

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 21 FEBRUARY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(161) Program 4.1: Visa Compliance and Status Resolution

Senator Cash asked:

What steps have been taken by the current and former Minister to cancel the protection visas of the three refugees found by the independent inquiry of the Northern Territory coroner as being involved in the sabotage of SIEV 36 which resulted in the death of four other asylum seekers and serious burns and injuries to 44 others along with a number of ADF personnel?

Answer:

There are robust powers in the *Migration Act 1958* to enable cancellation of a visa where the holder is convicted of a serious crime, such as one resulting in a prison sentence of 12 months or more. At present no passenger on the SIEV 36 has been convicted of any crime.

Criminal charges have been laid against one person. This person was charged with resisting two Australian Defence Force Personnel who were acting in the course of their duties, contrary to section 149.1(1) of the *Criminal Code (Cth)*. The maximum penalty for this offence is two years imprisonment. The charges are not related to the cause of the explosion.

The Department is awaiting the outcome of the matters before the court before considering further action.

The Department has been advised by the Attorney-General's Department that the Commonwealth Director of Public Prosecutions, after consultation with the Northern Territory (NT) Director of Public Prosecutions and the NT Police, has determined that there is insufficient evidence to bring any other charges against any other persons in relation to the events that occurred on SIEV 36 on 16 April 2009.