



SENATOR JAMES PATERSON

SHADOW MINISTER FOR HOME AFFAIRS
SHADOW MINISTER FOR CYBER SECURITY
SHADOW CABINET SECRETARY
LIBERAL SENATOR FOR VICTORIA

14 May 2024

Stephanie Foster PSM
Secretary
Department of Home Affairs
Via email:

Dear Secretary

I am writing ahead of your appearance at Senate Estimates in the week commencing 27 May 2024 to request you prepare certain information to table at the commencement of the hearing to assist with our inquiries on the day. I am providing two weeks' notice to ensure the Department has sufficient time to comply with this request.

I request that you provide the following information in a consolidated document in a similar format to the document you tabled at Senate Estimates on 12 February 2024:

1. the number of individuals released from immigration detention as a result of the NZYQ High Court decision (the NZYQ cohort) who have committed Commonwealth offences since their release, including:
 - a. the nature and date of each offence;
 - b. whether or not bail was opposed in each instance;
 - c. whether each individual was subject to a specified curfew at the time of the offence; and
 - d. whether each individual was subject to electronic monitoring at the time of the offence.
2. the number of individuals in the NZYQ cohort who have committed state and territory offences since their release, including
 - a. the nature and date of each offence;
 - b. whether each individual was subject to a specified curfew at the time of the offence; and
 - c. whether each individual was subject to electronic monitoring at the time of the offence.
3. the number of individuals in the NZYQ cohort who are currently in custody;
4. the number of individuals in the NZYQ cohort who have been in custody at any point since their initial release from immigration detention;
5. a breakdown of where each individual in the NZYQ cohort is currently residing by state/territory and local government area;
6. the total number of individuals in the NZYQ cohort who are subject to electronic monitoring;

7. the total number of individuals in the NZYQ cohort who are subject to a specified curfew;
8. of the seven individuals in the NZYQ cohort who were previously convicted of murder and attempted murder:
 - a. how many are subject to electronic monitoring; and
 - b. how many are subject to a specified curfew.
9. of the 37 individuals in the NZYQ cohort who were previously convicted of sexually based offending, including child sex offending:
 - a. how many are subject to electronic monitoring; and
 - b. how many are subject to a specified curfew.
10. of the 72 individuals in the NZYQ cohort who were previously convicted of assault and violent offending, kidnapping, armed robbery:
 - a. how many are subject to electronic monitoring; and
 - b. how many are subject to a specified curfew.
11. of the 16 individuals in the NZYQ cohort who were previously convicted of domestic violence and stalking:
 - a. how many are subject to electronic monitoring; and
 - b. how many are subject to a specified curfew.
12. of the 13 individuals in the NZYQ cohort who were previously convicted of serious drug offending:
 - a. how many are subject to electronic monitoring; and
 - b. how many are subject to a specified curfew.
13. of the <5 individuals in the NZYQ cohort who were previously convicted of people smuggling and crimes of serious international concern:
 - a. how many are subject to electronic monitoring; and
 - b. how many are subject to a specified curfew.
14. how many times the Minister for Immigration, Citizenship, and Multicultural Affairs has applied to a Supreme Court of a State or Territory for a community safety detention order (CSDO) or community safety supervision order (CSSO);
15. how many times a CSDO or CSSO has been granted;
16. an updated breakdown of all costs to date incurred by the Commonwealth Government in managing this caseload, including law enforcement costs, payments to members of the Community Protection Board, and Government assistance provided to the released cohort;
17. the number of attempts to contact victims and families of victims of the NZYQ-affected cohort; including victims of offences the cohort has committed since being released from immigration detention;
18. the number of times the instrument of delegation to allow the Australian Border Force Commissioner (or other delegate) to grant an initial Subclass 070 Bridging (Removal Pending) visa (BVR) or a subsequent BVR and to apply discretionary conditions has been used, including the dates it was used and for what purpose;
19. the number of non-citizens who have made representations to the Minister as to why their visa should not be subject to condition 8620 (curfew) or condition 8621 (monitoring device);
20. the number of times the Minister has personally granted an initial Subclass 070 Bridging (Removal Pending) visa (BVR) or granted a subsequent BVR, including the dates the Minister exercised that power and for what purpose; and

21. the total number of illegal ventures and illegal maritime arrivals that have made the journey to Australia since May 2022, including whether each venture:
 - a. made it to the Australian mainland or territory;
 - b. was turned back;
 - c. had its passengers returned to the country of departure; or
 - d. had its passengers taken to a regional processing centre.

In submitting this request, I draw your attention to our exchange at the spillover estimates hearing on 27 March 2024, wherein you assured me that, if I wrote to you ahead of the next estimates in similar terms to those as preceding the February 2024 hearing, you “would handle it in exactly the same way”.

Noting last time you also responded on behalf of the Attorney-General’s Department, I trust you will coordinate with other departments and agencies as required to compile the requested information.

Your assistance with this request is greatly appreciated.

Kind regards

SENATOR JAMES PATERSON

CC: Michael Outram APM, Commissioner, Australian Border Force