

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 OCTOBER 2010

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(179) Program 1.1: Visa and Migration

Senator Cash asked:

(1) How many registered migration agents have been prosecuted by the Department for offences in each of the following periods: 2007-08, 2008-09, 2009-10?

(2) What was the nature of each offence?

(3) How many of these prosecutions succeeded in a conviction and what were the penalties applied where a conviction was obtained?

Answer:

For the 3 financial years 2007-10, the following cases involving registered migration agents commenced before the courts:

Financial year:	Number of Case(s):	Details of Offence(s):	Outcome:
2007-08	1	Section 234(1)(c) of the Migration Act 1958 - Deliver or furnish false statement or misleading docs x 2 counts.	No conviction recorded
2008-09	2	(in both cases) Section 145.1(5) of the <i>Criminal Code Act 1995</i> x 1 count	(in both cases) No conviction recorded
2009-10	1	Section 135.1 of the Criminal Code Act 1995 x 3 counts	Agent pleaded guilty and was due for sentencing on 9 November 2010. Sentencing details were not available at time of response.

One registered migration agent was convicted during 2007-08 (but was not noted above as the court case commenced in the 2006-07). This agent was convicted under Section 234(1)(c) of the *Migration Act 1958* - Deliver or furnish false statement or misleading documents x 9 counts, and was sentenced to 900 hours community service and was barred from acting as a solicitor or migration agent.