

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 12 February 2007

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(77) Output 1.3: Enforcement of Immigration Law

Senator Nettle (L&CA 61-62) asked:

In relation to the Ombudsman's report on section 501 of the Migration Act, has there been a government response to that? The recommendation by the Ombudsman that the Department return to using section 200, rather than section 501 is also a recommendation that the Senate Standing Committee on Legal and Constitutional Affairs into the Migration Act has proposed. Can the Department add anything further on this matter?

Answer:

The Department has undertaken substantial work to implement procedural improvements following the Ombudsman's criticism of the administration of section 501. A number of the Ombudsman's recommendations have already been implemented, including through:

- undertaking a comprehensive review of the cases of interest to the Ombudsman, and reporting to the Ombudsman as these cases become finalised;
- improving processes to provide a higher standard of procedural fairness, and developing appropriate quality assurance mechanisms to support these processes;
- negotiating with State and Territory agencies to develop standard policies and procedures for identifying persons liable for cancellation of their visas under section 501; and
- centralising the section 501 caseload to ensure that decision making under section 501 is applied consistently, regardless of where in Australia a client is located.

The government will not return to using the deportation powers under section 200 instead of the section 501 character powers. The Government maintains that ministers, who are accountable to the Australian people, should continue to have the power to protect the safety and security of the Australian people and stands by the decisions it has made to protect the Australian community.