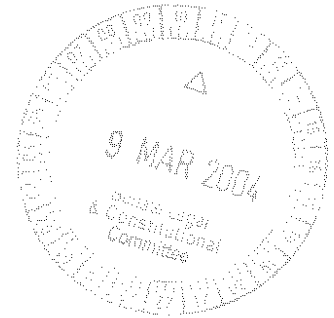




**Australian Government**

**Department of Immigration and Multicultural and Indigenous Affairs**

Ms Louise Gell  
Secretary  
Senate Legal & Constitutional  
Legislation Committee  
Parliament House  
CANBERRA ACT



Dear Ms Gell

I refer to the Senate Legal and Constitutional Reference Committee hearings conducted on 17 February 2004. I provided evidence at the hearing on behalf of the Immigration and Multicultural and Indigenous Affairs Portfolio.

Whilst page 60 of the draft Hansard accurately reflects the information I provided to the Committee I wish to advise that that information was in itself incorrect. I refer to a question asked by Senator Bartlett, highlighted on the attachment, regarding whether all of the group of 52 Vietnamese immigration detainees on Christmas Island are seeking review. I replied that all are awaiting Refugee Review Tribunal (RRT) consideration. In fact 50 of the immigration detainees are awaiting RRT consideration and 2 are awaiting Administrative Appeals Tribunal consideration.

The department has provided this correction to the Committee as part of the normal editing and correction process of the transcript.

Yours sincerely

Steve Davis  
First Assistant Secretary  
Unauthorised Arrivals and Detention Division  
Department of Immigration and Multicultural

5 March 2004

**Mr Davis**—The detainees on Christmas Island are all Vietnamese. They all arrived together. As at 11 February there were 52 of them although I believe a couple came to Australia last weekend for the birth of a child. So there are around 50.

**Senator BARTLETT**—The annual report says that the number of individuals accommodated during the year was 64.

**Mr Davis**—That is for the 2002-03 financial year. The 50 or so who are there now arrived at the centre on 5 July, so they were not covered in the 2002-03 year. The number in the annual report, 64, relates to detainees who were there previously. The centre was closed in February when the last of the detainees already there either went home or moved.

**Senator BARTLETT**—None of the 50 or so of the Vietnamese group that we just touched on were successful at the primary stage. Are they all seeking review?

**Mr Killesteyn**—That is correct, Senator.

**Senator BARTLETT**—And they have not had a review determination yet?

**Mr Davis**—All were refused a primary and are awaiting RRT consideration. They have all appealed.

**Senator BARTLETT**—So they are before the RRT then?

**Mr Davis**—Yes.

**Senator BARTLETT**—I am probably just getting my terminology confused again, but table 1.5.2 in your annual report, under the heading 'Results', mentioned 57 asylum seekers whose claims were assessed in excised offshore places and nine were assessed as requiring refugee protection. That is not Christmas Island, is it? That is Indonesia or something; is that right?

**Mr Davis**—It probably would be Christmas Island. It is certainly not Indonesia.

**Senator BARTLETT**—It might be those earlier groups then.

**Mr Davis**—Those figures on the table would relate to Christmas Island.

**Senator BARTLETT**—Okay. It says in there as well that Cocos Island quarantine station is mothballed as a contingency facility. Is that still the case?

**Mr Davis**—Yes, it is available if we need it in a contingency situation.

**Senator BARTLETT**—In terms of the arrangement with IOM where they are contracted to manage the facility in Nauru, as they are with Manus, is that contract just open-ended? Is there any time frame whereby it needs to keep being renewed?

**Mr McMahon**—It is an exchange of letters, which we have tabled.

**Mr Killesteyn**—But it is open-ended, yes.

**Senator BARTLETT**—Is there any indication from IOM's side of things that if they wanted to change the arrangement at all or were wondering about how long this was going to continue it would be a matter of negotiation about changing arrangements?

**Mr Killesteyn**—That is correct. But at this stage IOM are continuing to provide services and we continue to be satisfied with the services that they provide.

**Senator BARTLETT**—The 277 people that you mentioned before—and you said that four of them had been assessed as refugees—back in the November estimates—

**Mr McMahon**—That was corrected to two.

**Senator BARTLETT**—There are two people there now who are refugees?

**Mr McMahon**—Yes.

**Senator BARTLETT**—You mentioned in the November estimates that there were four people there who had been assessed as refugees. Are those two the same people?

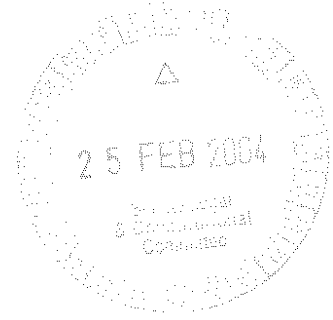
**Mr McMahon**—Yes.

**Senator BARTLETT**—You said at the time that they were a priority in terms of resettlement, and I assume that would be the case with somebody who is assessed as a refugee. How much longer are they expected to wait on Nauru if they were assessed last year?



Australian Government

Aboriginal and Torres Strait Islander Services



Ms Louise Gell  
The Department of the Senate  
Legal and Constitution Committee  
Secretariat  
Parliament House  
Canberra ACT 2600

Dear Ms Gell,

At the Additional Estimate Hearings on 17 February 2004 Senator O'Brien asked the following question (Hansard – L&C page 104 on the printed version refers).

*So you have applied for rephasing and that application has been approved?*

I am reported as saying:

*Yes, we have enough funding that has already been approved under rephasing to continue it.*

In fact, I should have said the funding is currently with DoFa for approval.

I apologise if the Committee was in any way misled by this error.

I would appreciate it if you could note this amendment on your official records and inform the Senators of this correction.

Yours sincerely

*Adrienne Gillam*

Adrienne Gillam  
Acting Group Manager  
Economic and Social Participation  
19 February 2004



Australian Government

Migration Review Tribunal • Refugee Review Tribunal



Ms Louise Gell  
Secretary  
Senate Legal and Constitutional Committee  
Room S1.61, Parliament House  
CANBERRA ACT 2600

Dear Ms Gell

**RE: Advice of an error in evidence given at the Additional Estimates hearing of 17 February 2004**

My Executive Officer's recent telephone conversations with Mr Mark Stephenson refer.

On 17 February 2004 officers of the Migration Review Tribunal and Refugee Review Tribunal, including myself, appeared before the Legal and Constitutional Committee at the Immigration and Multicultural and Indigenous Affairs Portfolio Additional Estimates hearing.

Having reviewed the Proof Hansard of the hearing, I have detected an error in my evidence (the error is highlighted below in *italics* and **bold**).

At L&C 8 in response to a question from Senator Kirk I stated that:

There has been a reduction in the case load because the number of detention cases had declined substantially. At the same time it was anticipated by the tribunal that the temporary protection visas that were granted three and more years ago would start to expire and that after decisions were made there the tribunal would receive a number of those cases. But at this time the further protection visas are coming to the tribunal at a lower rate than was anticipated—70 to 80 *per cent* a month—and at the same time it seems that there are not as many applications being made to the Refugee Review Tribunal for the review of these types of cases.

In the 3<sup>rd</sup> sentence I should have stated that:

But at this time the further protection visas are coming to the tribunal at a lower rate than was anticipated—70 to 80 a month—and at the same time it seems that there are not as many applications being made to the Refugee Review Tribunal for the review of these types of cases.

I would appreciate if the Committee could draw this error and correction to the notice of the Senators of the Committee.

If you have any questions about this matter please telephone my Executive Officer, Ailsa Wilson, on (02) 9951 5941.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Steve Karas', with a long horizontal flourish extending to the right.

Steve Karas  
Principal Member

21 April 2004



Australian Government

# TORRES STRAIT REGIONAL AUTHORITY



Ms Louise Gell  
~~Acting Secretary~~  
Senate Legal and Constitutional legislation Committee  
SA Room 61  
Parliament House  
CANBERRA ACT 2600

~~Fax No. 02-6277 5794~~

Dear Ms Gell

## 2003-2004 Additional Budget Estimates Hearing 17 February 2004

At the 2003-2004 Additional Budget Estimate Hearing on 17 February 2004, Senator O'Brien asked the following question (Hansard – L&C page 93 on the printed version refers).

*Who conducts the elections for the chairs of the councils?*

I am reported as saying:

*The Queensland Electoral Commission.*

In my response, I should have said that the elections are conducted under rules set out by the Queensland Community Services Act.

I apologise if the committee was in any way misled by this error.

I would appreciate if this amendment could be noted on your official records and inform the Senators of this correction.

Yours sincerely

Mike Fordham  
General Manager  
Torres Strait Regional Authority

22 March 2004.