

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING: 12 February 2007

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(93) Output 1.3: Enforcement of Immigration Law

Senator Ludwig (L&CA 79) asked:

Question No. 184 was asked by Senator Crossin, about litigation brought against the department. During the 2005-06 financial year you indicated that there were 532 matters where the department had to pay applicants' costs. You have provided the categories of matters in which costs were paid. Two of those were for deportation, not removal. Can you say what they related to? I have been corrected here often for using the word 'deportation'. It did stand out a little bit. Were they deportations?

Are you able to say why the costs were awarded in that instance?

Answer:

Both matters referred to in our response to Question 184 relate to the same applicant, Douglas Keith Craig a New Zealand citizen who was subject to a deportation order in 2000 based on his serious criminal conviction. The matters did relate to challenges to a deportation order not a removal.

Following the High Court decisions in Taylor (2001) and Shaw (2003) with subsequent departmental action, Mr Craig challenged the validity of the deportation order. Mr Craig was successful in the challenge (matter one) and a subsequent Full Federal Court appeal (matter two) and the Minister was ordered to pay Mr Craig's costs.

Due to lengthy and complicated negotiations between the parties as to quantum, final settlement of Mr Craig's costs was not reached until the 2005-06 financial year.