

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING : 22 May 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

**(BE17/059) - Court cases relating to mobile phones in detention - Programme 1.3:
Compliance and Detention**

Senator Hume, Jane (L&CA 126) asked:

Ms de Veau: There have been two court cases in relation to mobile phones in Australian detention centres. The first in time led to an injunction given I think by Justice Rares in the Federal Court preventing the removal of phones from that point in time in relation to the application of a policy that was designed to remove them. There was then a subsequent case that the department was successful in, but it was in the Federal Circuit Court, not the Federal Court. So, there have been two decisions, the second time in favour of the department and the first in time injuncting the department. But because the first in time comes from the Federal Court, it still stands. So, we are just working through the finalisation of that particular case as well.

Senator HUME: Do you have an indication of when that might be resolved?

Ms de Veau: Not to hand, but I can get that information for you.

Senator HUME: Thank you.

Answer:

In the matter of *ARJ17 v Minister for Immigration and Border Protection* [2017] FCA 263, an appeal was heard by the full Federal Court on 20 June 2017. As of 21 June 2017, judgement is reserved and no date has been specified for the delivery of this judgement.