

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING : 19 October 2015

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(SE15/023) - New Zealand law in relation to Australian citizens resident in New Zealand - Programme 2.1: Citizenship

Senator Macdonald, Ian (L&CA 72) asked:

CHAIR: That is okay. The question has been answered. Can anyone tell me what the New Zealand law is in relation to Australian citizens resident in New Zealand who are in the same category as those we have just been talking about?

Mr Pezzullo: If I had thought about it, I would have armed myself with the knowledge on that—unless officers can assist. I do not think—this is hopefully an informed answer but not a scientific answer—that the provisions are the same. In other words, I do not think that the New Zealand law mirrors the changes that were introduced by this parliament in the latter part of 2014, though I will take advice on that. If officers at the table or who can come to the table can answer that, we will try to answer that; otherwise I will have to take it notice. My lay understanding—and I should have armed myself because it is a good question—is that the measures, as I recall them, are not precisely reciprocal. Maybe Mr Manthorpe can assist.

Mr Manthorpe: I can make a couple of general comments. Like New Zealanders in Australia, Australians are not treated differently from other residents who are liable for deportation from New Zealand. The length of time a person resides in New Zealand is something that is taken into account in considering whether noncitizens are liable for deportation under the New Zealand immigration act—the equivalent arrangements to ours. It depends on factors such as when the person was granted residence, the date of offending and the sentence received or the potential sentence the court could give. My understanding is that an Australian citizen living in New Zealand on a residents class visa would not be considered liable for deportation following the conviction of a criminal offence if 10 years or more had passed since they were first granted a visa. So there is a timing factor. But the considerations are not dissimilar to those that we would be considering in the context of requests for revocation.

Mr Pezzullo: If I may, I should just seek clarity myself. As I heard the evidence, I do not think that there are the mandatory cancellation provisions that we have under our law. They are the provisions that I was referring to that I do not think exist in the New Zealand law. I believe Mr Manthorpe's evidence is to that effect. But we will check in case.

CHAIR: Perhaps on notice—and this is a hypothetical and as chair I probably should not allow it—if an Australian is charged with a serious sexual offence in New Zealand and is jailed in New Zealand, when they are released from jail under New Zealand law would they normally be removed back to their homeland?"

Answer:

This is a matter for the New Zealand Government.