	
17/01/00 Hibernian Reef (near Ashmore)	DONG, Kampu TONG								1	25		Sentenced 21/01/00 to 6 mths suspended. Sentenced 12/05/00 to 3 yrs for release after 18 mths.	Darwin Juve Crt	
25/01/00 Cape Bougainville	AMUNULLAH AMINOLLAH	X					1			38		Sentenced 12/05/00 to 3 yrs for release after 18 mths.	Supreme	
25/01/00 Cape Bougainville	RISMAN	X					1			38		Sentenced 12/05/00 to 3 yrs for release after 18 mths.	Supreme	
25/01/00 Cape Bougainville	WARU, Daeng	X					1			38		Sentenced 12/05/00 to 3 yrs for release after 18 mths.	Supreme	
11/02/00 Ashmore Reef	LOE, Ibrahim	X						1		45		Sentenced 25/08/00 to 2 yrs 8 mths for release after 14 mths	Supreme	
11/02/00 Ashmore Reef	KARABI, Dahlan	X					1			45		Sentenced 25/08/00 to 2 yrs 8 mths for release after 14 mths.	Supreme	
11/02/00 Ashmore Reef	SOGO, Ahmad	X						1		45		Sentenced 25/08/00 to 2 yrs for release after 1 yr.	Supreme	
11/02/00 Ashmore Reef	KEY, Laona	X					1			45		Sentenced 25/08/00 to 2 yrs 8 mths for release after 14 mths.	Supreme	
11/02/00 Ashmore Reef	KURA, Jamal	X						1		45		Sentenced 25/08/00 to 2 yrs for release after 1 yr.	Supreme	
11/02/00 Ashmore Reef	MIN MUSTAFA	X					1			45		Sentenced 25/08/00 to 2 yrs 8 mths for release after 14 mths.	Supreme	
1/03/2000 Ashmore Reef	HENUK, Hendrik	X					1			71		Sentenced 18/08/00 to 4 yrs for release after 2 yrs.	Supreme	
1/03/2000 Ashmore Reef	SANTIAGO, Laigo	X						1		71		Sentenced 18/08/00 to 2 yrs for release after 1 yr.	Supreme	
1/03/2000 Ashmore Reef	ANSYARUDI, Aswan	X					1			71		Sentenced 18/08/00 to 3 yrs for release after 18 mths.	Supreme	
1/03/2000 Ashmore Reef	DAHLAN, Ilham	X						1		71		Sentenced 18/08/00 to 2 yrs for release after 1 yr.	Supreme	
1/03/2000 Ashmore Reef	MUJIN, Amir Rosidi	X						1		71		Sentenced 18/08/00 to 2 yrs for release after 1 yr.	Supreme	
26/03/00 Ashmore Reef	BACO, Kadir	X								70		Sentenced 18/08/00 to 4 yrs for release after 2 yrs.	Supreme	
26/03/00 Ashmore Reef	BINSIMIN, Syarif	X								70		Sentenced 18/08/00 to 3 yrs for release after 18 mths.	Supreme	
26/03/00 Ashmore Reef	BIN LABAU, Hasrun	X								70		Sentenced 18/08/00 to 2 yrs for release after 12 mths.	Supreme	
26/03/00 Ashmore Reef	BACO, Usman	X								70		Sentenced 18/08/00 to 2 yrs for release after 12 mths.	Supreme	

Date & Place of Arrival		Offence - 232A			233(1)(a)		Adults		Juveniles		Number of Pax		Prosecution & Sentence		Court/Location	
26/03/00	Ashmore Reef	GOMANG, Asis	X								70		Sentenced 18/08/00 to 3 yrs for release after 18 mths.		Supreme	
28/03/00	Ashmore Reef	KALOMANA, Jamaludin	X		X						19		01/12/00 - discontinue proceedings - withdrawn. No reasonable prospect in obtaining conviction. Spent 8 mths in remand.		Supreme	
28/03/00	Ashmore Reef	HASAN, Edi	X		X						19		01/12/00 - discontinue proceedings - withdrawn. No reasonable prospect in obtaining conviction. Spent 8 mths in remand.		Supreme	
28/03/00	Ashmore Reef	TALUMA, Mahadil	X		X						19		01/12/00 - discontinue proceedings - withdrawn. No reasonable prospect in obtaining conviction. Spent 8 mths in remand.		Supreme	
03/04/00	Ashmore Reef	MODO, Anus	X								62		Sentenced 03/11/00 to 3 yrs for release after 18 mths.		Supreme	
03/04/00	Ashmore Reef	ADU, Jon			X				1		62		Sentence date 07/04/00. Suspended.		Darwin Juve Crt	
03/04/00	Ashmore Reef	PAH, Lius	X								62		Sentenced 03/11/00 to 2 yrs for release after 12 mths.		Supreme	
03/04/00	Ashmore Reef	BALU, Jus	X								62		Sentenced 19/12/00 to 2 yrs for release after 10 mths.		Supreme	
09/05/00	Ashmore Reef	LOE, Adrianus	X		X						66		Mention on 02/02/01		Supreme	
09/05/00	Ashmore Reef	NAFIE, Welem									66		Sentenced 04/12/00 to 3 yrs for release after 18 mths.		Supreme	
09/05/00	Ashmore Reef	BADU, Ismail	X								66		Sentenced 04/12/00 to 3 yrs for release after 18 mths.		Supreme	
09/05/00	Ashmore Reef	AMAL, Bayu	X								66		Sentenced 04/12/00 to 2 yrs for release after 1 yr.		Supreme	
09/05/00	Ashmore Reef	ROHINDI, Ode	X								66		Sentenced 04/12/00 to 3 yrs for release after 18 mths.		Supreme	
09/05/00	Ashmore Reef	SELLU JIMMI	X								66		Sentenced 04/12/00 to 2 yrs for release after 1 yr.		Supreme	
16/05/00	Ashmore Islands	LOBANG, Tahir	X								17		Sentenced 13/10/00 to 2 yrs for release after 1 yr.		Supreme	
16/05/00	Ashmore Islands	SUHARDI									17		Sentenced 13/10/00 to 2 yrs for release after 1 yr.		Supreme	
16/05/00	Ashmore Islands	EMTAYEB (TAYEB)	X								17		Sentenced 13/10/00 to 2 yrs for release after 1 yr.		Supreme	
16/05/00	Ashmore Islands	KAHARUDDIN									17		Sentenced 13/10/00 to 2 yrs for release after 1 yr.		Supreme	
01/06/00	Ashmore Islands	MINASAI	X								36		Sentenced 18/07/00 to 3 yrs for release after 18 mths.		Supreme	
01/06/00	Ashmore Islands	ANDI	X								36		Sentenced 18/07/00 to 2 yrs 6 mths for release after 15 mths.		Supreme	
14/09/00	N.W. West Australia	SIREGAR, Syakban									101		Mention on 02/02/01. Listed for plea 21/2/01		Supreme	

Date & Place of Arrival		Offence - 232A		233(1)(a)		Adults	Juveniles	Number of		Prosecution & Sentence		Court/Location
								Pax				
14/09/00	N.W. West Australia	JOHANES, Oskar Flores						101		Sentenced 19/01/01 to 2yrs 6 mths to serve 15 mths		Supreme
14/09/00	N.W. West Australia	SAHAMUDIN SAHABUDI	X					101		Sentenced 19/01/01 to 2yrs 6 mths to serve 15 mths		Supreme
27/09/00	Ashmore Reef	MINI, Abdurachman	X					47		Sentenced 19/01/01 to 2yrs 6 mths to serve 15 mths		Supreme
27/09/00	Ashmore Reef	MUSA, Akbar		X			1	47		Sentenced 10/10/00. 6 Mth Suspended. Removed 14/10/00		Darwin Mag Ct/ Juve
27/09/00	Ashmore Reef	BAUKI, Amra Safrudin	X					47		Sentenced 19/01/01 to 2yrs 6 mths to serve 15 mths		Supreme
27/09/00	Ashmore Reef	BOLANG, Justus	X					47		Sentenced 19/01/01 to 3 yrs to serve 18 mths		Supreme
07/10/00	Ashmore Islands	ABDULLAH, Rocky	X					94		Sentenced 19/01/01 to 4 yrs to serve 2 yrs		Supreme
07/10/00	Ashmore Islands	MANCORA, Mardiansa -								Sentenced 27/10/00 to 8 mths to serve 2 mths. For release 05/12/00. Removed 09/12/00		Supreme
07/10/00	Ashmore Islands	WARDEANSA, Manjora	X		X			94		Sentenced to 3yrs to serve 18 mths		Supreme
07/10/00	Ashmore Islands	LAIDI, Amir	X					94		Sentenced to 2 yrs to serve 12 mths		Supreme
27/12/00	Ashmore Islands	AHMAD, Taru	X				1	49		Sentenced 16/01/01.		Magistrates
		TONG, Bonar										

ATTACHMENT A

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
21/07/1999 Ashmore Reef	NGGADAS, Samuel		X	1		7	Complete 16/08/00 - 6 mths imprisonment	Pt Hed Mag 16/08/99
21/07/1999 Ashmore Reef	SULEIMAN		X	1		7	Complete 16/08/00 - 6 mths imprisonment	Pt Hed Mag 16/08/99
21/07/1999 Ashmore Reef	TUKA, Welem		X	1		7	Complete 16/08/00 - 6 mths imprisonment	Pt Hed Mag 16/08/99
21/07/1999 Ashmore Reef	LAY, Maltus		X	1		7	Complete 16/08/00 - 6 mths imprisonment	Pt Hed Mag 16/08/99
11/08/1999 Ashmore Reef	MUSTAFA, Boy		X	1		15	Complete at 29/08/99. 12 mths imprisonment.	Broome Mag 29/08/99
11/08/1999 Ashmore Reef	BACO, Kasmal		X	1		15	Complete at 29/08/99. 12 mths imprisonment.	Broome Mag 29/08/99
11/08/1999 Ashmore Reef	LATIF, King		X	1		15	Complete at 29/08/99. 12 mths imprisonment.	Broome Mag 29/08/99
11/08/1999 Ashmore Reef	MATINOS, Rokyi		X	1		15	Complete at 29/08/99. 15 mths imprisonment.	Broome Mag 29/08/99
11/08/1999 Ashmore Reef	LAHAYA, Commodo		X	1		15	Complete at 29/08/99. 12 mths imprisonment.	Broome Mag 29/08/99
13/08/1999 Christmas Island	ALI, Rusdin Bin		X	1		140	Complete at 01/02/00. 4 yr 6 mth imprisonment to serve 2y6m. 2 yr \$1000-.	Pt Hed District Ct
13/08/1999 Christmas Island	DARMONDO, Bin Dambo		X	1		140	Complete at 01/02/00. 3 yr imprisonment to serve 1y8m. 18 mths \$750-.	Pt Hed District Ct

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
23/08/1999 Ashmore Reef	MUCHLIS		X	1		8	Complete 29/11/99. 2 yrs imprisonment, to serve 12mths.	Pt Hed District Ct
23/08/1999 Ashmore Reef	SUHARTANG		X		1	8	Complete 06/09/99. self surety \$100	Pt Hed Childs Ct
23/08/1999 Ashmore Reef	HASAN BASRI		X		1	8	Complete 06/09/99. self surety \$100	Pt Hed Childs Ct
14/09/1999 Bonaparte Archi	SUKRISMAN SUTIMAN	X		1		14	Sentenced 25/02/00. 3 yrs imprison to serve 18 mths. To be released 13/03/01	Peth Dist Ct
14/09/1999 Bonaparte Archi	RUDDIN, Hami (HAMID Abdul)	X		1		14	Sentenced 03/05/00. 3 yrs to serve 18 mths.	Perth Dist Ct
18/10/1999 Cape Leveque	ALAM, Andi Samsu	X		1		24	Sentenced 11/04/00 - 2 yrs impris to commence 18/10/99 release after 1 yr. Recog \$2000- to be good behav.	Broome Dist Ct
18/10/1999 Cape Leveque	ALWI, Mohamad	X		1		24	Sentenced 11/04/00 - 2 yrs impris to commence 18/10/99 release after 1 yr. Recog \$2000- to be good behav.	Broome Dist Ct
2/10/1999 Kimberely Coast	KUSAN (KUSNANTO)	X		1		21	Sentence 25/02/00 3 yrs imprison to serve 18 mths.	Perth Dist Ct
2/10/1999 Kimberely Coast	SALEH, Mohamad	X		1		21	Sentenced 28/04/00. 3 yr 6 mth, to serve 21 mths.	Broome Dist Ct
24/10/1999 Kimberely Cst	RASID, Jamil		X		1	25	12 mths imprisonment backdated to 25/10/99.	Perth Childs Ct
24/10/1999 Kimberely Cst	SAM, Anjijis		X		1	25	12 mths imprisonment backdated to 25/10/99.	Perth Childs Ct
22/10/1999 Ashmore Reef	KADIR, Usman		X	1		3	Complete 23/11/99. 2 yrs imprisonment.	Broome Mag
22/10/1999 Ashmore Reef	UR Erasmus		X	1		3	Complete 23/11/99. 20 mths imprisonment. No RRO.	Broome Mag
22/10/1999 Ashmore Reef	UMBU, Afif		X	1		3	Complete 23/11/99. 20 mths imprisonment. No RRO.	Broome Mag

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
22/10/1999 Ashmore Reef	LADUMA, Hanafi	X		1		140	Sentenced 11/04/00 - 5 1/2 yrs impris (non-parole 2 yrs & 9 mths) to commence 22/10/99.	Broome Dist Ct
22/10/1999 Ashmore Reef	LADUMA, Dede	X		1		140	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) to commence 22/10/99.	Broome Dist Ct
22/10/1999 Ashmore Reef	KLAU, Anton Karos	X		1		140	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) to commence 22/10/99.	Broome Dist Ct
22/10/1999 Ashmore Reef	OLANG, Jumadi	X		1		140	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) to commence 22/10/99.	Broome Dist Ct
22/10/1999 Ashmore Reef	KASIM, Salim	X		1		140	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) to commence 22/10/99.	Broome Dist Ct
22/10/1999 Ashmore Reef	LURY, Mathius	X		1		140	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) to commence 22/10/99.	Broome Dist Ct
7/11/1999 Ashmore Reef	WAHAB, Ridwan	X		1		82	Sentenced 11/04/00 - 5 yrs impris (non-parole 2 1/2 yrs) from 07/11/99.	Broome Dist Ct
7/11/1999 Ashmore Reef	ILU, Samsudin	X		1		82	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) from 7/11/99.	Broome Dist Ct
7/11/1999 Ashmore Reef	AMIR, Samsul	X			1	82	On remand- awaiting court appearance on 06/06/2000. Sentenced 11/07/00	Broome Dist Ct/ Perth Child's Crt
7/11/1999 Ashmore Reef	AMAR, Alan	X			1	82	On remand- awaiting court appearance on 06/06/2000. Sentenced 11/07/00.	Broome Dist Ct/ Perth Child's Crt
7/11/1999 Ashmore Reef	UDIN, Syafrudin Bin	X		1		82	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) from 7/11/99.	Broome Dist Ct
5/11/1999 Ashmore Reef	WETANGKI, Jusuf	X		1		75	Sentenced 11/04/00 - 4 yrs impris non-parole 2 yrs from 7/11/99.	Broome Dist Ct

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
5/11/1999 Ashmore Reef	YUSEF, Mohammad	X		1		75	Sentenced 11/04/00 - 3 yrs impris non-parole 1 1/2 yrs from 7/1/99.	Broome Dist Ct
08/11/99 NW Kimberely Cst	HARIS Edi	X		1		25	Sentenced 11/04/00. 2 yrs to serve 12 mths.Released 07/11/00	Broome Dist Ct
08/11/99 NW Kimberely Cst	WIJAYA, Heri	X		1		25	Sentenced 11/04/00. 2 yrs to serve 12 mths.Released 07/11/00	Broome Dist Ct
8/11/1999 Christmas Island	JULU, Anwar Bin	X		1		156	sentenced 17/05/00 to 4 yrs, minimum of 2 yrs.	Perth Dist Ct
8/11/1999 Christmas Island	SUKANDI	X		1		156	sentenced 17/05/00 to 4 yrs, minimum of 2 yrs.	Perth Dist Ct
8/11/1999 Christmas Island	BASITE, Rustam Bin	X		1		156	Sentenced 16/08/00. 3 yrs to serve 18 mths.	Perth Dist Ct
27/11/99 Christmas Island	LAMAHA, Jarjuddin	X		1		180	Sentenced on 06/06/00. 5 1/2 yrs, to serve 2 yrs, 9 mths. Starting point 7 1/2 yrs with 2 yrs off for cooperation. Sought leave to appeal against sentence on 13/11/00. Supreme Court WA refused.	Perth Dist Ct
27/11/99 Christmas Island	ABDULLAH, Jumah		X	1		180	Sentenced 21/07/00. 3 yr 4 mths, to serve 20 mths.	Perth Dist Ct
27/11/99 Christmas Island	MAKMUR, Rosli		X	1		180	Sentenced 21/07/00. 3 yr 4 mths, to serve 20 mths.	Perth Dist Ct
21/12/99 Powerful Island	GOMANG, Akmal		X	1		4	Sentenced - 03/04/00 - 2 yrs imprison to serve 1.	South Hedland District Court
21/12/99 Powerful Island	TALLO, Ali		X	1		4	Sentenced - 03/04/00 - 2 yrs imprison to serve 1.	South Hedland District Court

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
21/12/99 Powerful Island	ABANG, Umar		X	1		4	Sentenced - 03/04/00 - 2 yrs imprison to serve 1.	South Hedland District Court
20/12/99 Christmas Island	ILYAS ABDULLAH	X		1		228	Sentenced 31/05/00. 5 yr, non- parole 2 yr, 6 mths.	Perth Dist Ct
20/12/99 Christmas Island	RAHMAT AL RAHMAN	X		1		228	Sentenced 31/05/00. 6 yr, non- parole 3 yrs.	Perth Dist Ct
20/12/99 Christmas Island	MUHAMMAD ALWI	X		1		228	Sentenced 31/05/00. 6 yr, non- parole 3 yrs.	Perth Dist Ct
01/02/00 Christmas Island	CITA, Wira	X		1		281	Sentenced 19/05/00. 7 yrs, 3&1/2 yrs non-parole.. Sought leave to appeal against sentence on 13/11/00. Supreme Court WA refused.	Perth District Ct
01/02/00 Christmas Island	SALAMA, Lorens	X		1		281	S100 Statement 09/03/00. Status Conf - 19/12/00. Trial 04/04/01.	Perth Dist Ct
16/02/00 Christmas Island	DARWAN (KASIN, Darwan) KASIM		X	1		22	S100 Statement - 09/03/00. Status Conf - 19/01/01	Perth Dist Ct
16/02/00 Christmas Island	HALILI SUNGGUH, La-ode		X	1		22	Sentenced 12/05/00. 3 yrs to serve 18 mths.	Perth Dist Ct
16/02/00 Christmas Island	BAYUNI (KAMARUNDIN, Bayuni)		X	1		22	Sentenced 12/05/00. 3 yrs to serve 18 mths.	Perth Dist Ct
21/03/2000 NW Kimberley Coast	AMAN, Sania	X			1	34	Sentenced 08/11/00. 18 mths deten, release after 9 mths.	Broome Children's Ct
21/03/2000 NW Kimberley Coast	UDIN, Astar	X			1	34	Sentenced 08/11/00. 18 mths deten, release after 9 mths.	Broome Children's Ct
19/06/00 Ashmore Islands	NURU MALENG	X		1		112	Sentenced 03/10/00. 3 yrs 6 mths, non-parole 21 mths.	Broome Dist Ct

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
19/06/00 Ashmore Islands	Mahmud RIDWAN	X			1	112	Sentenced 17/10/00. 18 mths, supervised release after 9 mths.	Broome Dist Ct - Perth Child's Crt
19/06/00 Ashmore Islands	Anton RAJ (RAJI)	X		1		112	Sentenced 03/10/00. 3 yrs 3 mths, non-parole 18 mths.	Broome Dist Ct
19/06/00 Ashmore Islands	Fijai ABDUL RAHMAN	X		1		112	Sentenced 03/10/00. 3 yrs 3 mths, non-parole 18 mths.	Broome Dist Ct
27/06/00 Christmas Island	DULLALAH IKSAN, Ibrahim		X	1		3	Sentenced 07/11/00. 4 yr, non-parole 2 yrs.	Broome Dist Ct
27/06/00 Christmas Island	KEREN, Suyanto (Girin)		X	1		3	Sentenced 07/11/00. 2 yrs, to serve 12 mths. \$5000.	Broome Dist Ct
27/06/00 Christmas Island	SALIM, Zaenal Abidin SALAM		X	1		3	Sentenced 07/11/00. 2 yrs, to serve 12 mths. \$5000.	Broome Dist Ct
27/06/00 Christmas Island	CEWAN, Sukirman		X	1		3	Sentenced 07/11/00. 2 yrs, to serve 12 mths. \$5000.	Broome Dist Ct
10/07/00 Ashmore Reef	BAHARUDIN, Hassan	X		1		30	Transferred from Pt Hedland to Broome 28/07/00. Sentence 05/12/00 3 yrs to serve 18 mths.	Broome Dist Ct/ Broome Mag Crt
10/07/00 Ashmore Reef	EHMAN (MAKKA TOU)	X		1		30	Transferred from Pt Hedland to Broome 28/07/00. Sentence 05/12/00 3 yrs to serve 18 mths.	Broome Dist Ct
10/07/00 Ashmore Reef	BUDAIN, Umar	X		1		30	To be released 05/12/00.	Broome Dist Ct/ Broome Mag Crt
11/07/00 Ashmore Reef	TOBI, Lette	X		1		36	Sentenced 07/11/00. 4 yrs, non-parole 2 yrs.	Broome Dist Ct
11/07/00 Ashmore Reef	BOY, Bulan	X		1		36	Sentenced 07/11/00. 4 yrs, non-parole 2 yrs.	Broome Dist Ct
17/08/00 Ashmore Reef	NASON GIRI	X		1		74	Sentenced 08/11/00. 3 yrs 6 mths, non-parole 20 mths.	Broome Dist Ct

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
17/08/00 Ashmore Reef	IFAN	X			1	74	on remand at Rangeview Juv Det. To go to court for legal advice on 20/10/00. Sentenced 13/11/00.	Perth Children's Ct
17/08/00 Ashmore Reef	RUDIN (UDIN, Bin Mohamad Ali)	X			1	74	on remand at Rangeview Juv Det. To go to court for legal advice on 20/10/00. Sentenced 13/11/00.	Perth Children's Ct
04/09/00 Ashmore Reef	Dahwali UD-DIN	X		1		77	Sentenced 07/11/00. 4 yrs, non-parole 2 yrs.	Broome Dist Ct
04/09/00 Ashmore Reef	JUMA Rudin	X		1		77	Sentenced 07/11/00. 3 yrs, to serve 18 mths \$5000.	Broome Dist Ct
04/09/00 Ashmore Reef	LEY, Leroy	X		1		77	Sentenced 07/11/00. 3 yrs to serve 18 mths \$5000.	Broome Dist Ct
04/09/00 Ashmore Reef	Mustafa, RIDWAN		X		1	77	Sentenced 31/10/00. 12 mths, supervised release after 6 mths.	Perth Children's Ct
04/09/00 Ashmore Reef	Abu Bakar JAMAL	X		1		77	Sentenced 07/11/00. 3 yrs, to serve 18 mths \$5000.	Broome Dist Ct
25/10/00 Ashmore Islands	Joni Agles	X		1		32	Sentenced 12/02/01. 3Y to serve 18M \$5000.	Broome Dist Crt
25/10/00 Ashmore Islands	PARENCES	X			1	32	Sentenced 12/02/01. 9M to serve 4M2W.	Perth Children's Crt
25/10/00 Ashmore Islands	MUHAMMAD	X			1	32	Sentenced 12/02/01. 9M to serve 4M2W.	Perth Children's Crt
25/10/00 Ashmore Islands	Ujang Inus	X		1		32	Sentenced 12/01/01. 2Y3M, to serve 1Y1M2W \$3000.	Broome Dist Crt
28/10/00 Ashmore Islands	Jon Fanggi	X		1		116	Sentenced 12/02/01. 4Y6M , to serve 2Y3M \$5000.	Broome Dist Crt
28/10/00 Ashmore Islands	Saleh Baco	X		1		116	Sentenced 12/02/01. 4Y6M , to serve 2Y3M \$5000.	Broome Dist Crt

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
28/10/00 Ashmore Islands	Bahrudin Wahyu	X		1		116	Sentenced 12/01/01. 3Y9M, to serve 1Y9M \$4000.	Broome Dist Crt
28/10/00 Ashmore Islands	Sani Sidik	X			1	116	Sentenced 12/02/01. 9M to serve 4M2W.	Perth Children's Crt
28/10/00 Ashmore Islands	Linus Adu	X		1		116	Sentenced 12/01/01. 3Y9M, to serve 1Y9M \$4000.	Broome Dist Crt
17/12/00 NW Kimberley coast	LUBIS, Edi Nurhadi	X		1		92	Sentence 02/04/01	Due Court 02/04/01
17/12/00 NW Kimberley coast	ANTONI (ANTON)	X		1		92	Sentence 02/04/01	Due Court 02/04/01
17/12/00 NW Kimberley coast	ARIFIN, Samsul	X			1	92	Sentenced 12/02/01. 9 M, to serve 4 M 2 W	Banksia
06/01/01 Christmas Island	AGUS, Mohamad	X					Sentence 02/04/01	
06/01/01 Christmas Island	DONI	X					Sentence 02/04/01	

X-Keten	29/06/99 Ashmore Reef	MAHYUDIN, Udin		1	53	Removed 07/07/99	
X-Keten	29/06/99 Ashmore Reef	DULAH, At	1		53	Removed 08/01/00	
X-Keten	29/06/99 Ashmore Reef	BIN UDIN,	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	HUSEIN, A	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	JUNAEDI,	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	KAMIL, Yu	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	SIMIN, Rud	1		53	Removed 29/09/99	
York/Zeil	12/07/99 Ashmore Reef	SAFFRUDIN, Imran		1	6 + 16	Removed 21/07/99	
York/Zeil	12/07/99 Ashmore Reef	MISAK, Ronal		1	6 + 16	Removed 21/07/99	
York/Zeil	12/07/99 Ashmore Reef	LOE, Ari	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	GIRI, Asar	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	TOMONO,	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	GIRI, Milki	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	LATIF, Haj	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	LAABU, La	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	MENCURA	1		6 + 16	Removed 20/10/99	

Attachment D

Date & Place of Arrival		Offence - 232A	233(1)(a)	Adults	Juveniles	Number of Pax	Prosecution & Sentence	Court/Location
Cairns	PUNUSINGON, John	X	X	1		23	12 mths released after 6mths	Cairns Supreme Ct
Cairns	SYARIFUDIN	X	X	1		23	12 mths released after 6mths	
Cairns	TAKAKOBI, Alfred		X	1		23	12 mths released after 6mths	

ATTACHMENT A

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
21/07/1999 Ashmore Reef	NGGADAS, Samuel		X	1		7	Complete 16/08/00 - 6 mths imprisonment	Pt Hed Mag 16/08/99
21/07/1999 Ashmore Reef	SULEIMAN		X	1		7	Complete 16/08/00 - 6 mths imprisonment	Pt Hed Mag 16/08/99
21/07/1999 Ashmore Reef	TUKA, Welem		X	1		7	Complete 16/08/00 - 6 mths imprisonment	Pt Hed Mag 16/08/99
21/07/1999 Ashmore Reef	LAY, Maltus		X	1		7	Complete 16/08/00 - 6 mths imprisonment	Pt Hed Mag 16/08/99
11/08/1999 Ashmore Reef	MUSTAFA, Boy		X	1		15	Complete at 29/08/99. 12 mths imprisonment.	Broome Mag 29/08/99
11/08/1999 Ashmore Reef	BACO, Kasmal		X	1		15	Complete at 29/08/99. 12 mths imprisonment.	Broome Mag 29/08/99
11/08/1999 Ashmore Reef	LATIF, King		X	1		15	Complete at 29/08/99. 12 mths imprisonment.	Broome Mag 29/08/99
11/08/1999 Ashmore Reef	MATINOS, Rokyi		X	1		15	Complete at 29/08/99. 15 mths imprisonment.	Broome Mag 29/08/99
11/08/1999 Ashmore Reef	LAHAYA, Commodo		X	1		15	Complete at 29/08/99. 12 mths imprisonment.	Broome Mag 29/08/99
13/08/1999 Christmas Island	ALI, Rusdin Bin		X	1		140	Complete at 01/02/00. 4 yr 6 mth imprisonment to serve 2y6m. 2 yr \$1000-.	Pt Hed District Ct
13/08/1999 Christmas Island	DARMONDO, Bin Dambo		X	1		140	Complete at 01/02/00. 3 yr imprisonment to serve 1y8m. 18 mths \$750-.	Pt Hed District Ct

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
23/08/1999 Ashmore Reef	MUCHLIS		X	1		8	Complete 29/11/99. 2 yrs imprisonment, to serve 12mths.	Pt Hed District Ct
23/08/1999 Ashmore Reef	SUHARTANG		X		1	8	Complete 06/09/99. self surety \$100	Pt Hed Childs Ct
23/08/1999 Ashmore Reef	HASAN BASRI		X		1	8	Complete 06/09/99. self surety \$100	Pt Hed Childs Ct
14/09/1999 Bonaparte Archi	SUKRISMAN SUTIMAN	X		1		14	Sentenced 25/02/00. 3 yrs imprison to serve 18 mths. To be released 13/03/01	Peth Dist Ct
14/09/1999 Bonaparte Archi	RUDDIN, Hami (HAMID Abdul)	X		1		14	Sentenced 03/05/00. 3 yrs to serve 18 mths.	Perth Dist Ct
18/10/1999 Cape Leveque	ALAM, Andi Samsu	X		1		24	Sentenced 11/04/00 - 2 yrs impris to commence 18/10/99 release after 1 yr. Recog \$2000- to be good behav.	Broome Dist Ct
18/10/1999 Cape Leveque	ALWI, Mohamad	X		1		24	Sentenced 11/04/00 - 2 yrs impris to commence 18/10/99 release after 1 yr. Recog \$2000- to be good behav.	Broome Dist Ct
2/10/1999 Kimberely Coast	KUSAN (KUSNANTO)	X		1		21	Sentence 25/02/00 3 yrs imprison to serve 18 mths.	Perth Dist Ct
2/10/1999 Kimberely Coast	SALEH, Mohamad	X		1		21	Sentenced 28/04/00. 3 yr 6 mth, to serve 21 mths.	Broome Dist Ct
24/10/1999 Kimberely Cst	RASID, Jamil		X		1	25	12 mths imprisonment backdated to 25/10/99.	Perth Childs Ct
24/10/1999 Kimberely Cst	SAM, Anjijis		X		1	25	12 mths imprisonment backdated to 25/10/99.	Perth Childs Ct
22/10/1999 Ashmore Reef	KADIR, Usman		X	1		3	Complete 23/11/99. 2 yrs imprisonment.	Broome Mag
22/10/1999 Ashmore Reef	UR Erasmus		X	1		3	Complete 23/11/99. 20 mths imprisonment. No RRO.	Broome Mag
22/10/1999 Ashmore Reef	UMBU, Afrit		X	1		3	Complete 23/11/99. 20 mths imprisonment. No RRO.	Broome Mag

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
22/10/1999 Ashmore Reef	LADUMA, Hanafi	X		1		140	Sentenced 11/04/00 - 5 1/2 yrs impris (non-parole 2 yrs & 9 mths) to commence 22/10/99.	Broome Dist Ct
22/10/1999 Ashmore Reef	LADUMA, Dede	X		1		140	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) to commence 22/10/99.	Broome Dist Ct
22/10/1999 Ashmore Reef	KLAU, Anton Karos	X		1		140	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) to commence 22/10/99.	Broome Dist Ct
22/10/1999 Ashmore Reef	OLANG, Jumadi	X		1		140	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) to commence 22/10/99.	Broome Dist Ct
22/10/1999 Ashmore Reef	KASIM, Salim	X		1		140	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) to commence 22/10/99.	Broome Dist Ct
22/10/1999 Ashmore Reef	LURY, Mathius	X		1		140	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) to commence 22/10/99.	Broome Dist Ct
7/11/1999 Ashmore Reef	WAHAB, Ridwan	X		1		82	Sentenced 11/04/00 - 5 yrs impris (non-parole 2 1/2 yrs) from 07/11/99.	Broome Dist Ct
7/11/1999 Ashmore Reef	ILU, Samsudin	X		1		82	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) from 7/11/99.	Broome Dist Ct
7/11/1999 Ashmore Reef	AMIR, Samsul	X			1	82	On remand- awaiting court appearance on 06/06/2000. Sentenced 11/07/00	Broome Dist Ct/ Perth Child's Crt
7/11/1999 Ashmore Reef	AMAR, Alan	X			1	82	On remand- awaiting court appearance on 06/06/2000. Sentenced 11/07/00.	Broome Dist Ct/ Perth Child's Crt
7/11/1999 Ashmore Reef	UDIN, Syafrudin Bin	X		1		82	Sentenced 11/04/00 - 4 yrs impris (non-parole 2 yrs) from 7/11/99.	Broome Dist Ct
5/11/1999 Ashmore Reef	WETANGKI, Jusuf	X		1		75	Sentenced 11/04/00 - 4 yrs impris non-parole 2 yrs from 7/11/99.	Broome Dist Ct

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
5/11/1999 Ashmore Reef	YUSEF, Mohammad	X		1		75	Sentenced 11/04/00 - 3 yrs impris non-parole 1 1/2 yrs from 7/1/99.	Broome Dist Ct
08/11/99 NW Kimberely Cst	HARIS Edi	X		1		25	Sentenced 11/04/00. 2 yrs to serve 12 mths.Released 07/11/00	Broome Dist Ct
08/11/99 NW Kimberely Cst	WIJAYA, Heri	X		1		25	Sentenced 11/04/00. 2 yrs to serve 12 mths.Released 07/11/00	Broome Dist Ct
8/11/1999 Christmas Island	JULU, Anwar Bin	X		1		156	sentenced 17/05/00 to 4 yrs, minimum of 2 yrs.	Perth Dist Ct
8/11/1999 Christmas Island	SUKANDI	X		1		156	sentenced 17/05/00 to 4 yrs, minimum of 2 yrs.	Perth Dist Ct
8/11/1999 Christmas Island	BASITE, Rustam Bin	X		1		156	Sentenced 16/08/00. 3 yrs to serve 18 mths.	Perth Dist Ct
27/11/99 Christmas Island	LAMAHA, Jarjuddin	X		1		180	Sentenced on 06/06/00. 5 1/2 yrs, to serve 2 yrs, 9 mths. Starting point 7 1/2 yrs with 2 yrs off for cooperation. Sought leave to appeal against sentence on 13/11/00. Supreme Court WA refused.	Perth Dist Ct
27/11/99 Christmas Island	ABDULLAH, Jumah		X	1		180	Sentenced 21/07/00. 3 yr 4 mths, to serve 20 mths.	Perth Dist Ct
27/11/99 Christmas Island	MAKMUR, Rosli		X	1		180	Sentenced 21/07/00. 3 yr 4 mths, to serve 20 mths.	Perth Dist Ct
21/12/99 Powerful Island	GOMANG, Akmal		X	1		4	Sentenced - 03/04/00 - 2 yrs imprison to serve 1.	South Hedland District Court
21/12/99 Powerful Island	TALLO, Ali		X	1		4	Sentenced - 03/04/00 - 2 yrs imprison to serve 1.	South Hedland District Court

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
21/12/99 Powerful Island	ABANG, Umar		X	1		4	Sentenced - 03/04/00 - 2 yrs imprison to serve 1.	South Hedland District Court
20/12/99 Christmas Island	ILYAS ABDULLAH	X		1		228	Sentenced 31/05/00. 5 yr, non- parole 2 yr, 6 mths.	Perth Dist Ct
20/12/99 Christmas Island	RAHMAT AL RAHMAN	X		1		228	Sentenced 31/05/00. 6 yr, non- parole 3 yrs.	Perth Dist Ct
20/12/99 Christmas Island	MUHAMMAD ALWI	X		1		228	Sentenced 31/05/00. 6 yr, non- parole 3 yrs.	Perth Dist Ct
01/02/00 Christmas Island	CITA, Wira	X		1		281	Sentenced 19/05/00. 7 yrs, 3&1/2 yrs non-parole.. Sought leave to appeal against sentence on 13/11/00. Supreme Court WA refused.	Perth District Ct
01/02/00 Christmas Island	SALAMA, Lorens	X		1		281	S100 Statement 09/03/00. Status Conf - 19/12/00. Trial 04/04/01.	Perth Dist Ct
16/02/00 Christmas Island	DARWAN (KASIN, Darwan) KASIM		X	1		22	S100 Statement - 09/03/00. Status Conf - 19/01/01	Perth Dist Ct
16/02/00 Christmas Island	HALILI SUNGGUH, La-ode		X	1		22	Sentenced 12/05/00. 3 yrs to serve 18 mths.	Perth Dist Ct
16/02/00 Christmas Island	BAYUNI (KAMARUNDIN, Bayuni)		X	1		22	Sentenced 12/05/00. 3 yrs to serve 18 mths.	Perth Dist Ct
21/03/2000 NW Kimberley Coast	AMAN, Sania	X			1	34	Sentenced 08/11/00. 18 mths deten, release after 9 mths.	Broome Children's Ct
21/03/2000 NW Kimberley Coast	UDIN, Astar	X			1	34	Sentenced 08/11/00. 18 mths deten, release after 9 mths.	Broome Children's Ct
19/06/00 Ashmore Islands	NURU MALENG	X		1		112	Sentenced 03/10/00. 3 yrs 6 mths, non-parole 21 mths.	Broome Dist Ct

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
19/06/00 Ashmore Islands	Mahmud RIDWAN	X			1	112	Sentenced 17/10/00. 18 mths, supervised release after 9 mths.	Broome Dist Ct - Perth Child's Crt
19/06/00 Ashmore Islands	Anton RAJ (RAJI)	X		1		112	Sentenced 03/10/00. 3 yrs 3 mths, non-parole 18 mths.	Broome Dist Ct
19/06/00 Ashmore Islands	Fijai ABDUL RAHMAN	X		1		112	Sentenced 03/10/00. 3 yrs 3 mths, non-parole 18 mths.	Broome Dist Ct
27/06/00 Christmas Island	DULLALAH IKSAN, Ibrahim		X	1		3	Sentenced 07/11/00. 4 yr, non-parole 2 yrs.	Broome Dist Ct
27/06/00 Christmas Island	KEREN, Suyanto (Girin)		X	1		3	Sentenced 07/11/00. 2 yrs, to serve 12 mths. \$5000.	Broome Dist Ct
27/06/00 Christmas Island	SALIM, Zaenal Abidin SALAM		X	1		3	Sentenced 07/11/00. 2 yrs, to serve 12 mths. \$5000.	Broome Dist Ct
27/06/00 Christmas Island	CEWAN, Sukirman		X	1		3	Sentenced 07/11/00. 2 yrs, to serve 12 mths. \$5000.	Broome Dist Ct
10/07/00 Ashmore Reef	BAHARUDIN, Hassan	X		1		30	Transferred from Pt Hedland to Broome 28/07/00. Sentence 05/12/00 3 yrs to serve 18 mths.	Broome Dist Ct/ Broome Mag Crt
10/07/00 Ashmore Reef	EHMAN (MAKKA TOU)	X		1		30	Transferred from Pt Hedland to Broome 28/07/00. Sentence 05/12/00 3 yrs to serve 18 mths.	Broome Dist Ct
10/07/00 Ashmore Reef	BUDAIN, Umar	X		1		30	To be released 05/12/00.	Broome Dist Ct/ Broome Mag Crt
11/07/00 Ashmore Reef	TOBI, Lette	X		1		36	Sentenced 07/11/00. 4 yrs, non-parole 2 yrs.	Broome Dist Ct
11/07/00 Ashmore Reef	BOY, Bulan	X		1		36	Sentenced 07/11/00. 4 yrs, non-parole 2 yrs.	Broome Dist Ct
17/08/00 Ashmore Reef	NASON GIRI	X		1		74	Sentenced 08/11/00. 3 yrs 6 mths, non-parole 20 mths.	Broome Dist Ct

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
17/08/00 Ashmore Reef	IFAN	X			1	74	on remand at Rangeview Juv Det. To go to court for legal advice on 20/10/00. Sentenced 13/11/00.	Perth Children's Ct
17/08/00 Ashmore Reef	RUDIN (UDIN, Bin Mohamad Ali)	X			1	74	on remand at Rangeview Juv Det. To go to court for legal advice on 20/10/00. Sentenced 13/11/00.	Perth Children's Ct
04/09/00 Ashmore Reef	Dahwali UD-DIN	X		1		77	Sentenced 07/11/00. 4 yrs, non-parole 2 yrs.	Broome Dist Ct
04/09/00 Ashmore Reef	JUMA Rudin	X		1		77	Sentenced 07/11/00. 3 yrs, to serve 18 mths \$5000.	Broome Dist Ct
04/09/00 Ashmore Reef	LEY, Leroy	X		1		77	Sentenced 07/11/00. 3 yrs to serve 18 mths \$5000.	Broome Dist Ct
04/09/00 Ashmore Reef	Mustafa, RIDWAN		X		1	77	Sentenced 31/10/00. 12 mths, supervised release after 6 mths.	Perth Children's Ct
04/09/00 Ashmore Reef	Abu Bakar JAMAL	X		1		77	Sentenced 07/11/00. 3 yrs, to serve 18 mths \$5000.	Broome Dist Ct
25/10/00 Ashmore Islands	Joni Agles	X		1		32	Sentenced 12/02/01. 3Y to serve 18M \$5000.	Broome Dist Crt
25/10/00 Ashmore Islands	PARENCES	X			1	32	Sentenced 12/02/01. 9M to serve 4M2W.	Perth Children's Crt
25/10/00 Ashmore Islands	MUHAMMAD	X			1	32	Sentenced 12/02/01. 9M to serve 4M2W.	Perth Children's Crt
25/10/00 Ashmore Islands	Ujang Inus	X		1		32	Sentenced 12/01/01. 2Y3M, to serve 1Y1M2W \$3000.	Broome Dist Crt
28/10/00 Ashmore Islands	Jon Fanggi	X		1		116	Sentenced 12/02/01. 4Y6M , to serve 2Y3M \$5000.	Broome Dist Crt
28/10/00 Ashmore Islands	Saleh Baco	X		1		116	Sentenced 12/02/01. 4Y6M , to serve 2Y3M \$5000.	Broome Dist Crt

Date & Place of Arrival	Name of Crew	Offence - 232A	Offence - 233(1)(a)	Adults	Juveniles	No. of Pax	Prosecution & Sentence	Court/Location
28/10/00 Ashmore Islands	Bahrudin Wahyu	X		1		116	Sentenced 12/01/01. 3Y9M, to serve 1Y9M \$4000.	Broome Dist Crt
28/10/00 Ashmore Islands	Sani Sidik	X			1	116	Sentenced 12/02/01. 9M to serve 4M2W.	Perth Children's Crt
28/10/00 Ashmore Islands	Linus Adu	X		1		116	Sentenced 12/01/01. 3Y9M, to serve 1Y9M \$4000.	Broome Dist Crt
17/12/00 NW Kimberley coast	LUBIS, Edi Nurhadi	X		1		92	Sentence 02/04/01	Due Court 02/04/01
17/12/00 NW Kimberley coast	ANTONI (ANTON)	X		1		92	Sentence 02/04/01	Due Court 02/04/01
17/12/00 NW Kimberley coast	ARIFIN, Samsul	X			1	92	Sentenced 12/02/01. 9 M, to serve 4 M 2 W	Banksia
06/01/01 Christmas Island	AGUS, Mohamad	X					Sentence 02/04/01	
06/01/01 Christmas Island	DONI	X					Sentence 02/04/01	

X-Keten	29/06/99 Ashmore Reef	MAHYUDIN, Udin		1	53	Removed 07/07/99	
X-Keten	29/06/99 Ashmore Reef	DULAH, At	1		53	Removed 08/01/00	
X-Keten	29/06/99 Ashmore Reef	BIN UDIN,	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	HUSEIN, A	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	JUNAEDI,	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	KAMIL, Yu	1		53	Removed 29/09/99	
X-Keten	29/06/99 Ashmore Reef	SIMIN, Rud	1		53	Removed 29/09/99	
York/Zeil	12/07/99 Ashmore Reef	SAFFRUDIN, Imran		1	6 + 16	Removed 21/07/99	
York/Zeil	12/07/99 Ashmore Reef	MISAK, Ronal		1	6 + 16	Removed 21/07/99	
York/Zeil	12/07/99 Ashmore Reef	LOE, Ari	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	GIRI, Asar	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	TOMONO,	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	GIRI, Milki	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	LATIF, Haj	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	LAABU, La	1		6 + 16	Removed 20/10/99	
York/Zeil	12/07/99 Ashmore Reef	MENCURA	1		6 + 16	Removed 20/10/99	

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(62) Outputs 1.1: Non-Humanitarian Entry and Stay
and 1.2: Refugee and Humanitarian Entry and Stay

Senator McKiernan (L&C 164) asked, "At the hearing in November last year I asked a question on notice seeking details of the Minister's exercise of non-humanitarian entry and stay – that was question 51. That response has come back to me covering outputs 1.1 and 1.2. Again covering both outputs, could we have similar figures for 1996-97, 1997-98 and 1998-99, with similar breakdowns?"

Answer:

The Minister's discretion to intervene is available under Sections 345, 351 and 417 of the *Migration Act 1958*.

The requested information for 1997-98 and 1998-99 is given in the following tables:

Tables A (i), (ii) and (iii) list the number of cases intervened by category of visa, for 1/7/98 – 30/06/99, 1/7/97 – 30/6/98 and 1/7/96 – 30/6/97 respectively; and

Tables B (i) and (ii) list the number of cases intervened by nationality for the periods 1/7/98 – 30/06/99 and 1/7/97 – 30/6/98 respectively.

The information relating to cases intervened in by nationality for 1996-97 is not readily available from the Department's database as the data was not entered in such a way as to enable the preparation of consolidated reports.

Table B (ii)**Nationality of cases where the Minister intervened to grant visa****1 July 1997 - 30 June 1998**

Nationality	Cases Intervened s417	Cases Intervened s345/351
Brazil		1
Cambodia	1	
Colombia	1	
Croatia		1
Egypt	1	1
Estonia	2	
Fiji	1	3
France		2
Germany		1
Greece		1
India	4	1
Indonesia	1	2
Iran	1	
Iraq	4	
Israel		1
Italy		2
Japan	1	
Kenya	1	
Lebanon	1	2
Poland	1	
Philippines	5	
PRC	7	1
Russia	5	
Somalia	2	
South Africa	1	2
Stateless		2
Tonga		2
Turkey	2	
UK		5
USA		2
Vietnam	13	2
Zimbabwe		1
TOTAL	55	35

Table A (i)**Number of Cases Intervened and Visa Subclass Granted****1 July 1998 - 30 June 1999**

Visa Class	Cases Intervened s417	Cases Intervened s345/351
100 (spouse)	0	2
101 (Child)	0	1
102 (Child for Adoption)	0	1
103 (Child)	0	7
104 (Preferential family)	0	10
105 (Skilled)	0	9
126 (Independent)	0	1
309 (Spouse-Provisional)	0	1
417 (Working Holidays)	1	0
457 (Business-Long Stay)	2	0
560 (Student)	0	1
654 (Trainee)	1	0
801 (Spouse)	1	0
802 (Child)	1	2
804 (Aged Parent)	3	5
805 (Skilled)	0	5
806 (Family)	9	12
814 (Interdependency-permanent entry)	0	1
816 Special (permanent) Entry Permit	0	3
818 (Highly Qualified)	0	1
820 (Spouse)	69	14
822 (Extended Eligibility-Family)	21	1
832 (Close ties)	0	2
833 (Certain unlawful non-citizen)	0	1
840 (Business Owner)	0	1
866 (Protection)	46	0
Total	154	81

Table A (ii)**Number of Cases Intervened and Visa Subclass Granted****1 July 1997 - 30 June 1998**

Visa Class	Cases Intervened s417	Cases Intervened s345/351
100 (spouse)		1
101 (Child)		1
102 (Child for Adoption)		1
103 (Child)		1
104 (Preferential family)		5
105 (Skilled)		4
121 (Employer Nomination)		1
155 (Five year resident return)		1
309 (Spouse-Provisional)		1
686 (Tourist-Long Stay)		1
801 (Spouse)		2
802 (Child)		1
804 (Aged Parent)		2
805 (Skilled)		2
806 (Family)	2	
812 (December 1989-permanent entry permit)		5
815 (PRC-permanent entry permit)		1
820 (Spouse)	12	4
831 (Prospective Marriage)		1
866 (Protection)	41	
Total	55	35

Table A (iii)

Number of Cases Intervened and Visa Subclass Granted

1 July 1996 - 30 June 1997

Visa Class	Cases Intervened s417	Cases Intervened s345/351
100 (Spouse)		
101 (Child)		
102 (Child for Adoption)		
103 (Child)		
104 (Preferential family)		
105 (Skilled)		1
126 (Independent)		
309 (Spouse-Provisional)		
417 (Working Holidays)		
457 (Business-Long Stay)		
560 (Student)		
654 (Trainee)		
686 (Tourist-Short Stay)		1
801 (Spouse)	2	
802 (Child)		1
804 (Aged Parent)		
805 (Skilled)		
806 (Family)	4	
814 (Interdependency-permanent entry)		
816 Special (permanent) Entry Permit		
818 (Highly Qualified)		
820 (Spouse)	13	
822 (Extended Eligibility-Family)		
831 (Prospective Marriage)		1
832 (Close ties)		
833 (Certain unlawful non-citizen)	1	
840 (Business Owner)		
866 (Protection)	59	
Class UF (Transitional-Permanent)		12
Total	79	16

Table B (i)**Nationality of cases where the Minister intervened to grant visa****1 July 1998 - 30 June 1999**

Nationality	Cases Intervened s417	Cases Intervened s345/351
Albania	2	0
Algeria	1	0
Bangladesh	0	3
Belarus	1	1
Brazil	0	1
Bulgaria	3	0
Cambodia	2	3
Canada	1	1
Chile	1	1
Colombia	1	0
Ecuador	1	0
Egypt	3	2
El Salvador	1	0
Eritrea	1	0
Ethiopia	3	2
Fiji	11	2
Germany	1	1
Ghana	2	0
Greece	0	1
India	7	1
Indonesia	4	3
Iran	5	2
Iraq	1	0
Ireland	1	0
Israel	1	1
Jordan	1	0
Korea	2	2
Kenya	0	1
Kyrgyzstan	1	0
Lebanon	29	4
Laos	1	0
Latvia	1	0
Lithuania	1	0
Malaysia	0	2
Mauritius	2	0
Morocco	1	0
Nepal	3	1
Nigeria	4	1
Pakistan	3	1
Peru	1	0
PNG	0	1
Portugal	2	2
Philippines	4	5
PRC	5	4
Romania	1	0
Russia	8	1

Singapore	2	2
Somalia	3	0
South Africa	2	3
Sri Lanka	11	1
Syria	1	0
Sweden	2	0
Taiwan	0	1
Tibet	1	0
Tonga	1	3
Tunisia	1	0
Turkey	2	2
Ukraine	0	2
UK	1	11
Uruguay	0	1
USA	0	1
Vanuatu	0	1
Vietnam	3	3
TOTAL	154	81

Table B (ii)**Nationality of cases where the Minister intervened to grant visa****1 July 1997 - 30 June 1998**

Nationality	Cases Intervened s417	Cases Intervened s345/351
Brazil		1
Cambodia	1	
Colombia	1	
Croatia		1
Egypt	1	1
Estonia	2	
Fiji	1	3
France		2
Germany		1
Greece		1
India	4	1
Indonesia	1	2
Iran	1	
Iraq	4	
Israel		1
Italy		2
Japan	1	
Kenya	1	
Lebanon	1	2
Poland	1	
Philippines	5	
PRC	7	1
Russia	5	
Somalia	2	
South Africa	1	2
Stateless		2
Tonga		2
Turkey	2	
UK		5
USA		2
Vietnam	13	2
Zimbabwe		1
TOTAL	55	35

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

**(62 Supplementary) Outputs 1.1: Non-Humanitarian Entry and Stay
and 1.2: Refugee and Humanitarian Entry and Stay**

Senator McKiernan (L&C 164) asked, "At the hearing in November last year I asked a question on notice seeking details of the Minister's exercise of non-humanitarian entry and stay – that was question 51. That response has come back to me covering outputs 1.1 and 1.2. Again covering both outputs, could we have similar figures for 1996-97, 1997-98 and 1998-99 with similar breakdowns?"

Answer:

The Minister's discretion to intervene is available under Sections 345, 351 and 417 of the *Migration Act 1958*.

The requested information for 1997/98 and 1998/99 and a breakdown of visa issues for 1996/97 has been provided in the context of the response to question on notice number 62.

Departmental records indicate that in 1996/97, 79 cases and 16 cases were granted visas following intervention under section 417 and sections 345 or 351, respectively.

The attached table lists the number of cases of intervention under s417, by nationality for the period 1/7/96 - 30/6/97.

Comparable information relating to the 16 cases of intervention under section 345 or 351 in 1996/97 is not readily available. Whilst records of the visas granted as a result of ministerial intervention were stored in departmental databases, the number of cases where the Minister intervened under sections 345 or 351 and the type of visa granted were recorded manually. The manual records did not, however, identify the cases concerned or their nationality. Accordingly, in order to identify the nationalities in those cases a manual audit of case files for all cases granted visas in that year would need to be undertaken. This would involve a manual audit of in excess of 20,000 case files. Having regard to other priorities, I cannot approve the expenditure of resources which would be necessary to do this.

Nationality of cases where the Minister intervened to grant visa under s417

1 July 1996 - 30 June 1997

Nationality	Cases Intervened s417
Burma	1
Estonia	1
Ethiopia	1
Fiji	3
Ghana	1
Indonesia	4
Iran	2
Iraq	1
Kenya	1
Lao Peoples Republic	1
Lebanon	6
Malaysia	1
Pakistan	1
PRC	37
Russia	3
Sri Lanka	5
Syria	1
Tonga	2
Turkey	3
Ukraine	1
Vietnam	1
Unknown	2
TOTAL	79

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(63) Output 1.1: Non-Humanitarian Entry and Stay

Senator McKiernan (L&C 168) asked for a copy of the Risk Factor criterion *Gazette Notice*.

Answer:

A copy of the relevant *Gazette Notice* is attached.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(64) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan (L&C 174) asked, "On notice last time you provided the Committee with an update with some figures as to the number of visas issued with the various visa classes for businesses in Australia. If there have been any significant movement in those numbers, we would appreciate being brought up to date with that. If there are only minor variations on what has transpired since you provided the information to us, we will be happy with the figures that we have."

Answer:

The following table shows visa grants under the temporary (long stay) business (subclass 457) and the permanent entry employer nomination categories for the first half of 2000/01.

Business Sponsored Entry

	1999-2000 outcome	Jul-Dec 2000	% change over Jul-Dec 1999
Permanent entry – Employer nomination, Regional Sponsored	5,387	3,462	+26.2%
Temporary Entry – long stay business visas *	31,069	18,205	+24.6%

* Excluding Independent Executive visas

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(65) Output 1.1 Non-Humanitarian Entry and Stay

Senator Schacht (L&C 175) asked, "How many health waiver cases does the Minister have to deal with in a year?"

Answer:

In 1999-2000 the health refusal was waived in 115 reported cases of which 41 cases were brought to the Minister's attention.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(66) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan (L&C 177) asked, "Is it also possible to identify the industry or industry groups which take most advantage of those visa classes? In taking it on notice, can you break down the industry groups into occupations that are beneficiaries of the visa grant, staying with the employer nomination category?"

Answer:

The most recent data available to the Department on temporary long stay business (subclass 457) nominations by industry is as follows:

INDUSTRY	PERCENTAGE
Accommodation, Cafes and Restaurants	8%
Agriculture, Forestry and Fishing	2%
Communications (including IT)	20%
Construction	4%
Cultural and Recreational Services	5%
Education	1%
Electricity, Gas and Water Supply	1%
Finance and Insurance	6%
Government Administration and Defence	1%
Health and Community Services	5%
Manufacturing	13%
Mining	6%
Personnel and Other Services	9%
Property and Business Services	8%
Retail Trade	4%
Transport and Storage	2%
Wholesale Trade	5 %

OCCUPATION	PERCENTAGE
Professional/Managerial/Administrative	87%
ICT Professionals	25%
Managers	24%
Accountants	7%
Nurses	3%
Associate Professionals	7%
Tradepersons and Related Workers	3%
Other workers	3%

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(67) Output 1.1: Non-humanitarian Entry and Stay

Senators Ludwig and McKiernan (L&C 177) asked:

In relation to streamlining visa processing arrangements:

- a) What savings have occurred as a consequence of that streaming?
- b) Is there any direct expenditure by the Department in promoting it in whatever shape?

Answer:

- a) These arrangements were announced on 29 January and are now being implemented. It is too soon to report on the impact of these initiatives and identify any savings. The changes are to fast-track the entry of ICT workers to satisfy the demands in this sector.
- b) Some \$7000 was expended on production of an information kit to promote these initiatives.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(68) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan (L&C 178) asked, “Does the Department keep a list or a record of those employers who have breached sponsorship obligations? Is a record kept of employers, for example, who have been found not to be paying the award wage or who have been paying workers in cash to avoid the taxation system – or who otherwise have abused workers? Is a record kept of them?”

Answer:

Departmental systems record the history of all applications with the Department including business sponsorship applications and details of sponsors that have in the past not complied with their undertakings. This information is available to decision-makers when considering business sponsorships.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(69) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan (L&C 178) asked:

In relation to employer sponsorship:

- a) How many times were site visits undertaken by the Department to follow through on those enquiries?
- b) Inform the committee whether or not any employers have been prosecuted for breach of their statutory award obligations – that is in the narrow area of breach occurring in relation to persons who were on visas through the employer's sponsorship?

Answer:

- a) On 1 January 2001 the Department implemented a new monitoring framework for long stay business visas, including more systematic and regular reporting of monitoring activities. 39 site visits have been conducted in January and February this year.
- b) There is no power under the Migration Act 1958 to prosecute sponsors for breaching their sponsorship undertakings. A provision exists to cancel business sponsorships in relation to temporary overseas employees where a sponsor fails to comply with the requirements of the sponsorship. Prosecution of employers for breaching industrial awards comes under the relevant industrial relations legislation.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(70) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan (L&C 178) asked, "I assume the Department has the power to refuse a sponsorship by employers who have been known to have breached sponsorship obligations. Could you inform the Committee of any occasions in the last couple of years when you have exercised that power?"

Answer:

Yes. 834 business sponsorships (14.3 per cent) were refused in the first 6 months of this program year (1 July-31 December 2000). No specific data is recorded on the specific grounds for refusal.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(71) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan (L&C 179) asked, "How many complaints do you get of the nature [an employee who is mistreated by a sponsoring employer] we are just discussing? Do you receive any? If they come from a trade union, do you investigate them and if so, what are the results of your investigations?"

Answer:

Complaints of this type are received by the Department. Complaints are investigated, and if breaches of sponsorship undertakings are found, action can be taken to cancel the sponsorship. Complaints received from Trade Unions are investigated in cooperation with the Union. Where this results in cancellation of the sponsorship, employees are given an opportunity to locate another employer who is an approved sponsor and requires the skills of the employees which cannot be filled from the Australian labour market, or else are required to depart Australia. Employees have the opportunity to pursue their concerns through the courts or to be investigated by relevant State or Commonwealth agencies.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(72) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan (L&C 179) asked, "Could you describe the procedures that are in place for the Department to investigate these matters? Does the Department attend the employer's workplace to investigate conditions? What accountability would the employer have to the Department of Immigration and Multicultural Affairs in those circumstances? Would DIMA have a right of entry to examine the books or examine working conditions, for example on a building construction site?"

Answer:

The Department undertakes routine as well as targeted monitoring of business sponsors. Site visits may be undertaken where there are doubts about the claimed activities of the business and the need to employ foreign workers, or where there is information to suggest that the business may not be complying with their sponsorship obligations. As part of the undertaking sponsors sign, they agree to cooperate with the Department in monitoring sponsored persons and any audit checking relating to sponsored persons. There is no specific power under the Migration Act for departmental officers to enter and search business premises other than in relation to locating unlawful non-citizens. Failure by an employer to cooperate in allowing access to their business or business records could be considered a breach of their sponsorship undertakings and therefore grounds upon which the sponsorship could be cancelled or a sponsorship application refused.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(73) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan (L&C 179) asked, "Would an employee working here in Australia under a sponsored visa have the normal protection that is provided by Australian law to any employee working in an employer-employee relationship, or are there restrictions upon those rights that the employee may have because of the sponsorship they are under?"

Answer:

Overseas employees have the same protection that is provided under Australian law to any worker. The terms of the sponsorship do not restrict their rights. Under the sponsorship, the employer signs a written undertaking that they will comply with Australian awards and conditions of employment, and accept responsibility for obligations to the Commonwealth including the payment of tax and making superannuation contributions.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(74) Output 1.1: Non-humanitarian Entry and Stay

Senator Ludwig (L&C 179) asked, "If a person is operating under an award, does your agreement identify the particular jurisdiction or the award? If there is a complaint which you investigate and find there is an underpayment or something of that nature, not only might the employee then make a complaint to the relevant authority but would you assist the employee in that process as well because there might be some expense incurred?"

Answer:

The sponsorship application does not identify the particular jurisdiction or award. The employer, as with all other employers, has an obligation to ensure that workers are paid in accordance with any award that covers their employees. Where cases are brought to the Department's attention of alleged exploitation by paying foreign workers below award rates, these matters are best referred to the relevant State or Federal authority for investigation. The Department can assist workers by providing them with details of where they can seek advice on industrial relations matters.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(75) Output 1.1: Non-humanitarian Entry and Stay

Senator McKiernan (L&C 180) asked, "Are you in a position to supply the Committee with any details regarding the specific incident of four Korean tilers on a construction site in Sydney?"

Answer:

Refer to response to written question 25.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(76) Output 1.3: Enforcement of Immigration Law

Senator Schacht (L&C 181) asked, "Can I have a breakdown of the sports (Olympic Overstayers)?"

Answer:

As at 6 March 2001, the Department's records indicate that there were 28 Olympic athletes overstaying their visa. While DIMA records do not specify which sport athletes competed in, we have sought information from other sources and identified the sport for all except two athletes who have overstayed. A break down of sport type and number is outlined below.

Sport	Number
Athlete (not specified)	2
Boxing	4
Cycling	2
Hockey	1
Judo	2
Kayak	1
Shooting	1
Swimming	4
Taekwondo	1
Tennis	1
Track and Field	7
Triathlon	1
Weight Lifter	1
Total	28

QUESTION TAKEN ON NOTICE:**ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001****IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO****(77) Output 1.3: Enforcement of Immigration Law**

Senator Schacht (L&C 181) asked for any information about the 30 “other” Olympic position holders, including which countries they came from.

Answer:

DIMA records (as at 06 March 2001) show that people from the following countries in the “other” category have not left Australia. It is not possible to identify the individuals by the role they held in the Olympics as any further information regarding the position these people held may lead to identification and hence is confidential.

Country of Citizenship	Number
Ecuador	2
Equatorial Guinea	1
Ethiopia	1
Germany	1
Hungary	1
Japan	4
Korea, Republic of	1
Moldova	3
Mongolia	1
Slovenia	1
Somalia	1
Spain	1
Sudan	1
Slovakia	1
Taiwan	1
Tonga	3
United Kingdom	4
USA	2
TOTAL	30

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(78) Output 2.1: Settlement Services

Senator McKiernan (L&C 191) asked, "How many under 16s have been released into the care of the states?"

Answer:

Of the 101 Unaccompanied TPV Humanitarian Minors released from detention, as at 16 February 2001, 28 were less than 16 years of age on their date of release.

Of these 28, 18 were released into the care of an adult relative and 10 into the care of State welfare authorities under the Immigration (Guardianship of Children) Act.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(79) Output 2.1: Settlement Services

Senator McKiernan (L&C 191) asked, "Is there a particular line in the Commonwealth Grants Commission grants for this section - that is, the unaccompanied humanitarian minors?"

Answer:

The "Family and Child Welfare" expenditure category used in the Commonwealth Grants Commission's calculations includes expenditure on the administration, inspection, support and operation of welfare services for families, children and households with dependent children as well as services delivered by residential institutions providing living quarters. The category also includes juvenile counselling, foster care and adoption services.¹

Although unaccompanied humanitarian minors are not specifically mentioned under the "Family and Child Welfare" expenditure category, unaccompanied humanitarian minors who have resided in Australia for more than one year (including temporary protection visa holders) are included in the population data used by the Commonwealth Grants Commission. The general revenue grants to each state will, therefore, reflect the cost of providing family and child welfare services to these children. Grants Commission documentation also indicates that the additional costs associated with the delivery of these services to children of non-English speaking backgrounds is taken into account.

¹ Source: Commonwealth Grants Commission Report on General Revenue Grant Relativities 2000 Update, Working Papers 1994-95 to 1998-99, Volume 4 – Expenditure Assessments: Social and Community Services (page 325)

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(80) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator McKiernan (L&C 192) asked how many unaccompanied minors do we still have in detention? Could you provide the age and gender of those children and the distinction of whether they have a near relative with them or they are in fact unaccompanied minors in the sense that they are alone and without relatives in the country? Could you also provide the length of time they have been in detention and the stage of processing of their protection visas? Could you also provide details of the number, if any, who have been screened out of the process and the number who have gone through all stages of the review process and been rejected?

Answer:

The term Unaccompanied Humanitarian Minors includes the following categories of children:

(a) Minors who have no parents in Australia but who are being cared for by an adult relative (detached minors);

(b) Minors whose care relationship in (a) has broken down (isolated detached minors);

(c) Minors who have no parents or adult relatives to care for them in Australia (unattached minors). Most children in this category will be wards of the Minister for Immigration and Multicultural Affairs in accordance with the *Immigration (Guardianship of Children) Act 1946* (IGOC Act).

How many unaccompanied minors do we still have in detention?

- There were 46 unaccompanied minors in detention as at 7 March 2001.

Could you provide the age and gender of those children and the distinction of whether they have a near relative with them or they are in fact unaccompanied minors in the sense that they are alone and without relatives in the country?

- Of these, 5 are detached minors and 41 are unattached minors with no adult relative in Australia.

- The table below provides an age and gender breakup. Of the 46 unaccompanied minors in total, there is only one female and 45 males. Their ages range from 13 through to 18. There are

three 18 year olds who were not 18 when initially detained.

Could you also provide the length of time they have been in detention and the stage of processing of their protection visas?

This information is provided in the table below.

The following is a summary of the number of unaccompanied minors at the various stages of processing:

- 4 at RRT;
- 40 at Primary;
- 1 RRT affirmed and seeking Ministerial Intervention under s.417
- 1 Primary finalised (refused). An RRT application has not been lodged.

The following is a summary of the unaccompanied minors and their length of time in detention:

- 3 less than 1 month
- 38 between 1 and 3 months;
- 3 between 3 and 6 months
- 2 over a year.

Could you also provide details of the number, if any, who have been screened out of the process and the number who have gone through all stages of the review process and been rejected?

There are currently no screened out minors in detention.

Of the 46 unaccompanied minors in detention, only 1 has been RRT affirmed. There are no unaccompanied minors at the Judicial Review stage.

Unaccompanied minors in Detention @ COB 07/03/01

Stage of processing	Time Detained	Age this year	Total Female	Total Male	Total	Detached minors
Onhand Primary	<1 Month	17	0	3	3	
Onhand Primary	1-3 Months	13	0	3	3	1
Onhand Primary	1-3 Months	14	0	1	1	
Onhand Primary	1-3 Months	15	0	5	5	1
Onhand Primary	1-3 Months	16	1	9	10	3
Onhand Primary	1-3 Months	17	0	12	12	
Onhand Primary	1-3 Months	18	0	5	5	
Onhand Primary	3-6 Months	16	0	1	1	
Onhand Review	1-3 Months	17	0	1	1	
Onhand Review	3-6 Months	17	0	1	1	
Onhand Review	3-6 Months	18	0	1	1	
Onhand Review	>1 year	18	0	1	1	
PV Finalised	1-3 Months	16	0	1	1	
RRT affirmed	>1 year	17	0	1	1	
Total			1	45	46	5

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(81) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 192) asked for the number of nationals that would be affected as a result of the negotiations with Vietnam.

Answer:

As at 20 February 2001 thirty-one Vietnamese nationals whose deportation has been ordered or whose permanent visa has been cancelled because of crimes they have committed in Australia are in detention under the *Migration Act 1958*. This is the group that would be immediately affected by the conclusion of negotiations with Vietnam.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(82) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 193) asked for a breakdown of those nationals that are held in the prisons awaiting deportation or removal, as the case may be.

Answer:

The number of persons, by nationality, held in custody under the *Migration Act 1958* in prisons and awaiting removal because of crimes committed in Australia as at 20 February 2001 is:

Nationality	Number
Cambodia	1
Chile	1
Cuba	1
Germany	1
Iran	2
Japan	1
New Zealand	4
People's Republic of China	1
Poland	1
Romania	2
Turkey	2
United Kingdom	3
Vietnam	31
Yugoslavia	1
TOTAL	52

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(83) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 193) asked, in relation to the cost of detention of detainees held in state correctional institutions, do all the states send you bills.

Answer:

Currently, neither Victoria nor Western Australia bill the Department for detainees held in state correctional centres. South Australia, New South Wales and Queensland do.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(84) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 193) asked, "Would many or most of the criminal deportees have families within Australia that are Australian citizens or lawful Australian residents?"

Answer:

Departmental records show that, of the 52 individuals in custody under the Migration Act 1958, who are awaiting deportation because of crimes committed in Australia, 43 had immediate family in Australia at the time the decision was made to remove them. It is likely that most of these relatives are Australian citizens or permanent residents. However, this information is not maintained in a readily retrievable form.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(85) Output 1.3: Enforcement of Immigration Law

Senator McKiernan (L&C 193) asked, " With regard to the Minister's trip to the Middle East, there was at the time a booklet prepared for distribution during his visit. How many copies of the booklet were produced and how many were subsequently destroyed because they were not suitable?"

Answer:

Some 75 kits (booklets) containing a range of information materials were produced for use by the Minister during his Middle East trip in January 2001. These documents were never intended for public use. They were intended to gauge local reaction to the messages to see if they were appropriate.

Included in the kit was a four-page Question and Answer document, which was included in draft form. Some of the information in that document was dated and inaccurate and other parts did not make it clear that the focus was an international one and not specific to Australia. As a result it was decided that the kits would be distributed without that document. None were destroyed.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(86) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator McKiernan (L&C 195) asked " Where was the Minister's announcement made about the consideration of the applications for up to 200 people from South Lebanon? Was it by way of media release?"

Answer:

The Minister has referred to the issue of considering applications from former supporters of the South Lebanese Army currently residing on a temporary basis in Israel, on a number of occasions at community events and to the media generally.

The Minister has also made it clear that the global non-discriminatory nature of the Humanitarian Program means that the former supporters of the South Lebanese Army are able to lodge applications for consideration under the Humanitarian Program if they feel they have compelling claims. Each application will be assessed on a case by case basis. However, in order to be eligible for entry, they will be required to meet all regulatory criteria including health and character requirements.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(87) Output 1.2: Refugee and Humanitarian Entry and Stay

Senator McKiernan (L&C 196) asked, " Would the country information service that is available to the Department and to the refugee tribunal have details of the Khiam prison in south Lebanon?"

Answer:

- The Department's Country Information Service (CIS) holds 40 documents referring to Khiam Prison in its on-line database available to Protection Visa case managers and the Refugee Review Tribunal (RRT). A list of those documents is at Attachment A.
- The CIS also undertakes extensive research, including through the Internet and on-line media services to support decision makers and to update and supplement its own information holdings. A brief overview of the Khiam Prison, drawing on all of these sources, is at Attachment B.

COUNTRY ISSUES BRIEF

Country - LEBANON

Issue : Country Information available on the Khiam Prison in the south of Lebanon

A. RELEVANT FACTS

Establishment / historical background

1. The Khiam prison / detention centre in the south eastern pocket of Lebanon was built on a hill by French 'mandate' troops in the 1930s as a small observation post or fort on a hilltop (approx 1,200 m in elevation) overlooking the village of Khiam. Syrian troops entered Lebanon in 1976 followed by Israeli troops who invaded in 1978. That year a 6,000 strong United Nations Interim Force in Lebanon (UNIFIL) entered south Lebanon to supervise Israel's 'withdrawal' however, Israel maintained control over a 15 km (9 miles) wide buffer or 'security zone'. In 1982, the Israelis invaded Lebanon a second time. Lebanon degenerated into civil war. In 1985, the Israelis withdrew but not before setting up a proxy force, the South Lebanon Army (SLA) whom they funded and trained, to maintain control of the 'security zone', including the Khiam prison complex which is about 8 km from the Israeli border.

2. The civil war in Lebanon formally ended in 1989 following the Ta'if Agreement brokered by the Arab League. In 1991, Lebanese armed militias were disarmed on orders of the Lebanese Government, however the Islamic Hizbullah and the pro Israeli SLA were able to maintain their military strength and operations in the south. In 1993 (Operation 'Accountability') and again in 1996 (Operation 'Grapes of Wrath') Israeli forces launched attacks into Lebanon which resulted in the large-scale evacuation of Lebanese from the south. In May of last year, the Israelis withdrew totally from Lebanon leading to the collapse of the SLA and the abandonment of the Khiam prison.

Prison population and conditions

3. During the sporadic conflicts and internecine warfare in Lebanon between 1975 and 1991, about 200,000 people were killed and some one million displaced from their homes. Thousands of Lebanese were taken hostage by the different warring factions or they simply disappeared.

4. At the time when villagers smashed into the Khiam complex in May 2000 following the Israeli withdrawal, there were about 140 (some reports 144) prisoners liberated from their cells. The Khiam prison is a single story complex consisting of a

series of cells tacked onto the original structure which enclosed an open area or yard. Many of the cells were 15 sq m in floor space and contained up to 25 inmates. The isolation cells (about 3 sq m) were too small for a single person to lie down in. Although the prison administrators left with the withdrawing Israelis and removed much of the incriminating evidence, sufficient was left behind to indicate the extent of human rights abuses practised by the jailers and their political masters. Observers likened the conditions to those reminiscent of the Nazi era during the Second World War.

5. While no accurate figures are available and may never be known, Amnesty International claimed that after the Israeli invasion of 1982, it expressed concern for over 12,000 Lebanese and Palestinians who had been arrested and whose whereabouts were not known. In 1983, 4,490 detainees were released in exchange for six captured Israeli Defence Force personnel. In a brief of 1 January 2000, the UN Economic and Social Council cited a report of the Special Rapporteur which stated:

“Extensive arrests without any charges and trials without lawyers are common procedures in the Israeli courts. Unfortunately the repeated reports of human rights bodies on the conditions in Israel prisons, and especially in Khiam prison, with more than 5,000 detainees, have not yet been effective.”

6. Human rights violations at Khiam included the following:

- Prisoners were incarcerated without charge or trial, many having nothing to do with militia bands or insurrectionist movements.
- Torture was widely practiced and included electric shock treatment to genitalia, suspension from ceilings, repeated and severe kickings and beatings at times to the point where limbs needed to be amputated, strapping detainees naked to posts and dousing them in the winter with icy water or leaving to swelter in the hot summer sun, and extensive periods in solitary confinement cells built underground with only a narrow peephole for air and light.
- Refusal in the years 1988 to 1995 for any outside contact with the detainees (conditions improved somewhat in 1995 when the International Committee of the Red Cross was finally given some access rights.)

B. ISSUES

5. Not all detainees held at the time of the abandonment of the Khiam prison are at liberty. An unknown number were spirited into Israel with the withdrawing forces and continue their incarceration there. Amnesty International knows of at least 21 identities who, they claim are being held in Israeli jails. A difficulty in tracking them is the apparent Israeli practice of shifting them regularly between jails. The Israeli authorities deny any responsibility for abuses at Khiam pointing out that the camp was under SLA proprietorship, administration and control.

6. Many influential sectors of Lebanese society want to maintain the Khiam complex as a museum to preserve the memory of heroic martyrs and to signpost the brutality of the Israeli occupiers. There is also a significant move to reopen Khiam as a prison for the incarceration of the former torturers and other SLA operatives convicted of criminal offences and abuses against the civilian population.

C. INFORMATION SOURCES

7. Sources used in this report include:

- *Questions of the Violation of Human Rights in the Occupied Arab Territories, Including Palestine* – UN Economic and Social Council document ref. E/CN.4/2000/NGO/55 8 February 2000.
- *Israel's Record of Occupation: Violations of Civil and Political Rights* – Human Rights Watch August 1998 ref. www.hrw.org/hrw/reports98/israel accessed 28 February 2001.
- *Israel's Forgotten Hostages: Lebanese Detainees in Israel and Khiam Detention Centre* - Amnesty International ref. MDE 15/018/1997 10 July 1997.
- *Israel's Withdrawal from South Lebanon: The Human Rights Dimensions: May 2000* – Human Rights Watch ref. www.hrw.org/hrw/campaigns/lebanon accessed 28 February 2001.
- *Israel Responsible for Abuses in Khiam Prison* - Human Rights Watch ref. www.hrw.org/hrw/campaigns/lebanon accessed 28 February 2001.
- *Israel Re's Forgotten Hostages: Lebanese Detainees in Israel and Khiam Detention Centre* - Amnesty International ref. MDE 15/018/1997 10 July 1997.
- *Punishing Refusal to Serve the Occupation Security Apparatus* – Human Rights Watch 1999 ref. www.hrw.org/hrw/reports/1999/lebanon accessed 28 February 2001.
- *Torture in Khiam Prison: Responsibility and Accountability* – 28 October 1999 ref Human Rights Watch at www.hrw.org/editorials/1999 accessed 28 February 2001.
- *Lebanese Prison Grim Memorial to Israeli Occupation* – Reuters News Service 12 June 2000.
- *Khiam Prison Witness to Suffering Under Occupation* – Reuters News Service 28 May 2000.
- *Khiam's Future Torn Between Revenge and Rememberance* – The Daily Star (Lebanon) 27 May 2000.
- *Withdrawal from Lebanon – at Khiam Jail – Inside a Torturer's Den* – Independent (UK) 25 May 2000.
- *Villagers Conquer Khiam* – The Daily Star (Lebanon) 24 May 2000.
- *144 Lebanese Detainees Released from Khiam Prison* – Xinhua News Agency Bulletin 23 May 2000.

PDSS Research Unit
1 February 2001

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(88) Output 1.4: Safe Haven

Senator McKiernan (L&C 198) asked for detailed costings on what occurred in safe havens including ongoing costs.

Answer:

The cost to DIMA of Operation Safe Haven was \$46.9 million to assist 3976 people. This figure included:

- \$18.3 million for transport;
- \$7.2 million for Education and Resource Information Centres;
- \$2.2 million for torture and trauma counselling;
- \$3.5 million for translating and interpreting services; and
- \$4.2 million on Winter Reconstruction Allowance.

Following the conclusion of Operation Safe Haven, 323 Kosovars remain in Australia. The cost of those who have applied for, and in the majority of instances have been granted, Protection (156 people) or Spouse (4 people) visas, form part of the normal costs under the Humanitarian and Family Migration Programs and the costs of those granted Temporary Humanitarian Concern visas (157 people) form part of the normal Humanitarian Program. None of the costs are separately identified.

The cost of the return to Australia for some 80 people, who were in Australia under the Safe Haven provisions and have now been granted In-Country Special Humanitarian visas, form part of the normal costs associated with these visas under the Humanitarian Program. This cost is likely to be around \$275,000, covering the processing of visas, airfares, service fees payable to the International Organisation for Migration (IOM) and medicals.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(89) Output 2.3: Australian Citizenship

Senator Schacht (L&C 200) asked for a breakdown by nationality of the people who have taken out Australian citizenship .

Answer:

The most recent source of information on the proportion of the various nationalities that have taken out Australian citizenship is the 1996 census of population and housing. Refinement of these data by the Department of Immigration and Multicultural Affairs has produced estimates of the number of overseas-born who were Australian citizens and those who were eligible but had not taken out Australian citizenship. These figures were published in *Australian Citizenship – 1996 Census Statistical Report No. 28* (Canberra: DIMA, 1999). Details of these figures for particular nationalities are given in the attached table.

In addition the number of persons by nationality, who take out Australian citizenship in each financial year is provided to the Parliament each year in accordance with section 42 (d) of the *Australian Citizenship Act* 1948. This information is published as an appendix to the Department's Annual Report. A copy of the statistics provided in the Annual Report for 1999-2000 is attached.

NATIONALITY OR CITIZENSHIP OF PEOPLE GRANTED CERTIFICATES OF AUSTRALIAN CITIZENSHIP, 1999-2000

Afghani	444
Albanian	59
Algerian	86
Angolan	3

Argentinian	146
Armenian	38
Austrian	62
Azerbaijani	4
Bahamas	1
Bahrain (citizens of)	4
Bangladeshi	410
Barbados	2
Belarussian	25
Belgian	18
Belizian	5
Benin	1
Bermudan	3
Bhutanese	6
Bolivian	8
Bosnia-Herzegovinian	1 531
Botswana (citizens of)	2
Brazilian	117
British (incl. BNO)	14 592
Brunei Darussalum (citizens of)	5
Bulgarian	93
Cambodian	647
Cameroon	1
Canadian	654
Cape Verde	1
Chad (citizens of)	3
Chilean	245
Chinese	7 664
Colombian	78
Congan (formerly Zairean)	15
Cook Islanders	9
Costa Rican	2
Croatian	535
Cuban	1
Cypriot	90
Czech	38
Czechoslovakian (former)	19
Danish	44
East Timorese	34
Ecuadorian	52
Egyptian	311
Eritrean	74
Estonian	11
Ethiopian	165
Fijian	1 379
Filipino	2 349
Finnish	40
French	283
Gambian	4
Georgian	19
German	331
Ghanaian	87
Greek	252
Grenada (citizens of)	1
Guatemalan	4

Guyanese	5
Honduran	5
Hungarian	80
Icelandic	4
Indian	2 381
Indonesian	844
Iranian	755
Iraqi	1 853
Irish	698
Israeli	173
Italian	633
Jamaican	2
Japanese	52
Jordanian	167
Kazakhstani	45
Kenyan	75
Kiribati (citizens of)	2
Korean	768
Kuwaiti	90
Kyrgyzstani	6
Laotian	69
Latvian	18
Lebanese	859
Lesotho	1
Liberian	4
Libyan	1
Lithuanian	21
Macedonian (FYROM)	352
Malaysian	1 154
Maldives (citizens of)	2
Maltese	456
Mauritian	124
Mexican	30
Moldovan	13
Moroccan	12
Mozambique (citizens of)	2
Myanmar (Burma) (citizens of)	309
Nauru (citizens of)	4
Nepalese	53
Netherlander	192
New Zealander	6 676
Nicaraguan	6
Nigerian	51
Norwegian	19
Pakistani	596
Panama	1
Papua New Guinean	85
Paraguayan	1
Peruvian	131
Polish	363
Portuguese	316
Reunion	1
Romanian	243
Russian Federation (citizens of)	423

Rwandan	8
Salvadorian	130
Samoan	88
Saudi Arabian	25
Senegalese	10
Seychellois	17
Sierra Leonian	10
Singaporean	370
Slovakian	50
Slovenian	26
Solomon Islander	16
Somali	449
South African	2 253
Spanish	101
Sri Lankan	1 832
St Kitts-Nevis	1
St Vincent & The Grenadines	1
Sudanese	298
Swaziland	1
Swedish	29
Swiss	191
Syrian	130
Taiwanese	1 084
Tanzanian	11
Thai	541
Tongan	190
Trinidad and Tobago (citizens of)	17
Tunisian	10
Turkish	766
Ugandan	13
Ukrainian	367
United Arab Emirates (citizens of)	20
United States of America (citizens of)	989
Uruguayan	56
USSR, former (citizens of)	74
Uzbekistani	24
Vanuatu (citizens of)	2
Venezuelan	48
Vietnamese	3 441
Yemeni	10
Yugoslav (former)	614
Yugoslav, Federal Republic of	1 099
Zambian	17
Zimbabwean	62
Stateless	525
Not stated/Other	487

TABLE A.5: ESTIMATES OF OVERSEAS-BORN AUSTRALIAN CITIZENS, NON-CITIZENS ELIGIBLE FOR AUSTRALIAN CITIZENSHIP AND CITIZENSHIP RATES BY BIRTHPLACE ^(a)

BIRTHPLACE	Australian Citizens No.	Eligible Non-citizens No.	Total ^(c) No.	Citizenship Rate %
OCEANIA AND ANTARCTICA				
New Zealand	93,800	173,000	266,800	35.1
Papua New Guinea	20,100	1,900	22,100	91.3
Fiji	25,400	5,000	30,400	83.6
<i>TOTAL ^(b)</i>	<i>151,000</i>	<i>186,600</i>	<i>337,600</i>	<i>44.7</i>
EUROPE AND FORMER USSR				
United Kingdom	654,700	397,300	1,052,100	62.2
Ireland	30,800	17,500	48,300	63.7
Cyprus	18,900	1,600	20,500	92.3
Greece	121,400	3,400	124,700	97.3
Italy	189,600	49,500	239,100	79.3
Malta	36,500	14,600	51,100	71.4
Portugal	12,000	4,700	16,700	72.0
Spain	10,000	3,300	13,200	75.2
Former Yugoslavia nfd	48,700	2,700	51,400	94.7
Bosnia-Herzegovina	5,900	1,800	7,800	76.4
Croatia	43,900	2,100	45,900	95.5
Former Yugoslav Republic of Macedonia (FYROM)	39,100	2,300	41,400	94.4
Austria	15,700	4,500	20,200	78.0
France	11,800	2,200	14,000	84.5
Germany (Federal Republic of)	84,800	23,500	108,400	78.3
Netherlands	69,000	18,100	87,100	79.2
Hungary	24,200	900	25,000	96.6
Poland	60,700	3,100	63,800	95.1
Romania	10,900	700	11,500	94.1
Latvia	7,700	300	8,000	96.5
Ukraine	11,700	800	12,500	93.8
<i>TOTAL ^(b)</i>	<i>1,589,600</i>	<i>570,600</i>	<i>2,160,200</i>	<i>73.6</i>
MIDDLE EAST AND NORTH AFRICA				
Iran	10,900	2,300	13,200	82.5
Iraq	7,700	1,500	9,200	83.8
Lebanon	66,300	1,800	68,100	97.4
Turkey	23,800	3,400	27,200	87.6
Egypt	32,100	1,400	33,600	95.7
<i>TOTAL ^(b)</i>	<i>164,400</i>	<i>12,300</i>	<i>176,700</i>	<i>93.1</i>
SOUTHEAST ASIA				
Cambodia	17,500	1,600	19,100	91.5
Indonesia	19,400	11,200	30,700	63.4
Laos	9,300	200	9,600	97.6
Malaysia	37,400	28,400	65,800	56.9
Burma (Myanmar)	7,700	1,200	8,800	87.0
Philippines	76,600	5,500	82,100	93.3
Singapore	16,200	6,000	22,200	72.9
Viet Nam	134,200	9,400	143,600	93.4
<i>TOTAL ^(b)</i>	<i>329,600</i>	<i>67,500</i>	<i>397,000</i>	<i>83.0</i>

TABLE A.5 (CONTD.): ESTIMATES OF OVERSEAS-BORN AUSTRALIAN CITIZENS, NON-CITIZENS ELIGIBLE FOR AUSTRALIAN CITIZENSHIP AND CITIZENSHIP RATES BY BIRTHPLACE ^(a)

BIRTHPLACE	Australian Citizens No.	Eligible Non-citizens No.	Total ^(c) No.	Citizenship Rate %
<i>NORTHEAST ASIA</i>				
China (excluding Taiwan Province)	52,400	34,900	87,200	60.0
Hong Kong	49,600	7,600	57,100	86.8
Japan	2,900	8,500	11,400	25.3
Korea	12,800	6,700	19,500	65.5
Taiwan (Province of China)	11,700	2,300	14,000	83.5
<i>TOTAL ^(b)</i>	<i>130,900</i>	<i>60,200</i>	<i>191,100</i>	<i>68.5</i>
<i>SOUTHERN ASIA</i>				
India	53,100	13,800	66,900	79.4
Sri Lanka	32,200	8,300	40,500	79.6
<i>TOTAL ^(b)</i>	<i>97,500</i>	<i>24,200</i>	<i>121,700</i>	<i>80.1</i>
<i>NORTHERN AMERICA</i>				
Canada	14,100	7,200	21,300	66.2
United States of America	20,800	15,500	36,300	57.3
<i>TOTAL ^(b)</i>	<i>35,100</i>	<i>22,800</i>	<i>57,900</i>	<i>60.6</i>
<i>SOUTH, CENTRAL AMERICA & CARIBBEAN</i>				
Argentina	8,800	1,600	10,400	84.7
Chile	15,900	7,400	23,300	68.1
Uruguay	8,800	900	9,700	91.2
El Salvador	8,700	900	9,700	90.3
<i>TOTAL ^(b)</i>	<i>57,600</i>	<i>14,100</i>	<i>71,700</i>	<i>80.4</i>
<i>AFRICA (EXCLUDING NORTH AFRICA)</i>				
Mauritius	15,200	1,600	16,900	90.3
South Africa	44,000	7,000	51,000	86.2
<i>TOTAL ^(b)</i>	<i>84,200</i>	<i>13,200</i>	<i>97,400</i>	<i>86.4</i>
TOTAL OVERSEAS-BORN^{(c) (d)}	2,647,400	969,300	3,616,700	73.2

(a) Adjusted for persons who did not satisfy the two year residential requirement for citizenship, temporary entrants and underenumeration at the time of the 1996 Census. Not Stated responses of the Citizenship and Year of Arrival in Australia questions were pro-rated between their other response categories.

(b) Includes other birthplaces in the region.

(c) Components may not necessarily add to totals due to rounding.

(d) Methodology used to estimate Australian citizens and eligible non-citizens for each category was also applied to the total overseas-born. Therefore components do not necessarily add to totals of overseas-born.

Note: Estimates have been rounded to the nearest 100.

Sources: 1996 Census Matrix Table CS070, DIMA Stock Data of Temporary Entrants at 6 August 1996, Australian Bureau of Statistics Catalogue No. 2940.0.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(90) Output 2.3: Australian Citizenship

Senator Schacht (L&C 200) asked, "Has there been any sign that the number of British residents on the electoral roll is slowly declining?"

Answer:

The Australian Electoral Commission has estimated from its analysis of the electoral rolls that the number of British residents on the electoral role is slowly declining, from 200,000 in July 1999 to 190,000 on March 2001.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(91) Output 2.3: Australian Citizenship

Senator Schacht (L&C 200) asked, "The 200,000 or thereabouts estimate is what percentage of the total number of British residents in Australia who have now taken out citizenship?"

Answer:

According to DIMA analysis of data from the 1996 census of population and housing, there were a total of 654,700 United Kingdom born persons who had taken out Australian citizenship and 397,300 who had not. The Australian Electoral Commission has estimated that there were about 200,000 United Kingdom born persons who were on the electoral roll before 25 January 1984 but who had not taken out Australian citizenship at the time of the 1996 census. This figure is therefore equivalent to nearly a third (30.5 per cent) of those United Kingdom born persons who had taken out Australian citizenship at the 1996 census.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(92) Output 2.3: Australian Citizenship

Senator Schacht (L&C 202) asked, 'Is there officially recorded a list of countries that have restrictions so that if you did take out Australian citizenship you would lose not only your citizenship back in the home country but access? You could not sell your property and take the money to Australia.'

Answer:

Some countries allow their citizens to acquire another citizenship without losing their original citizenship, while other countries do not. Whether or not a person loses their original citizenship when they acquire, for example, Australian citizenship depends on the citizenship laws of that particular country - and not on Australian citizenship law.

There is no official list of countries which allow/do not allow acquisition of another citizenship without loss of original citizenship. However, the Department of Immigration and Multicultural Affairs has compiled an indicative list of countries whose legislation allows acquisition of another citizenship without loss of original citizenship as well as an indicative list of countries whose legislation does not allow acquisition of another citizenship without loss of original citizenship (attached). This information is based on advice from several sources and is current as at June 1999. It should be used with caution and as a general guide only as the citizenship laws of other countries are subject to change.

In relation to loss of other rights, including property, there is no official list. However, anecdotally DIMA understands that there may be property and/or inheritance issues associated with loss of citizenship of some countries, including for example Italy, the former Yugoslavia, Israel, Malta and India.

ATTACHMENT

COUNTRIES WHOSE LEGISLATION ALLOWS ACQUISITION OF
ANOTHER CITIZENSHIP WITHOUT LOSS OF ORIGINAL
CITIZENSHIP

Algeria	New Zealand
Argentina	Nigeria
Bangladesh	Oman
Belgium	Pakistan
Cambodia	Peru
Canada	Poland
Colombia	Portugal
Cyprus	Russia
Ecuador	South Africa
Egypt	Spain
Eritrea	Sudan
Estonia	Switzerland
France	Syria
FYROM	Thailand
Hungary	Tunisia
Ireland	Turkey
Israel	United Kingdom
Italy	United States of America
Jordan	Western Samoa
Lebanon	Yemen
Malta	Yugoslavia
Mauritius	
Mexico	

NOTE: This information is current as at June 1999 and is based on advice from several sources.

**COUNTRIES WHOSE LEGISLATION DOES NOT ALLOW
ACQUISITION OF ANOTHER CITIZENSHIP WITHOUT LOSS OF
ORIGINAL CITIZENSHIP**

Armenia	Kuwait	Uganda
Azerbaijan	Kyrgystan	Ukraine
Austria	Laos	United Arab Emirates
Bahrain	Latvia	Uzbekistan
Bolivia	Lesotho	Vanuatu
Botswana	Lithuania	Vietnam
Brazil	Malaysia	Venezuela
Brunei	Marshall Islands	Zimbabwe
Burma	Moldova	
Chile	Namibia	
China	Nepal	
Denmark	Norway	
Ethiopia	Papua New Guinea	
Fiji	Philippines	
Finland	Qatar	
Georgia	Romania	
Germany	Saudi Arabia	
Iceland	Singapore	
India	Solomon Islands	
Indonesia	Swaziland	
Japan	Sweden	
Kazakhstan	Tanzania	
Kenya	Tonga	
Kiribati	Turkmenistan	
Korea	Tuvalu	

NOTE: This information is current as at June 1999 and is based on advice from several sources.

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 20 February 2001

IMMIGRATION AND MULTICULTURAL AFFAIRS PORTFOLIO

(93) Output: Internal Products

Senator McKiernan (L&C 202) asked for the definition of 'rephasing'.

Answer:

In the accrual environment, the process of carrying over unexpended Administered money into the following financial year is referred to as rephasing.

Under previous cash budgeting arrangements, unspent monies from a lapsing annual appropriation item could be considered for carryover into appropriation bills of the following year, if there was a need to retain access to the resourcing. These carryovers applied to both Running Costs (Departmental) and Program (Administered) annual appropriations.

Under the accrual system only annual administered appropriations lapse if not fully drawn upon. Departmental appropriations do not lapse if not fully drawn. Hence the need for carryovers in the new accruals system continues for administered appropriations but is significantly reduced for departmental appropriations.

The term rephasing has been developed by the Department of Finance and Administration to reflect the carryover process for administered appropriations in the accrual system.

The term carryover is still used for reappropriation of departmental resources, but is very limited in application. The main circumstance in which a carryover would now occur is where an agency is owed resourcing at the end of a financial year but the current year appropriation is inadequate to meet the need and the Minister for Finance's Advance is not accessed. It is accounted for as a receivable in the Balance Sheet of the financial statements at year-end and drawn from appropriations in a subsequent financial year. This indeed occurred for DIMA in 1999-2000 where, due to Purchasing Agreement outcomes for unauthorised boat arrivals late in the financial year, 1999-2000 appropriations were inadequate to meet DIMA's needs and a carryover of funds was sought and approved.

Senate Legal and Constitutional Legislation Committee
Immigration and Multicultural Affairs Portfolio
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