

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 29 MAY 2008

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(80) Output 1.4: Compliance

Senator Barnett (L&CA 52) asked:

- 1) Can section 501 decisions made by the department be appealed to the Minister?
- 2) Will quarterly reports be provided with respect to section 501 decisions as have been done with the other discretionary actions?

Answer:

- 1) No. A person who has had their visa refused or cancelled under section 501 by a delegate of the Minister can appeal that decision to the Administrative Appeals Tribunal (AAT). Although not part of the appeal process, the Minister does have the power to review a decision made by a delegate or the AAT and set aside and substitute that decision.
- 2) Consideration is under way on how greater transparency on section 501 decision making might be provided. The nature of such arrangements has not yet been settled.