

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 19 OCTOBER 2010

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(39) Program 4.1: Visa Compliance and Status Resolution

Senator Cash (L&CA 48) asked:

In relation to the three refugees found by the independent inquiry of the Northern Territory coroner as being involved in a sabotage of SIEV 36, are there any legal proceedings pending against these people.

Answer:

The two crew of SIEV 36 have been prosecuted for offences of people smuggling.

One passenger of SIEV 36 (Mr Brahim) is being prosecuted for allegedly resisting two Australian Defence Force Personnel who were acting in the course of their duties, contrary to section 149.1(1) of the *Criminal Code (Cth)*.

The Commonwealth Director of Public Prosecutions, after consultation with the Northern Territory Director of Public Prosecutions and the Northern Territory Police, has determined that there is insufficient evidence to bring any other charges against any persons in relation to the events that occurred on SIEV 36 on 16 April 2009.