

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 29 August 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(ARS/012) – Aspects of road safety – referral of RTO to QLD Department of Transport -

Asked:

Cmdr Miller: In relation to the investigation, the actual matter involved in that was investigated. The truck drivers employed by that company were reviewed in terms of the working arrangements that they had in place. In relation to the follow-up activity relating to the driver on the day, I think you've received information from us that that individual has had their visa cancelled and has left Australia.

CHAIR: Yes.

Cmdr Miller: We have referred the matter in relation to the training organisation through to the Queensland Department of Transport and Main Roads.

CHAIR: Great. Tell me who they are, the training mob.

Cmdr Miller: I don't have that information with me, sorry.

CHAIR: Would that be far away? We need to get this all out. I'd be interested if it's the same one that we've been talking about a lot during this inquiry, or another mob that may have slipped through the net.

Cmdr Miller: I don't have that information.

Ms Dacey: We could try and see if there's someone at the department watching the proceedings. May I send a text?

Answer:

Australian Border Force (ABF) officers interviewed the truck driver and established that the individual had been trained by Great Heavy Driving School of 418 Mains Road, Macgregor, QLD.

The ABF referred information in relation to Great Heavy Driving School to the Queensland Department of Transport and Main Roads (DTMR) noting that the training provider did not appear on the DTMR's website as an accredited Registered Training Organisation, however open source information suggested they were operating as a driver training business.

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 29 August 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(ARS/013) – Aspects of road safety – cancellation of visas in the transport industry -

Asked:

CHAIR: I'm going to go to my colleague Senator O'Sullivan. We know where we got the student visa. But it's just ludicrous to think that we're going to have students come over here studying nuclear medicine—or maybe they are—and saving lives during the day and think they'll do an interstate B-double two-up operation between Brisbane and Sydney on the weekend because it gives them a bit of spending money.

In terms of others in the transport area, to your knowledge have there been any other cancellations of visas or dependent visas since this inquiry started?

Ms Dacey: [Inaudible] read out the stats for the cancellations.

CHAIR: Ms Dacey, if you want to supply the information on notice, that's fine. But if there's something—if you've got it there.

Ms Dacey: I don't think I do.

CHAIR: I just want to see if there's some trend.

Ms Dacey: I don't have anything here.

Ms Andrew: It's actually very hard for us to identify people that have been cancelled who've been involved in an trucking incident, per se. But what we can do is: when we have incidents—and we've got a series of incidents; one of which you've pointed out to us; the M5 incident—then we can look into those particular cases and find out who have been cancelled.

Answer:

The Department is aware of six transport incidents involving eight visa holders. Of these, **five** visa holders have had their visas cancelled under section 116 of the *Migration Act 1958*. Section 116 allows for visa cancellation on a number of grounds including, non-compliance with visa conditions, where a temporary visa holder has been convicted of an offence against a law of the Commonwealth, a State or Territory, or where the presence of the visa holder in Australia is or may be a risk to the health or safety of the community.

Of the remaining **three** non-citizens, there were either no grounds enlivened for visa cancellation consideration or a decision was taken not to cancel the visa.

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 12 September 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(ARS/014) – Aspects of road safety – Dhaliwal compliance activity -

Asked:

CHAIR:.. When your officers went to the crook to check the books, there was a set of employment records. Did your officers find one week, because they got caught on their first trip—how unlucky is that? Or were there a number of months and weeks previous to this, Ms Miller? Just so I am clear.

Cmdr Miller: My understanding is that it was their first trip as a company.

CHAIR: Jeez, that's really unlucky, isn't it? Were your officers able to offset that one week that these poor devils first got alongside logbooks? These are the mandated driver—

Cmdr Miller: I don't have that detail with me.

CHAIR: You don't know? Maybe take that on record for us.

Cmdr Miller: Yes.

CHAIR: We also have the government wanting to invest a few dollars—I don't agree with it—into the Safe-T-Cams. Did your inspectors check with the Safe-T-Cams to see if that registered vehicle, that cabover Volvo, was where it was supposed to be? Are you taking this on notice?

Cmdr Miller: I will.

CHAIR: It's just that the nods don't get picked up on the Hansard. That's fine. I'd also ask to compare fuel docketts.

Cmdr Miller: I will find out what information we've got access to, and provide you with a summary of what we did do.

CHAIR: That would be tremendous, if you could. And that's not to try and trip up your diligent officers, but I know how crooked some of these trucking operators can be. This one just wasn't good at it.

Answer:

Australian Border Force (ABF) officers conducted an investigation into whether the driver was an unlawful non-citizen or lawful non-citizen working in breach of his visa conditions and whether the employer, SPS DHALIWAL PTY LTD, had engaged in illegal work practices or foreign worker exploitation.

During its investigation, ABF found no evidence, including in driver logbooks, to pursue employer sanctions or a criminal investigation. The ABF officers did not check Safe-T-Cameras in relation to this matter and had no legal basis to do so in this instance.

The driver was not found to be working in breach of his visa condition. However the driver's visa was cancelled by the Department under s116(1)(a) of the *Migration Act 1958* and he was subsequently removed from Australia.