

**QUESTION TAKEN ON NOTICE**

**BUDGET ESTIMATES HEARING: 24 MAY 2011**

IMMIGRATION AND CITIZENSHIP PORTFOLIO

**(BE11/0297) Program 4.1: Visa Compliance and Status Resolution**

Senator Cash (L&CA 9) asked:

Did the department prior to 5 May 2011 receive any request to provide the minister with any legal advice in relation to the exercise of his powers under section 501 of the Migration Act?

Answer:

Yes. There is a range of individuals and areas within the Department that regularly provide advice to the Minister and his office about both the legal and legislative framework in which s501 operates, and on individual cases. This advice can incorporate both legal and policy advice, and can be about both s501 generally, and/or about the use of the Minister's personal powers under s501. This advice is given both orally and in writing. It may be volunteered by the Department or provided in response to requests.