Department of Immigration and Multicultural Affairs

19 APR 2002
Senate Legal & Constitutional Committee

Senator Marise Payne
Chair
Senate Legal and Constitutional Legislation Committee
Parliament House
CANBERRA ACT 2600

Dear Senator Payne,

I refer to the Senate Legal and Constitutional Legislation Committee briefing on 27 March 2002 and hearing on 9 April 2002 concerning the Migration Legislation Amendment (Procedural Fairness) Bill 2002 and the Migration Legislation Amendment Bill (No. 1) 2002.

At these sessions, officers from this Department took several questions on notice. Please find attached at "A" the Department's response to the questions in relation to the Migration Legislation Amendment (Procedural Fairness) Bill 2002. Attached at "B" is a copy of the Department's response to the questions in relation to the Migration Legislation Amendment Bill (No. 1) 2002. In addition to these responses, additional comments have been made to address some of the issues of concern raised by the Committee in these sessions in relation to both Bills.

I trust that the attached comments will be of assistance to the Committee. Should you require any further information, please do not hesitate to contact either Ms Jane Duke on 6264 2594 or Mr Ben Duncan on 6264 1238.

Yours sincerely

Des Storer.

Des Storer
First Assistant Secretary
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18 April 2002

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Attachment A

Migration Legislation Amendment (Procedural Fairness) Bill 2002

Introduction

Traditionally, common law natural justice (sometimes referred to as procedural fairness) contains two key components. They are, in broad terms:

- the 'hearing rule' - which requires that a person affected by an administrative decision be given a fair and reasonable opportunity to present their case before the decision is made; and

- the 'rule against bias' - which requires that the person making the decision should not be affected by bias.

The purpose of the amendments contained in this Bill is to restore, with express wording into the *Migration Act 1958* (the 'Act') itself, the original intention of the *Migration Reform Act 1992*, that the uncertainty of the common law natural justice 'hearing rule' be exhaustively replaced by certain, fair and codified visa decision-making procedures set out in the Act.

As the then Minister (the Hon. Gerry Hand) stated to the Parliament in his Second Reading Speech to the *Migration Reform Act 1992*, the advantage of this legislative code of procedure which replaces the natural justice 'hearing rule', is that it brings certainty to both the decision-maker and the person about whom the decision is to be made, while retaining the key components of the natural justice 'hearing rule'.

The codes of procedure that are contained in the Act reflect the balance that needs to be taken between the need to provide for fair procedures and expediency in decision-making. For example:

- Under sections 57, 359A and 424A of the Act, a decision-maker or Tribunal must give to the applicant information that is specifically about the applicant or another person that may form the basis for refusing to grant a visa or for affirming the decision under review:

    - However, information that is about a class of persons of which the applicant of the person is a member, or general country information or certain information defined in as being 'non-disclosable information' does not have to be disclosed;

- The time given to a visa applicant or merit review applicant to respond to an opportunity to comment on adverse or relevant information can be legislatively determined.

The Courts recognise these considerations. The Chief Justice of the High Court in his joint minority judgement with Hayne J in *Minister for Immigration & Multicultural Affairs; Ex parte Miah* (2001) 179 ALR 238, 247, observed that the "Migration Act does not dispense with requirements of fairness. On the contrary, it specifies procedures to be adopted in the interests of fairness, having regard also to what Parliament saw as the interests of efficiency and speed. In considering the procedures set out in the statute, it is material to note both that the delegate was required to give reasons for his decision, and that the prosecutor was entitled to a full merits review of the decision and to a hearing on that review" [at para 35].

In a more recent Federal Court decision in *NAAX v MIMA* [2002] FCA 263 (15 March 2002), Justice Gyles noted that the codes of procedure in the Migration Act which governs the Minister and the Tribunals are designed for dealing "fairly, efficiently and quickly" with visa applications. "The role of a court is not to prefer one objective over another. To do so is to subvert the will of the legislature. Achieving all of these objectives in a high volume jurisdiction necessarily requires balance and compromise"[para 53].

It should be noted that the requirements to provide adverse information to the applicant in the codes of procedure in the Act, reflect the principles that were expounded in High Court's decision in *Kioa v West* (1985) 159 CLR 550. In that case Justice Mason held that (at 587):

> *"In the ordinary course of granting or refusing entry permits there is no occasion for the principles of natural justice to be called into play. The applicant is entitled to support his application by such information and material as he thinks appropriate and he cannot complain if the authorities reject his application because they do not accept, without further notice to him, what he puts forward. But if in fact the decision maker intends to reject the application* ***by reference to some consideration personal to the applicant*** *on the basis of information obtained from another source which has not been dealt with by the applicant in his application there may be a case for saying that procedural fairness requires that he be given an opportunity of responding to the matter.*

Expressly providing that the codes of procedure in the Act are an exhaustive statement of the natural justice 'hearing rule' does not permit decision-makers to perform their functions arbitrarily or unfairly. The codes of procedures are set out in the Act and should be fully complied with.

Concern was expressed by the Committee and in several submissions how this Bill will operate in the new judicial review environment. As elsewhere stated, pursuant to the *Hickman* grounds there are four pre-conditions to the valid exercise of decision-making powers to which such a clause applies:

(a) the decision-maker is required to have made "a bona fide attempt to exercise its power";

(b) the decision "relates to the subject matter of the legislation";

(c) the decision "is reasonably capable of reference to the power given to" the decision-maker"; and

(d) that constitutional limits are not exceeded.

Under the above *Hickman* formulation, natural justice is not an express ground of review under the privative clause. However, while the privative clause does expand the legal validity of actions done and decisions made by decision-makers, it will not protect blatant breaches of the codes of procedures such as where (for example) a decision-maker is actually biased, performs their functions fraudulently or intentionally fails to follow the codes of procedures under the Act. In such cases, relief is available in the Courts. It is settled law that privative clauses cannot protect or validate a decision unless the decision-maker has made a bona-fide attempt to exercise his/her power.

However, judicial interpretation of the privative clause in the Migration Act reveals a divergence of views as to whether natural justice is a ground of review under the privative clause. There is a need to clarify this matter beyond doubt. The Bill will achieve this by enshrining the extent of the hearing rule within the statutory codes in the Act and thus remove ambiguity or uncertainty as to whether the common law 'hearing rule' is relevant in a review of a decision before the courts.

Questions on Notice

Senator Payne (L&C 32) asked: "The International Commission of Jurists (ICJ) make a number of suggestions in their submission in relation to the Migration Legislation Amendment (Procedural Fairness) Bill 2002 (the Bill). Would you comment on those?"

Amendment 1: Section 51A should require the Minister to send all documents to both the applicant and person authorised to receive documents on an applicant's behalf.

The Bill only refers to sections 494A to 494D in so far as these provisions relate to the relevant provisions where there is taken to be an "exhaustive statement of the natural justice hearing rule". Sections 494A to 494D were inserted into the Act by the *Migration Legislation Amendment (Electronic Transactions and Methods of Notification) Act 2001.*

Section 494D allows a person to specify another person (the "authorised person") to receive documents on behalf of the first person. Where an authorised person has been specified, section 494D requires the Minister to give to the authorised person all documents that must otherwise be sent to the first person.

While it is not a requirement, visa applicants sometimes prefer to appoint an authorised recipient to handle the matters to do with their application including all dealings with the Department. Where they do, Section 494D makes it clear that the Department will deal with the person authorised by them. This avoids any confusion concerning which person is to be given documents to do with the application.

It is only possible for an applicant to authorise one recipient at a time, as it would be inefficient and resource intensive for the Department to deal with more than one.

To protect applicants' interests, authorised recipients who use knowledge of immigration procedures to offer assistance or advice to a person wishing to obtain a visa to enter or remain in Australia must be registered with the Migration Agents Registration Authority.

The effect of sending documents to the authorised person is that those sections of the Act that prescribe when a person is taken to have received a document sent to them apply (see in particular 494B and 494C). These provisions are necessary in order to ascertain with certainty the time limits that are contingent upon when a person has been notified of a document. It should be noted that Section 494D does not prevent the Minister from giving copies of documents to the first person as well (see ss.494D(2)).

Section 494D ensures a system that is fair, whilst also being efficient and delivering certainty in the decision making process. Consequently, an amendment as suggested by the International Commission of Jurists is unnecessary.

Amendment 4, Provisions to be inserted requiring Overseas post staff to actually notify persons of adverse information that may lead to s 128 cancellations (cancellation of visas outside Australia).

Cancellations under section 128 of the Act are made without prior notification to the visa holder. It is an alternative to the power to cancel visas under section 116 of the Act with prior notification and is used in circumstances, for example, where providing prior notice of cancellation might well prompt the visa holder to return to Australia.

Where a visa has been cancelled under section 128, the former visa holder is notified of the cancellation and the grounds upon which the cancellation was based. The former visa holder is also invited to show that the grounds for cancellation do not exist. After consideration of any response, the decision-maker may revoke the cancellation under section 131 if the applicant shows that the grounds for cancellation were not made out or there is another reason why the visa should not be cancelled.

The proposed amendment suggested by the International Committee of Jurists make reference to the need for actual notification of a hearing in respect of a section 128 cancellation for a visa holder in a refugee camp. It is not clear from the submission why an Australian visa holder would be in a refugee camp and have nominated a UNHCR officer as the visa holders authorised recipient for any notifications that may be forthcoming from the Department.

Amendment 6, Modify 416 to enable insertions relating to review by the Refugee Review Tribunal (RRT)

Section 416 deals with situations where a person has made a further application for review to the RRT of an RRT reviewable decision. In so far as the ICJ state that this provision applies to cases remitted to the RRT from the Federal Court, this is incorrect. Section 416 would apply where a person has made a second application for a protection visa in accordance with section 48B, which is subsequently refused by a primary decision-maker. (Section 48B of the Act allows the Minister, if he thinks it is in the public interest to do so, to determine that the section 48A bar on a person making a valid further protection visa application does not apply to a particular person).

Section 416 of the Act does not prevent the RRT from considering information presented in respect of the RRT's review of a person's first protection visa application. Rather, section 416 provides that the RRT is not *required* to consider such information. Notwithstanding the operation of section 416 of the Act, the RRT must nevertheless comply with all the other requirements outlined in Division 4 of Part 7 of the Act in respect of a person's further application for the review of an RRT reviewable decision.

Senator Payne (Chair) (L&C 40) asked: "... whether in making the amendments in relation to procedural fairness, Australia would be continuing to comply with the provisions referred to in the Amnesty International submission?" That submission was made in relation to compliance with a number of international conventions – the *Refugees Convention*, the *International Covenant on Civil and Political Rights* and the *Convention on the Rights of the Child.*

Answer:

The amendments contained in the Bill do not in any way affect compliance by Australia with Australia's *non-refoulement* or other obligations in the *Refugees Convention*, the *Convention against Torture* (CAT) or in the *International Covenant on Civil and Political Rights* (ICCPR). Furthermore, the Bill does not affect Australia's compliance with its obligations in the *Convention on the Rights of the Child.*

Persons seeking asylum in Australia have more than adequate opportunity to put their claims for asylum and have their claims addressed. This Bill has no impact upon the capacity of such persons to set out fully their claims in a protection visa application, to

get the benefit of section 57 and, if necessary, seek merits review, by an independent Tribunal of the refused protection visa application.

Furthermore, if the Tribunal affirms the protection visa refusal, the Tribunal's reasons for that decision are automatically scrutinised by DIMIA officers to determine whether the applicant attracts Australia's non refoulement obligations under the CAT or the ICCPR. Such cases can then be referred to the Minister, in accordance with his public interest guidelines, to further reconsider the outcome of the application under section 417 of the Act.

Attachment B

Migration Legislation Amendment Bill (No. 1) 2002

Introduction

The Migration Legislation Amendment Bill (No.1) 2002 is an omnibus Bill that deals with several miscellaneous matters.

In the hearings and in the submissions put to the Committee some concern was expressed about the operation of the proposed insertion of subsection 48(3).

Section 48 limits the class of visa that a person may apply for *while in the migration zone* if the person no longer has a visa, and has previously had a visa application refused or visa cancelled. The intention of section 48 is to prevent non-citizens being able to indefinitely extend their stay in Australia by making a series of visa applications. It prevents further applications being made *while in the migration zone*.

However, the effect of section 48 can be avoided if the non-citizen travels in and out of Australia. Bridging B (Class WB) visas allow the visa holder to travel outside and return to Australia and have been used by some applicants to avoid the section 48 bar. The proposed amendments will prevent Bridging B holders from circumventing the section 48 bar. The amendments do not prevent a person from travelling outside Australia and, while outside Australia, applying for any of the classes of offshore visas

Questions on Notice

Hearing of 27 March 2002

Senator Cooney (L&C 25) asked: "Is this the section you use - these special purpose visas - to bring in seamen from overseas who ply trade along the Australian coast?"

Answer:

Yes, section 33 of the Act provides that persons having a prescribed status or is the member of a class of persons having prescribed status is taken to have been granted a Special Purpose Visa. Relevantly, paragraph 2.40(1)(k) of the Migration Regulations 1994 provides that for the purposes section 33 of the Act, each non-citizen who is

included in one of the following classes of person has a prescribed status;

> (k) members of the crew of non-military ships (other than ships being imported into Australia).

Non-citizen seamen who enter Australia in accordance with these provisions will have prescribed status and will have been taken to have been granted a special purpose visa by virtue of section 33 of the Act.

Hearing of 27 March 2002

Senator Cooney (L&C 25) asked: "Can you let me know that, at your leisure? If in these circumstances the shipping company said, 'we want to take three or four people off the list and send them back,' would you comply with that?"

Answer:

If the shipping company takes any crew off the crew list, the crew member will then be considered to have been signed off the vessel. In that case, the shipping company makes arrangements to repatriate the crew by providing a written guarantee to the Australian Customs Service that the crew member will depart Australia within 30 days. Therefore, section 33(9) of the Migration Act, either as it exists or if amended as proposed, would not apply.

Hearing of 9 April 2002

Senator Payne (Chair) (L&C 38) The ICJ seem to have the view that the only requirement for criminal intent is imposed on the citizen having an intent to enter Australia illegally, as opposed to a requirement for the smuggler to have a criminal intent in their activities. Is that a distinction that [the ICJ] have drawn correctly?

Answer:

It is incorrect that the prosecution is not required to prove that the smuggler does not have criminal intent under paragraph 233(1)(a) of the Migration Act 1958 ('the Act').

Under subsection 5.6(1) of the Criminal Code 1995 ('the Code'), the defendant has (and will continue to have) a default fault element of 'intention' in relation to the bringing or coming to Australia of a non-citizen' physical element in the offence in paragraph 233(1)(a) of the Act. Under subsection 5.2(1) of the Code, a person has intention with respect to the physical element of conduct if he or she means to engage in that conduct.

As to the application of strict liability, it will apply only to one element of the offence ie. 'it was under circumstances from which it might reasonably have been inferred that the

non-citizen intended to enter Australia in contravention of this Act'. The prosecution will have to establish that there are such circumstances that objectively would show that the non-citizen intended to enter unlawfully. However, the prosecution will not be required to establish a further fault element in addition to this.

Senator Payne (Chair) (L&C 38) stated that Dr Crock pointed out that the only requirement for knowledge [in relation to section 241] is one of reasonable grounds. Yet [the Department is] importing a strict liability requirement that she regarded as legally inconsistent; that is, to have a reasonable grounds level of knowledge and make [section 241] a strict liability offence.

Answer:

There is no inconsistency between the requirement to establish knowledge in section 241 and the proposal to apply strict liability to a particular physical element of that section. If the amendment is passed, the prosecution will still be required to establish that the person knows or believes on reasonable grounds that two other persons are not de-facto spouses.

The prosecution is required to establish that the two other persons are not de-facto spouses of each other for the purposes of the regulations. No fault element will need to be established in relation to this physical element in so far as knowing or believing that the Minister was satisfied. This is a separate matter from knowing or believing on reasonable grounds that two other persons are not de facto spouses.

Further, the prosecution will also be required to establish that the person intentionally makes arrangements that make, or help to make, it look as if those other persons are such spouses. Under subsection 5.6(1) intention is the default fault element for the physical element of conduct.

Senator Cooney (L&C 39) asked:

(1) Why is the offence at Item 6 in Schedule 5 of the *Migration Legislation Amendment Bill (No.1) 2002*, a strict liability offence? and

(2) Why should somebody get 10 years because the DPP can prove that there were circumstances from which a reasonable person might infer that the non-citizen intended to enter Australia in contravention of the *Migration Act 1958* while another reasonable person might have taken a different view?

Answer:

(1) In September 2001, the *Migration Legislation Amendment (Application of Criminal Code) Act 2001* amended the *Migration Act 1958*. The purpose of this amending Act was to harmonise Commonwealth criminal offences with the Commonwealth *Criminal Code1995*. The intention behind the amending Act was

to preserve the status quo in relation to the substantive operation of the offences within the *Migration Act*.

Section 233(1)(a) makes it an offence for a person to take part in the bringing or coming to Australia of a non-citizen under circumstances from which it might reasonably have been inferred that the non-citizen intended to enter Australia in contravention of the Act.

Although this offence is punishable by imprisonment for 10 years or 1,000 penalty units, or both, the courts construed this offence prior to the operation of the Commonwealth Criminal Code, in effect, as one of strict liability.

Angel J in *Rutu and Landjilu v Dalla Costa* 93 A Crim A 425 stated (when examining the operation of section 233(1)(a)) that:

> "It is not incumbent upon the prosecution to prove that the appellants had knowledge, subjective knowledge, that the intentions of the non-citizens was to enter Australia in contravention of the Migration Act. I agree that the phrase 'under circumstances from which it may reasonably be inferred imports and objective test.'"

Similarly, Angel J held in *R v Ampi Hungan* [2000] NTSC 84 that:

> "The section (233(1)(a)) requires an objective test. The question is not whether the accused knew the person brought to Australia was a non-citizen, but, rather, first whether the accused did take part in the bringing to Australia of a person who was a non-citizen and, secondly whether the accused's actions in so taking part occurred under circumstances from which it might reasonably be inferred that the person was a non-citizen who intended to enter Australia in contravention of the Migration Act."

The DPP advised the Department in September 2001 that due to the operation of Chapter 2 of the *Criminal Code*, section 233(1)(a) now has a mental (or subjective) element of recklessness applying to it. The DPP advised that this offence should attract strict liability as this was the judicial interpretation prior to the harmonisation and that as the harmonisation had changed its operation, the section needed to be amended appropriately.

(2) The courts will implement the "reasonable person" test based on the facts of a particular case. This test is the subject of much judicial comment in established case law and is one which the courts will address on a case by case basis in accordance with those precedents to determine whether a "reasonable person" in the circumstances of the accused person would have acted in a particular way.

That is, the reasonable person standard, will not involve two outcomes in the same case - it is an objective standard.

Senator Cooney (L&C 39) asked in Australia, what other criminal offences that bring penalties of 10 or 20 years contain elements of strict liability?

Answer:

The Department has prepared this response in conjunction with the Attorney-General's Department. In summary, there are the following categories of offences in Commonwealth legislation that involve a form of strict liability and carry a penalty of 10 years or more imprisonment.

- Wholly strict liability offences – 2 offences
- Strict liability attaching to particular element(s) of an offence: 10 offences
- Absolute liability attaching to particular elements(s) of an offence: 37 offences

The specific offences in each of these categories are listed below for your information.

Wholly strict liability offences which carry a penalty of 10 years or more imprisonment in Commonwealth legislation:

(a) *Petroleum (Submerged Lands) Act 1967*

- ss.119(3) Safety Zones (vessel unlawfully remaining in safety zone)
  Penalty: Imprisonment for not more than 10 years

(b) *Sea Installations Act 1987*

- ss.57(3) Safety Zones (vessel unlawfully remaining in safety zone)
  Penalty: (a) in the case of a natural person—a fine not exceeding $100,000 or imprisonment for a term not exceeding 10 years, or both; or
  (b) in the case of a body corporate—a fine not exceeding $500,000.

Offences in Commonwealth legislation where strict liability applies to particular element(s) of an offence which carry a penalty of 10 years or more imprisonment

(a) *Criminal Code Act 1995*

- ss.71.2(1) Murder of a UN or associated person
  Maximum penalty: Imprisonment for life.

- ss.71.3(1) Manslaughter of a UN or associated person
  Maximum penalty: Imprisonment for 25 years.

- ss.71.4(1) Intentionally causing serious harm to a UN or associated person
  Maximum penalty: Imprisonment for 20 years.
  Maximum penalty (aggravated offence): Imprisonment for 25 years.

- ss.71.5(1) Recklessly causing serious harm to a UN or associated person
  Maximum penalty: Imprisonment for 15 years.
  Maximum penalty (aggravated offence): Imprisonment for 19 years.

- ss.71.6(1) Intentionally causing harm to a UN or associated person
  Maximum penalty: Imprisonment for 10 years.
  Maximum penalty (aggravated offence): Imprisonment for 13 years.

- ss.71.8(1) Unlawful sexual penetration (of UN or associated person)
  Maximum penalty: Imprisonment for 15 years.
  Maximum penalty (aggravated offence): Imprisonment for 20 years.

- ss.71.9(1) Kidnapping a UN or associated person
  Maximum penalty: Imprisonment for 15 years.
  Maximum penalty (aggravated offence): Imprisonment for 19 years.

- ss.71.11(1) Intentionally causing damage to UN or associated person's property etc.
  Maximum penalty: Imprisonment for 10 years.

(b) *Customs Act 1901*

- ss.233BAB(5) Special offence relating to tier 2 goods
  Penalty: A fine not exceeding $250,000 or imprisonment for 10 years, or both.

(c) *Defence Force Discipline Act 1982*

- ss.16B(1) Offence committed with intent to assist the enemy
  Maximum punishment: Imprisonment for life

Offences in Commonwealth legislation where absolute liability applies to particular element(s) of an offence which carry a penalty of 10 years or more imprisonment

(a) *Crimes Act 1914*

- ss.29(1) Destroying or damaging Commonwealth property
  Penalty: 10 years imprisonment

- ss.50BA(1) Sexual intercourse with child under 16
  Penalty: 17 years imprisonment

- ss.50BB(1) Inducing child under 16 to engage in sexual intercourse
  Penalty: 17 years imprisonment

- ss.50BD(1) Inducing child under 16 to be involved in sexual conduct
  Penalty: 12 years imprisonment

- ss.50BC(1) Sexual conduct involving child under 16
  Penalty: 12 years imprisonment

- ss.50DA(1) Benefiting from offence against this Part (child sex tourism)
  Penalty: 17 years imprisonment

- ss.50DB(1) Encouraging offence against this Part (child sex tourism)
  Penalty: 17 years imprisonment

(b) *Crimes (Aviation) Act 1991*

- ss.13(1) and (2) Hijacking an offence
  Penalty: Imprisonment for life

- ss.16(2) and (3) Taking control of aircraft
  Penalty: 14 years imprisonment for ss(2) and 20 years imprisonment for ss(3)

- ss.17(1) Destruction of aircraft
  Penalty: 14 years imprisonment

- ss.18(1) Destruction of aircraft with intent to kill
  Penalty: Imprisonment for life

- ss.19(1) Prejudicing safe operation of aircraft
  Penalty: 14 years imprisonment

- ss.20(1) Prejudicing safe operation of aircraft with intent to kill etc.
  Penalty: Imprisonment for life

- ss.21(1) Assaulting crew
  Penalty: 14 years imprisonment

- ss.25(1) Endangering the safety of aircraft in flight
  Penalty: 14 years imprisonment

- ss.26(1) and (2) Acts of violence at certain airports
  Penalty: 15 years imprisonment for ss(1) and 10 years imprisonment for ss(2)

(c) *Crimes (Internationally Protected Persons) Act 1976*

- ss.8(1), (2), (3), (3A), (3B) and (3C) Offences (against internationally protected person)
  Maximum penalty: various, ranging from 10 years to life imprisonment

(d) *Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990*

- ss.9(1) Possession of equipment (used for dealing in drugs)
  Penalty: 10 years imprisonment (aggravated form)

- ss.15A(1) Intentionally converting etc. property derived from a serious State drug offence
  Penalty: 20 years imprisonment

- ss.15B(1) Intentionally concealing etc. property derived from a serious State drug offence
  Penalty: 20 years imprisonment

- ss.15C(1) Intentionally acquiring etc. property derived from a serious State drug offence
  Penalty: 20 years imprisonment

(e) *Criminal Code Act 1995*

- ss. 477.3(1) Unauthorised impairment of electronic communication
  Penalty: 10 years imprisonment

- ss.477.2(1) Unauthorised modification of data to cause impairment
  Penalty: 10 years imprisonment

- ss.477.1(1) Unauthorised access, modification or impairment with intent to commit a serious offence
  Penalty: 10 years imprisonment to life (depending on penalty for serious offence)

- ss.147.1(1) Causing harm to a Commonwealth public official etc.
  Penalty: if the official is a Commonwealth judicial officer or a Commonwealth law enforcement officer – imprisonment for 13 years; or in any other case – imprisonment for 10 years

- ss.134.2(1) Obtaining a financial advantage by deception
  Penalty: 10 years imprisonment

- ss.134.1(1) Obtaining property by deception
  Penalty: 10 years imprisonment

- ss.132.4(6) Burglary
  Penalty: 13 years imprisonment

- ss.131.1(1) Theft
  Penalty: 10 years imprisonment