



Police Federation  
of Australia  
The National Voice of Policing

ABN 31 384 184 778

Level 1, 21 Murray Crescent  
GRIFFITH ACT 2603

Committee Secretary  
Senate Legal and Constitutional Affairs Legislation Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

[Legcon.sen@aph.gov.au](mailto:Legcon.sen@aph.gov.au)

### **Inquiry into Migration Amendment (Strengthening the Character Test) Bill 2019**

I make this submission on behalf of the Police Federation of Australia (PFA) which represents in excess of 63,000 police officers across every jurisdiction in Australia.

The Committee may be aware, that the PFA has previously made submissions to numerous Inquiries in relation to matters concerning migration issues, in particular as it applies to visa cancellations under Section 501 of the Migration Act 1958.

In our most recent submission (May 2018) and our appearance before the Joint Standing Commission on Migration's inquiry into Review processes associated with visa cancellations made on criminal grounds (15 August 2018), we specifically focussed on concerns that the intent of the Act and Section 501 could be averted by the judiciary, simply by imposing sentences of less than 12 months, thus ensuring that the non-citizen before the court does not become exposed to the mandatory cancellation provisions of s501(7)(c) and (d) of the Act. We don't believe that the provisions of s501 of the Act, should not come into any sentencing considerations by the judiciary.

We pointed out in both our submission and evidence, our belief that anyone **convicted** of a crime of violence, regardless of their length of sentence and who is a non-citizen of Australia, should have their status to remain here immediately reviewed. That position did not automatically mean every person convicted in such circumstances should have their visa cancelled, however their right to remain in this country on any form of visa should be

reviewed. With the understanding of course, that appropriate appeal mechanisms need to be in place for such determinations.

We also argued that the AAT process should be rigorous enough to ensure that the AAT uses its inquisitorial powers effectively. We pointed out instances where we believed that some of the decision of the AAT did not fit with community expectations as well as instances where we believe AAT decisions were made without all the evidence that should have been placed before it.

The PFA supports the Bill and would be happy to give evidence to any hearings that might arise from this Inquiry.

Sincerely yours

Scott Weber  
Chief Executive Officer

7 August 2018