

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARINGS: 15 October 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(SE12/0378) Program 3.1: Border Management

Senator Hanson Young asked:

Is the Department aware that in order for a state prison to freeze the assets of a person who has been charged but not yet convicted in relation to a future section 262 immigration debt, the Migration Act requires that: (1) the Secretary forms a belief based on reasonable grounds that the particular individual will be convicted of a people smuggling offence, (2) the Commonwealth issues a notice to the individual to that effect, and (3) the Commonwealth issues a notice to the prison that is specific to the individual, at least every 28 days.

Answers:

1. Yes.
2. Yes.
3. Yes.