



Media release

Senator Chris Evans

Leader of the Government in the Senate
Minister for Immigration and Citizenship

29 April 2010

Minister acts on Motekiai Taufahema cancellation case

The Minister for Immigration and Citizenship, Senator Chris Evans, has notified Tongan national, Motekiai Taufahema, of his intention to consider cancelling Mr Taufahema's visa under section 501A(2) of the *Migration Act*.

Mr Taufahema was sentenced to 11 years' imprisonment for the manslaughter of a police officer in March 2002.

"The manslaughter of a police officer in the line of duty is a most serious offence," Senator Evans said.

"The Government takes very seriously its role in protecting the Australian community from unacceptable risk of harm from criminal or other serious conduct by non-citizens."

Having received legal advice on the matter, the Minister will not appeal the Federal Court ruling of 7 April 2010, which dismissed an appeal against a decision by the Administrative Appeals Tribunal (AAT) to set aside an earlier departmental decision to cancel Mr Taufahema's visa.

"After fully considering advice from my department about the options available to me under the *Migration Act*, I have decided to begin the process for considering whether there are grounds to cancel Mr Taufahema's visa under section 501A(2)," Senator Evans said.

"Section 501A(2) enables the Minister to set aside a decision of the AAT not to cancel a visa, and to cancel the visa myself if I reasonably suspect that the person does not pass the character test, the person does not satisfy me that they pass the character test, and I am satisfied that the cancellation of the person's visa is in the national interest.

"In exceptional circumstances, it is appropriate for the Minister to make decisions in individual cases," Senator Evans added.

"The role of the character provisions of the Act is to protect the Australian community from unacceptable risk of harm from criminal or other serious conduct.

"I introduced new guidelines last year that strengthened the emphasis that section 501 decision-makers must place on violent crimes, and the importance of protecting the community."

Mr Taufahema is still serving his sentence. His earliest possible release date from prison is March 2012.