

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 27 FEBRUARY 2009

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(5) Output 1.1: Migration and Temporary Entry

Senator Barnett (L&CA 25-26) asked:

Will the Minister consider the merit of preparing a draft statement outlining the reasons for his decision in relation to Dr Moeller's case and then tabling that?

Answer:

The Minister is not required to publish or articulate reasons for exercising his ministerial public interest powers.

Under ministerial guidelines, the legislation provides that where the Minister exercises his ministerial public interest powers in a case and substitutes a more favourable decision, a statement is to be laid before each House of the Parliament.

The name and any other identifying details of the person and any family members are not included in this statement.

On 26 November 2008, the Minister signed the following statement in the case of Dr Moeller and his family:

"The applicants were refused because a secondary visa applicant did not meet the health requirement.

- The person who was the primary visa applicant has specialised skills and is held in high esteem by members of their community. Their continued presence in Australia will be beneficial to Australia's economic needs.
- Having regard to these persons' particular circumstances and personal characteristics, I think it would be in the public interest to allow them to remain in Australia.
- Substantial support from the community has been received.

I took the view that the circumstances of this case justify its approval in the public interest as a reflection of Australia as a compassionate and humane society".