

## QUESTION TAKEN ON NOTICE

**BUDGET ESTIMATES HEARING: 26 May 2004**

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

### **(28) Output 1.3: Enforcement and Immigration Law**

Senator Ludwig (L&C 11) asked:

In relation to litigation, provide the total legal outsourcing spend and a breakdown between solicitors and barristers.

*Answer:*

Set out below is a table of the total legal outsourcing spend and a breakdown between solicitors and barristers over the last three years. It should be noted that during this time the quantum of litigation involving the Department rose dramatically. As at 30 June 2001 there were 1053 active cases before the courts and AAT. As at 31 May 2004 there were over 4000 active cases.

Financial Year	External Costs	Solicitors fees	Barristers fees	Disbursements – Court filing fees, translation fees, costs of transcripts, costs awarded against the Minister and other disbursements relating to the litigation process
1 July 2003 to 31 May 2004	\$27m	\$18m	\$5m	\$4m
2002-03	\$21m	\$14m	\$4m	\$3m
2001-02	\$16m	\$11m	\$3m	\$2m

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### **(29) Output 1.3: Enforcement and Immigration Law**

Senator Ludwig (L&C 11) asked:

What statistics do you then keep about the litigation services for your own auditing purposes and to check that the work has been done, that it has been done efficiently and that they are utilising best practices to do the work?

*Answer:*

The Department has a Legal Information System (LIS) which is used to assist in the management of the litigation process. Through LIS the Department monitors and manages each litigation matter. LIS is used to produce reports relating to the various aspects of the litigation process, including the cost of each individual matter, the total cost of matters handled by each of the panel firms and the average cost of matters for each of the panel firms. Reports on the outcomes by each of the Courts and the Administrative Appeals Tribunal are also available.

Each litigation matter is allocated to an in-house lawyer who works with the panel firm and monitors their performance throughout. The in-house lawyers are supervised by a Senior Legal Officer who in turn is supervised by a Director. Directors oversee high profile cases and general trends in litigation and report regularly to the relevant policy areas. Once a matter is resolved the in-house lawyer reports through LIS on the performance of the panel firm.

Each panel firm bills the Department by a monthly schedule. These schedules are scrutinised by the Directors. If questions arise regarding bills for particular matters then detailed invoices are obtained.

Every four months the performance of each of the panel firms is reviewed. The review examines contract compliance, output/efficiency, and application of best practice, including:

- Cost performance of the panel firms and average cost of resolution
- Time frames to produce advice
- Success rates of the panel firms
- Quality of the service

Findings of the review are reported to the Secretary and any issues of concern are raised. A feedback and discussion session is then held with each of the panel firms.

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**(30) Output 1.3: Enforcement of Immigration Law**

Senator Kirk (L&C 12) asked:

In relation to the Migration Litigation Review, how many people were in the steering group?

*Answer:*

The Department understands that the Migration Litigation Review Steering Committee comprised 8 people, including a Deputy Secretary from DIMIA, Ms Philippa Godwin.

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**(31) Output 1.3: Enforcement of Immigration Law**

Senator Bartlett (L&C 32 & 36) asked:

How many people, who have signed to return to their country of origin a year ago, are still in detention here?

*Answer:*

Individual decisions in relation to a request to be removed can and do change. An individual who has requested removal may subsequently refuse to cooperate, initiate legal action, or make a request for ministerial intervention. These factors can affect either their availability for removal or the speed with which removal arrangements can be effected.

The requested statistics cannot be compiled departmental systems. In order to respond to this question, thousands of individuals files would have to be examined. This would be an unreasonable diversion of departmental resources.

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### **(32) Output 1.3: Enforcement of Immigration law**

Senator Bartlett (L&C 32) asked:

In relation to the court case where four people applied for release under the *Al Masri* principle, why was there a 12 month delay in providing the information to the Afghan authorities?

*Answer:*

It is not correct that there was a 12 month delay in providing information to the Afghan authorities.

It is important to note that where a person is cooperating with their removal arrangements, the person concerned is normally best placed to arrange their travel documents.

Where a person is unsuccessful in securing their own travel document, the Department may assist by directly contacting the Embassy to inquire about progress and offer assistance as required.

In each of the cases mentioned, the Department facilitated contact or directly contacted the Afghan authorities in the following timeframe.

Case A:	13 working days
Case H:	56 working days
Case K:	17 working days
Case A2:	60 working days*

\*In the case of A2, the person declined the Department's offer to facilitate a phone call to the Afghan authorities. This call was facilitated approximately ten months later.

Following the establishment of the Identity Checking Unit (IDCU) in Afghanistan, the Department referred these cases for consideration.

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**(33) Output 1.3: Enforcement of Immigration Law**

Senator Kirk (L&C 37) asked:

The PBS says that there is provisional funding from 2007-08 set aside. Are you able to tell us how much of that provisional funding has been allocated to construct the Melbourne IDC?

*Answer:*

\$3.1m has been provisionally allocated in 2007-08 for planning, design and project management work for a new Melbourne Immigration Detention Centre. Additional resource requirements for construction in the following years will be considered by the Government in due course.

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**(34) Output 1.3: Enforcement of Immigration Law**

Senator Kirk (L&C 37) asked:

In relation to the Melbourne IDC, what is the size of the land that is being purchased?

*Answer:*

22.4 hectares of the Maygar Barracks at Broadmeadows have been identified for the envisaged development of a new Melbourne Immigration Detention Centre.

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**(35) Output 1.3: Enforcement of Immigration Law**

Senator Kirk (L&C 39) asked:

In relation to the Brisbane IDC, (a) what is the size of the land that is being purchased, (b) what was the cost of the initial concept design work and (c) what is the estimated cost of the building of the facility if it goes ahead?

*Answer:*

(a) A 29.65 hectare portion of the Meeandah army stores site has been identified to preserve the Government's future options for the location of a SE Queensland Immigration Detention Facility.

(b) \$60,000 was the cost for designs from four different architectural firms/consortiums in a tender process.

(c) No final Government decisions have been made to proceed with the development.



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**(36) Output 1.3: Enforcement of Immigration Law**

Senator Kirk (L&C 40) asked:

In relation to the Curtin IRPC, what was the cost during the mothballing period for maintenance and security and the closure of the facility?

*Answer:*

Curtin Immigration Reception and Processing Centre (IRPC) was mothballed in October 2002.

The main costs are listed in the table below:

	<b>Financial year 2002-03</b>	<b>Financial year 2003-04 31 May YTD</b>
Rental costs for site and contingency facilities (for example: telephone).	\$34,000	\$38,000
General maintenance	\$145,600	\$1,500

In addition to the costs above small departmental costs relating to site inspections for condition reports and the stocktake of assets are also incurred.

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**(37) Output 1.3: Enforcement of Immigration Law**

Senator Crossin (L&C 41) asked:

How often has Defence used the Coonawarra facility?

*Answer:*

The Department of Defence has advised that it has used the Coonawarra Contingency Detention buildings on the following occasions:

<b>Dates/Duration</b>	<b>Purpose</b>
05 - 22 August 2002	Accommodation
12 -14 March 2003	Training
08 -25 May 2003	Accommodation
18 -19 June 2003	Accommodation
02 July - 06 August 2003	Accommodation
25 February 2004	Training
01 March 2004	Training
02 March 2004	Training
08 March 2004	Training
10 March 2004	Training

Defence has advised of plans to use the centre on the following dates:

19 June –24June 2004	Accommodation
12 July - 15 August 2004	Accommodation
18 - 27 August 2004	Accommodation

The Department of Defence estimates that, when using the facility for accommodation purposes, they will have accessed the facility for up to 10 working days prior to the booking dates to prepare the site for its use, and up to 10 working days post use to return the facility to pre-use condition.

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**(38) Output 1.3: Enforcement of Immigration Law**

Senator Crossin (L&C 43) asked:

Does Defence have restrictions on general access to the site on which the Coonawarra facility is situated?

*Answer:*

The Department of Defence has advised that 24 hour control of access to Defence Estate Berrimah is in place. Personnel entering the base must have a pass permitting access, issued by Defence. Visitors are required to be signed in by a person holding an appropriate access pass to the site.

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**(39) Output 1.3: Enforcement of Immigration Law**

Senator Crossin (L&C 43) asked:

In the estimates of last November when I asked this question your answer was that you were going to have discussions with the Department of Defence about the possibility of the community using this facility. Did that occur?

*Answer:*

The Department of Immigration and Multicultural and Indigenous Affairs discussed the role of the Coonawarra contingency facility with the Department of Defence at a meeting 25 February 2004. A range of management issues was discussed including the use by Defence, the Northern Territory Government agencies and potential community use.

The conclusion was that the facility should remain available at short notice for contingency immigration use.

Generally approaches by the community have not been compatible with the contingency requirements. Recently the Northern Territory Police were provided approval to use the facility for accommodation and training from 18 to 24 July 2004.