



Australian Government
Department of Immigration and Citizenship

23 July 2012

Ms Julie Dennett
Secretary
Senate Legal and Constitutional Affairs Legislation Committee
Parliament House
Canberra
ACT 2600

File ref: CC120720

Dear Ms Dennett

BUDGET ESTIMATES HEARINGS – CORRECTION TO ERROR OF FACT

I appeared as a witness for Program 4.1 at the Budget Estimates hearing on Monday 21 May 2012 for the Immigration and Citizenship portfolio.

I wish to advise you of a correction to an error of fact made by me at the hearing during deliberations of Program 4.1, 'Compliance and Case Resolution'.

As noted in the following extract from pages 51 and 52 of the proof Hansard I reported that the Principal Assessor chose to exercise his discretion not to refuse a Protection visa pursuant to section 501 of the Migration Act for a person who had been convicted of an offence whilst in immigration detention.

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Senator CASH: Thank you. Were any of those cancellations under section 501 for visas granted to IMAs?

Dr Southern: Was that in relation to cancellations?

Senator CASH: Or refusals. Were any visas of the total that we have got here, the 135 plus 77, in relation to IMAs?

Dr Southern: Certainly, there has been one refusal.

Mr Callanan: Yes, one refusal by the minister and one granted protection visa. The principal assessor chose not to exercise the discretion to refuse, so it is one grant, one refusal.

My answer should have been: Yes, one refusal by the Minister and one granted a Protection visa.

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Mr Callanan: Yes, by the -

Senator CASH: By the minister.

Mr Callanan: Not the minister, by the principal assessor. He did not grant the visa, he considered the character aspects and then exercised his discretion not to refuse it.

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My answer should have been: Not by the Minister. The case proceeded to grant of a Protection visa without referral to the Principal Assessor.

Please do not hesitate to contact me if you have any questions about this correction.

Yours sincerely

Christopher Callanan
First Assistant Secretary
Compliance and Case Resolution Division
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