

2005-06 BUDGET ESTIMATES HEARINGS

IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS PORTFOLIO

QUESTIONS TAKEN ON NOTICE – 25 to 27 MAY 2005

QoN No	Page No	Senator	Output	Information/Material to be Provided	Hansard Page No.
1.	15	Ludwig	Internal Product	The DIMIA web site, particularly Mr McGauran’s web site, has a National Party web link on the bottom, so when you go into the web site you then have a National Party web link. If you click on it, it does not say, ‘We’re leaving the web page.’ It simply goes straight to the National Party’s web site. I know this is one of those issues where senators have an entitlement to have a web page and they have links to their personal sites to their various party affiliations, but this is a ministerial site. It seems a bit novel to me to have a National party web link on it. Who maintains that link? Is that maintained within the department? Who put it up? How is it maintained? Is it maintained by the department? Has the department turned its mind to whether it fits in with APS guidelines? I am curious to find out whether it was an initiative by the department or whether the minister requested that link. What is the department’s view about that as a consequence? Did they look at those issues and whether this accords with the ministerial code of conduct as well?	9-10
2.	16	Faulkner	Internal Product	Was the Secretary paid performance pay last year and the year before?	37
3.	17	Faulkner	Internal Product	Has the Secretary of the Department of the Prime Minister and Cabinet raised issues with the Secretary about the administration of the department?	38
4.	18	Mason	Internal Product	(1) For each of the last four financial or calendar years for which this information is available: (a) what was the average number of sick leave days taken per full-time equivalent employee; (b) what was the average number of days of unscheduled absence (encompassing all types of leave) taken per full-time equivalent employee. (2) Does the department collect, collate and analyse data about unscheduled absence and/or sick leave, for example, which days of the week that employees are away, reasons for absence, dates of absence, employee’s age, gender, length of service and work unit location? (3) Does the department record the number and/or percentage of working days lost due to unscheduled absence and/or sick leave in the Annual Report? (4) Does the department record the cost of unscheduled	Written

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				absence and/or sick leave in annual financial statements?	
5.	20	Carr	Internal Product	<p>Freedom of Information</p> <p>1.How many FOI applications do you currently have related to Indigenous affairs?</p> <p>2.How many staff are employed to process and facilitate FOI applications in DIMIA?</p> <p>3.What is the estimated current delay on the processing of FOI applications and the provision of information if the application is successful?</p> <p>4.How does DIMIA intend to deal with any backlog of FOI applications?</p> <p>5.Have any additional staff been sought? If so, by what means?</p>	Written
6.	21	Ludwig	Internal Product	<p>A follow-up to a question Senator Ludwig asked in December ...</p> <p>Regarding the employees that your department or agency has identified as having:</p> <p>a) fluency b) accredited translator c) accredited interpreter</p> <p>Of these employees, please indicate what the department is doing in order to make full use of its employees skills in this regard, and please provide a breakdown of this between employees whose accreditation was paid for by the department and those whose were not?</p>	Written
7.	22	Carr	Internal Product	<p>1. Is performance pay available under your department/agencies certified agreement?</p> <p>2. If not, how many staff in your Department/Agency are eligible for performance based pay?</p> <p>3. Please provide a breakdown of performance pay awarded for this financial year to date including the following details:</p> <p>(a) How many staff have received performance pay? (b) What levels are those staff at? (c) What gender, a breakdown please? (d) How much has each staff member received? (e) When did they receive it? (f) What was the rationale for the awarding of performance pay in each instance?</p> <p>4. Did the Department/Agency head receive performance pay? (a) How much?</p>	Written

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				(b) When? (c) On what grounds?	
8.	25	Carr	Internal Product	<p>1. What financial impact will the increased efficiency dividend have on your Department/agency this financial year and in the out years?</p> <p>2. The increase in the efficiency dividend was announced in last year's elections, what plans have you made to meet it?</p> <p>3. What will this mean for staff numbers?</p> <p>4. Will any specific programs be cut? Please specify which ones and the size of the estimated savings?</p> <p>5. Will any core functions be affected by these savings measures?</p> <p>6. How will meeting the efficiency dividend affect your graduate recruitment plans?</p> <p>7. How will meeting the efficiency dividend affect your ability to retain experienced staff?</p>	Written
9.	28	Carr	Internal Product	<p>1. How many staff are covered by AWAs in your Agency/Department?</p> <p>2. Can you provide a break down of AWA's by gender and by classification?</p> <p>3. Can you tell me how many of the staff on AWA's are paid more than the band for their classification under the certified agreement?</p> <p>4. Why were these staff not simply promoted to a higher classification?</p>	Written
10.	30	Bartlett	1.1	Provide a copy of the Melbourne University research on working holiday makers.	46
11.	31	Bartlett	1.1	I think a slightly different type of working holiday visa was opened up a couple of years ago for people from Iran. Are you able to tell me how many of those have been granted?	46
12.	32	Bartlett	1.1	With regard to the change that was announced late last year enabling people on TPVs to apply for other visas, can you give me an indication of how many people have taken up that option?	48
13.	32 A	Kirk	1.1	Provide an update on the number of student visa cancellations and a breakdown of the reasons for the cancellations.	48
14.	33	Kirk	1.1	Could you give us some information about the Sydney	49

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				Business and Travel Academy? Has there been any investigation into that academy? What is the consequence if they do not comply with the production notice?	
15.	34	Kirk	1.1	In relation to the education agents who are offshore, provide a copy of the discussion paper issued by the Minister.	50
16.	35	Bartlett	1.1	On the area I think called partner visas now rather than spouse visas, are you able to provide the numbers of the cancellations of spouse visas in the current financial year due to breakdown of the relationship?	51
17.	36	Carr	1.1	<p>Article Age 14/4/05 p.7</p> <p>1. Can you confirm details of an article concerning the case of Mr Damilola Olajide, a Nigerian student visa holder, that appeared in the Age on 14 April this year?</p> <p>2. The article alleges that DIMIA committed a “blunder” in connection with this person’s application for a temporary graduate skilled work visa after finishing his doctorate at Monash University in May 2004.</p> <p>3. It is alleged that Mr Olajide made an error in answering a question on the application form because it was ambiguous. He replied “yes” to a question about whether he had completed his study, but “no” to a question on whether he had been awarded his degree.</p> <p>4. This was not because he had failed his exams, but because he had submitted his doctoral thesis and was awaiting the result.</p> <p>5. He was assured by a DIMIA officer, when he inquired about these answers, that he would be contacted straight away if there was a problem with how he had answered these questions. Instead, he was eventually told his application for a skilled work visa was invalid and he was required to leave Australia.</p> <p>6. What has been the outcome of this case?</p> <p>7. Have you investigated how Mr Olajide came to receive what turned out to be wrong advice as to the procedure that would be followed?</p> <p>8. Have you amended your procedures in the light of this case?</p> <p>9. Have you rectified the ambiguity on the application form for the skilled work visa in the light of this case?</p>	Written

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				10. If you have not taken these steps, why not?	
18.	39	Carr	1.1	<p>Articles in the <i>Sydney Morning Herald</i> of 9 May 2005 detail several examples of the role of so-called education agents in defrauding the Commonwealth in relation to student visa applications.</p> <p>For example, one student is reported to have paid \$6665 to a Mr Bob Chen of the Oriental Education Centre in Sydney for documentation that proved to be false. This person's visa cancellation was overturned by the Migration Review tribunal on the basis that the student did not realise the documents were false.</p> <p>1. Can you provide a report with details of the number of cases that have come before the Migration Review Tribunal since 1 July 2001 that involve:</p> <ul style="list-style-type: none"> • Student visa-holders; • Fraudulent or fake documentation; and • Education or migration agents? <p>2. In the cases where the fraud has originated or been perpetrated in another country, please provide details of the numbers for each country.</p>	Written
19.	41	Carr	1.1	<p>In an article in the <i>Sydney Morning Herald</i> of 9 May this year, Debra Jopson reports that "internal research" by DIMIA last year provided details of the activities of education agents. This work had involved a survey of 39 Australian posts.</p> <p>1. Can a copy of the relevant report be provided to the Committee?</p> <p>2. Can you confirm that you found the following:</p> <ul style="list-style-type: none"> • Agents sometimes charge unreasonably high fees and use deceptive advertising; • Some use fraudulent documentation in connection with visa applications; • Some tell applicants that they don't have to attend classes; and • Some use student visas to bring people to Australia for work, including prostitution? <p>3. How widespread were each of these practices? Were they concentrated in particular countries? Which countries?</p> <p>4. Were they associated with visa applications with respect to particular providers? Which providers featured</p>	Written

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				<p>prominently?</p> <p>5. Can you confirm the SMH report that the DIMIA research found that one in 10 student visa applications made in Beijing was refused because of false documents?</p> <p>6. Were 1550 such cases found in Beijing in 2002-03? How many were detected in 2003-04?</p> <p>7. How many such cases were detected in other posts in those years? Please provide details.</p> <p>8. Are you any closer to regulating education agents, acting here or overseas? There have been many calls for this to happen. Can you provide details of correspondence to the Department or the Minister on this topic since 2000?</p> <p>9. Please provide a report to the Committee on progress with regulating educating agents.</p>	
20.	45	Carr	1.1	<p>You will be aware of newspaper reports in February about alleged student visa rackets involving Chinese students at the central Queensland University Fiji campus.</p> <p>The articles reported that some students at the campus were working illegally as prostitutes in Fiji while apparently seeking student visas to Australia.</p> <p>1. How would a student at an offshore campus of an Australian institution be able to use that status to improve their chances of gaining entry to Australia on a student visa? What provision or regulation allows this to be taken into consideration in assessing a visa application for Australia?</p> <p>2. Is it possible that CQU students in Fiji might seek to transfer to an Australian campus of CQU, and be favourably regarded in such an application? How would that be possible?</p> <p>3. Is it possible that a CQU student in Fiji might seek temporary admission to Australia to attend a summer school, workshop or short course of some description at an Australian CQU campus, or seek to come to Australia for some other reason associated with status as a CQU student, and receive favourable treatment by virtue of that status? How would that happen?</p> <p>4. If none of these scenarios are actually possible. What</p>	Written

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				<p>is the basis for the claims made by authorities in Fiji and others that the students in question are acting as reported?</p> <p>5. Have you discussed this matter with the Fijian authorities? What has been the outcome of these discussions?</p> <p>6. Have you looked into the number or prevalence of CQU students or former holders of student visas for CQU working illegally in Australia, in the sex industry or any other industry? What have you found? If you have not looked into this matter, why, in the light of these reports, have you not done so?</p>	
21.	47	Carr	1.1	<p>On p.41 of the PBS the Department provides details of revenue from onshore application fees for permanent residency visas.</p> <p>The actual 2004-05 is estimated at \$63 413, and it is estimated that this figure will rise in 2005-06 to \$71 256. That's a rise of 12%.</p> <p>1. How many applications do these two figures represent, respectively?</p> <p>2. Please provide details of the numbers of these onshore visas (1) applied for and (2) issued from the commencement of this measure until the latest figure available.</p> <p>3. How many of these applications, and visas granted, respectively related to student visa holders? Please provide details.</p> <p>4. Can you provide details, also, of the skill areas and qualifications of former student visa holders granted permanent residency onshore? For example, how many of these people gained their permanent residency on the basis of a bachelor's degree in nursing? A Certificate IV in hairdressing? And so on.</p>	Written
22.	49	Carr	1.1	<p>1. Does the Department have any information that would lead it to believe that the onshore permanent residency visa application provisions are being manipulated in some cases? How widespread is it?</p> <p>2. Have you prepared any advice for the Minister about this issue?</p> <p>3. Would it be possible to amend the Migration Act or regulations to minimise these practices, and to ensure that</p>	Written

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				Australia's skill shortages were being met, in a practical sense, by this permanent residency visa category? How might this be done?	
23.	51	Carr	1.1	<p>1. Are you aware of the activities of migration agents and/or education agents in certain countries who are apparently encouraging and advising prospective overseas students on ways to take advantage of the onshore skilled migration permanent residency regulations?</p> <p>2. Have you had discussions with Australian posts in these countries about possible ways to regulate these practices? What practical measures have you implemented to achieve this?</p>	Written
24.	53	Ludwig	1.1	<p>1. Regarding the seventeen sponsors found to be in breach of undertakings to the Department between 1 July 2004 and 31 January 2005...</p> <p>(a) What action was taken against these sponsors?</p> <p>(b) Were any charges laid or convictions recorded?</p> <p>2. Since 31 January 2005, how many sponsors have been found to be in breach of the undertakings to the department?</p>	Written
25.	54	Ludwig	1.1	<p><u>Adopted Children</u></p> <p>1. How many children have been adopted so far under the new visa scheme?</p> <p>2. What's the fee for adopting a child under the new scheme?</p> <p>3. Have any extra staff or resources been required?</p> <p>4. What are the new checks required under the new scheme?</p> <p>5. Could you provide the figures of overseas adoptions for 00-01-02-03-04-05?</p> <p>6. Is the Department aware of any reports into any increases?</p>	Written
26.	56	Nettle	1.1	<p>(1) Provide statistics on the number of close ties visa applications received over the past three years, including the number accepted and the number of refusals. Provide a breakdown by nationality.</p> <p>(2) What options are open to the 'innocent illegals' who would (ie prior to the proposed elimination of the Close Ties visas on 1 July 2005), have been eligible for a Close Ties visa and no other visa? What will happen to people in this situation?</p> <p>(3) The DIMIA fact sheet of 14.5.05 suggests that the Close Ties visa has "been subject to abuse". Bearing in mind that applicants for these visas were children at the time they entered Australia and became unlawful, in what</p>	Written

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				<p>way has this visa been “abused”? Can examples be provided with personal identifiers removed? What was the extent and nature of the alleged “abuse” and how has this been assessed? Out of the total applications under this visa, how many applications were subject to the alleged “abuse” (identifying the nature of the abuse)?</p> <p>(4)Why are existing provisions for granting or refusing to grant Close Ties visas inadequate to address any instances of abuse (given that the Department of Immigration has a broad discretion to assess whether or not an applicant has spent their ‘formative years’ in Australia and is otherwise eligible for grant of the visa).</p> <p>(5)To the extent that a visa is granted and later found to have been based on incorrect information provided by an applicant (guessing now as to the type of ‘abuse’ on which the elimination of the visa is based), why are the cancellation provisions within the Migration Act 1958 inadequate for dealing with this scenario.</p> <p>(6)What was the consultation process prior to announcing the proposed changes? What was the result of the consultation process? Was the consultation process consistent with the Legislative Instruments Act (2003)?</p>	
27.	65	Nettle	1.1	<p>The DIMIA fact sheet of 14.5.05 also suggests that the changes to the Domestic Violence provisions under Division 1.5 of the Migration Regulations 1998 (ie to refer domestic violence cases to Centrelink for a 3rd opinion) are also a response to existing provisions being “subject to abuse”.</p> <p>(1)Please provide statistical information identifying the extent and nature of the alleged ‘abuse’ and how such ‘abuse’ is measured?</p> <p>(2)Given that the proposed changes introduce an extra step in the visa determination process for cases involving domestic violence, what steps have been taken to identify:</p> <p>(a)the likely administrative costs of the proposed changes. What are the likely costs and how do they compare with the costs of the alleged abuse?</p> <p>(b)the implications of the proposed changes for processing times for visa applications involving claims of domestic violence, and how has this been assessed?</p> <p>(3)What was the consultation process prior to announcing the proposed changes What was the result of the</p>	Written

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				consultation process? Was the consultation process consistent with the Legislative Instruments Act (2003)?	
28.	67	Carr	1.1	<p>South Asia Times (Melb) Feb 2005</p> <p>1. Please provide details of the case of an Indian student, who was reportedly removed from Australia in the first six months of 2005, and who was detained in Baxter and Maribyrnong detention centres for two years and nine months, and was subsequently billed \$97 000 for the cost.</p> <p>2. Please include details of the reason why he was initially detained, the visa breach(es) he had allegedly committed, and the various events that followed his initial detention, including all actions taken by DIMIA in this case.</p> <p>3. If there is more than one student detained in similar circumstances, please provide details of those cases also.</p> <p>4. Is it the case that the student ended up detained for this length of time essentially because he did not understand the consequences of what apparently seemed to him relatively minor breaches of his student visa conditions?</p> <p>5. Do you have reason to believe that so-called education agents, or even migration agents, do not inform students in India and elsewhere of the full severity of Australia's immigration laws? Do you have evidence of this, directly or indirectly? What evidence?</p> <p>6. What steps does DIMIA take to ensure that students understand that they will be detained indefinitely, or removed, for what may seem minor breaches, such as missing some classes?</p> <p>7. (a) How many persons holding student visas have been detained by DIMIA since 1 January 2001?</p> <p>(b) Please provide details, including:</p> <ul style="list-style-type: none"> •Number and sex of students each year; •In which facilities they have been detained; •Reasons for detention; •Providers for which they held student visas; •Nationality; •Outcome in each case – eg release, granting new visa (type), removal. <p>8. For those removed from Australia, please provide information about how much they were each billed for the cost of their detention.</p>	Written

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				<p>9. Do you have a system jointly with DEST for investigating these cases, and for information flow in both directions? What is your role in assisting DEST, and in ensuring that DEST is informed about the students involved, and particularly about the providers for which they held visas?</p> <p>10. Do you routinely inform DEST about providers associated with students taken into detention? Do you compile information about any trends or patterns – such as providers whose names appear more frequently on the list?</p> <p>11. Is it the case that two student have suicided while in immigration detention? Can you provide me with (de-identified) details about those cases?</p>	
29.	72	Ludwig	1.1	<p>1.Does the Department recall being notified in September 2004, about the alleged exploitation of Filipino nurses by a recruitment company operated by Angelica Mistica of Jordel Pty Ltd and Radan Pty Ltd?</p> <p>2.When did DIMIA investigate this matter?</p> <p>3.What measures were taken to investigate this matter?</p> <p>4.Was Angelica Mistica investigated?</p> <p>5.Were Jordel Pty Ltd and/or Radan Pty Ltd investigated?</p> <p>6.What is the current status of this investigation?</p> <p>7.Why was this employer allowed to sponsor workers into Australia from the Philippines?</p> <p>8.It is alleged that Angelica Mistica breached Australian Immigration requirements. What steps have been undertaken in regards to prosecuting the employer?</p> <p>9.Has the employer been prosecuted? If not, why not?</p> <p>10.Has anyone been prosecuted in connection with this matter? If not, why not? (It is alleged that Angelica Mistica’s brother also worked with her to recruit Filipino nurses to Australia).</p> <p>11.Has the Department prohibited the employer from sponsoring more visa workers into Australia?</p> <p>12.What measures did DIMIA take to notify The Department of Workplace Relations about the</p>	Written

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				<p>underpayment and non-payment of wages and entitlements to these workers?</p> <p>13. When was the Department of Workplace Relations notified?</p> <p>14. What has been done about these claims for wages?</p> <p>15. It is alleged that there have been taxation and superannuation irregularities conducted by Angelica Mistica's companies, was the ATO notified? If not, why not?</p> <p>16. What action has been taken to recover the outstanding superannuation entitlements of these Filipino workers?</p>	
30.	75	Ludwig	1.1	<p>1. How many student visas were granted in the last financial year?</p> <p>2. How many student visas were cancelled for non-compliance in the last financial year?</p> <p>3. Can you provide a breakdown of the reason why these visas were cancelled?</p> <p>4. How many of these cancellations were overturned at the appeal stage?</p> <p>5. What were the reasons for the cancellations to be overturned at appeal stage?</p> <p>6. How many of these student visas were cancelled because of lack of attendance or failing subjects in the course?</p> <p>7. What is the minimum level of attendance for a student to comply with their student visa?</p> <p>8. Who is responsible for reporting non-attendance by a student?</p>	Written
31.	77	Ludwig	1.1	<p>1. Has your Department discovered any cases of an educational institute that did not report non-attendance of a student?</p> <p>2. If so, what action has your department taken towards the educational institute?</p> <p>3. How do you ensure that students comply with the requirements of their student?</p> <p>4. Is an educational institute required to be registered or a recognized course provider with DIMIA before it can accept overseas students?</p> <p>5. If so, how does an educational institute become a recognized course provider?</p>	Written

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				<p>6.Once an educational institute is a recognized course provider, what processes are in place to ensure that the educational institute maintains their standards?</p> <p>7.Have any educational institutions been removed as course providers in the last 12 months</p> <p>8.If so, how many and why?</p>	
32.	80	Ludwig	1.1	<p>1.Does DIMIA investigate allegations that students may make about the courses they are undertaking?</p> <p>2.Can the Department explain the difference between Cricos and Non Cricos courses?</p> <p>3.What changes, if any will be made regarding the recognition of Cricos and Non Cricos courses?</p> <p>4.Will the Department be abolishing or reducing Non-Cricos courses. If so, Why?</p>	Written
33.	81	Ludwig	1.1	<p>What does the Department plan to do in relation to the revelation (see attached SMH investigation articles) that students are using fake qualifications and IELTS marks to get into Australian universities?</p>	Written
34.	82	Ludwig	1.1	<p>1.Is the Department aware that many Education Agent's are receiving commissions from particular universities to steer students towards those particular universities?</p> <p>2.What mechanisms are there in place to prevent student visas being determined and granted by financial motivation?</p> <p>3.What mechanisms are there in place to regulate Education Agents?</p> <p>4.What mechanisms are there in place to prevent Education Agents from exploiting overseas students?</p> <p>5.What mechanisms are in place to prevent Education Agents from charging overseas student excessive amounts of money to get into particular Universities, and again charging more money for students wishing to transfer courses?</p>	Written
35.	84	Ludwig	1.1	<p>In light of meeting the visa requirements for student visas, what is the process for a student wishing to transfer to another course (if for example they are having difficulty in the current course?).</p>	Written
36.	85	Ludwig	1.1	<p>What studies were conducted in relation to the perceived skills crisis in Australia, including statistics and figures?</p>	Written

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37.	87	Ludwig	1.1	What was the average processing time for skilled migrants last year (please provide figures in relation to country of origin).	Written
38.	89	Ludwig	1.1	1.Can the Department give an estimate of the average processing time for the extra 20,000 skilled migration places? 2.Has the Department decided what to do if these places are not filled? 3.Has the Department allocated more staff and/or processing facilities/centres to deal with the increased intake? 4.How long does it currently take to process a skilled migrant applicant?	Written
39.	93	Ludwig	1.1	If the skills crisis is current, how will the Department combat the issue of the filling up places quickly, and the often lengthy time in processing applications?	Written
40.	94	Ludwig	1.1	Are there any measures or schemes in place to assist skilled migrants in relation to the cultural challenges faced in specific occupations (eg doctors)	Written
41.	96	Ludwig	1.1	Are there any mechanisms to ensure that people coming here in the skills stream are adequately matched up in the employment stream? How can the Department ensure that those people granted skilled migration will necessary get a job in the field on the basis of which they were granted their visa?	Written
42.	98	Ludwig	1.1	Has the Department commissioned any research into Skilled Migration and subsequent employment patterns?	Written
43.	100	Ludwig	1.1	1.What measures are in place in relation to employers specifically seeking Australian experience? 2.How is this balanced with overseas workers and the assessment of their qualifications?	Written
44.	101	Ludwig	1.1	1.Can the Department explain who and what professional background are members on the TRA comprised of? 2.What is the balance of people with traditional trade experience (e.g chefs) and traditional professions (e.g accountants etc) making up the TRA? 3.Can the Department confirm that only people who are Permanent Residents can receive a TRA certificate? 4.What is the justification behind this policy which was apparently introduced in 1984?	Written
45.	102	Ludwig	1.1	What research, if any, has the Government commissioned on the patterns of movement of skilled migrants? Have	Written

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				there been any studies into whether skilled migrants are still working in the same areas/industries they originally based and obtained their skilled migration visa's on?	
46.	104	Ludwig	1.1	<p>1.How many states have published their guidelines on permanent residency in relation to regional migration and state sponsored migration?</p> <p>2.What is the current situation of various states on permanent residency in relation to regional migration and state sponsored migration?</p>	Written
47.	106	Ludwig	1.1	<p>1.Is the Department aware of outsourcing contracts for processing applications for Immigration to Australia to a company called VFS in Prettoria (South Africa)?</p> <p>2.What are these contracts worth?</p> <p>3.How many applications have been processed through VFS?</p> <p>4.How many applications for immigration to Australia were approved, and how many were rejected?</p> <p>5.What impact does this have on the applicant in regards to the processing of their application?</p> <p>6.How much is it costing the applicant to lodge their application with VFS?</p> <p>7.Are there any other countries where the Department has been outsourcing, contracts for the processing of applications? If so, please provide a breakdown of the countries, and the number of applications that have been processed, and those that are pending.</p> <p>8.Does the Department plan to outsource contracts for the processing of applications in other countries in the next 2 years? If so, what countries, and when?</p>	Written
48.	108	Ludwig	1.2	When was Ms Leong's protection visa application refused? Was it before or after she had left and returned to Australia?	13-14
49.	109	Nettle	1.2	When a detainee is given a positive determination about their refugee status my understanding, just from speaking with detainees, is that there is often a period of time in which they continue to be detained whilst I think the health and security check process is carried out. I want to get an idea about how long that period of time is. I want to know the average period of time that people are waiting and perhaps the longest period of time that people have waited. I am hearing reports that people are waiting	86

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				for several months whilst that process is gone through.	
50.	110	Nettle	1.2	How many cases are there where people unsuccessfully request ministerial intervention under section 417 but then receive a favourable decision under section 48B?	92
51.	111	Bartlett	1.2	I raised an issue a year ago about the identity checking unit in Afghanistan and visa cancellations due to identity fraud. In an answer a year or so ago the department said it had cancelled 27 temporary protection visas on identity grounds, all of whom had claimed to be Afghans. Firstly, have any of those 27 or any subsequent cancellations been reversed following challenges to the cancellations? To clarify, you are taking on notice these further figures about any other cancellations or reversals of cancellations.	95
52.	112	Nettle	1.2	In relation to the MOUs, is the Minister raising, in relation to the provision of this document, a public interest immunity claim and, if so, on what particular grounds?	110
53.	113	Bartlett	1.2	<u>Unaccompanied Minors</u> 1. Please supply statistics on the number of children travelling to Australia as unaccompanied minors who were intercepted enroute and returned to Indonesia. 2. To date how many asylum seekers have been intercepted enroute to Australia and are still in Indonesia? 3. What visas have they applied for (if any); outcome of visa applications; average length of time spent in Indonesia and where the children were ultimately sent.	Written
54.	114	Ludwig	1.2	1. Are security checks on refugees conducted by ASIO? 2. At what stage in the humanitarian entrance process are the checks conducted? 3. How many were conducted in 2000-01, 01-02, 02-03, 03-04 and 04-05? 4. What is the average time for these checks? 5. Please provide a breakdown of how many of these checks took... (a) Less than one month. (b) One to two months (c) Two to three months (d) Three to four months (e) Four to six months (f) Six months or more (please specify length in these cases) 6. For those security checks that take four months or more, please indicate the reasons for the length. 7. How many times is an individual the subject of security checks, how much does this vary and what are	Written

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				the reasons for it varying?	
55.	116	Ludwig	1.2	<p>1. Has the Immigration Department implemented any part of the Ayers report?</p> <p>2. If so, when and which parts?</p> <p>3. Has the Department updated any of its procedures as a result of the Ayers report?</p> <p>4. Since 2000, how many pregnant women have been deported?</p> <p>5. Are there any special procedures for these deportations? If so, what are they?</p>	Written
56.	118	Ludwig	1.2	<p><u>Form 80s (personal particulars)</u></p> <p>How many times are asylum seekers required to submit these forms, and why if the forms require the same information?</p>	Written
57.	119	Nettle	1.2	<p>(1)How many protection visa claims were processed, per year since 2000, while the applicant lived in the community on a bridging or other visa? How many of these were successful? How many were rejected?</p> <p>(2)How many protection visa claims were processed, per year since 2000, while the applicant was detained in immigration detention? How many of these were successful? How many were rejected?</p> <p>(3)What was the rate of absconding for people with applications for protection visas with the department or RRT who were on bridging visa in the community, per year since 2000?</p>	Written
58.	121	Nettle	1.2	Provide statistics on TPV holders applying for protection visa applications - applications submitted, success and rejections. Provide a breakdown across the country, by state and by nationality.	Written
59.	123	Nettle	1.2	<p>1.In relation to section 417 applications, are the guidelines MSI 386 still current and in use?</p> <p>2.Please provide up-to-date statistics on rejections and success or both 417 and 48B applications. Provide a breakdown by detention and non-detention.</p> <p>3.The discrepancy between the 2003/2004 figures for ministerial intervention at a rate of about 20% and the 2004 - 31 January figures were about 5.5% - is this discrepancy explained solely by the East Timorese applications, or factoring these applications out, is there still a discrepancy and how can this discrepancy be accounted for?</p> <p>4.What is the average length of time between the lodging</p>	Written

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				<p>of a 417 and a decision by the Minister? Provide a breakdown by year over the past three financial years.</p> <p>5.What percentage of 417 and 48B applications are passed onto the Ministers for them to exercise or not exercise their power?</p> <p>6.How much time does the Minister typically spend assessing a 417 or a 48b - average and median?</p> <p>7.How many departmental officers are employed to process 417 and 48bs? How many hours do applications take to process - average and median?</p>	
60.	125	Nettle	1.2	<p>(1)How long will the Iranian and the Afghanistan Memorandum's of Understanding be in effect?</p> <p>(2)Is the funding of the housing project in Afghanistan at 5.29 million (4 Million USD), tied to the return of a certain number of persons? (as mentioned in the Minister's announcement of the MOU - VPS 059/2005)</p> <p>(3)What kind of monitoring system is in place to ensure that these funds will be allocated to this project?</p> <p>(4)Will the housing project be in one geographic area or be available where ever people decide to return?</p>	Written
61.	126	Nettle	1.2	<p>(1)If asylum seekers who have been rejected on the basis of uncertain nationality, but claim to be Afghan, are deemed Afghan by the Afghanistan government, will there cases for asylum be reviewed?</p> <p>(2)Who will make the decision to re-classify these people as Afghan and on what basis?</p>	Written
62.	127	Nettle	1.2	<p>Please provide statistics on 'return pending visas'. Provide a breakdown across the country, by state and by nationality.</p>	Written
63.	128	Ludwig	1.2	<p>1.How many people are current holders of TPVs and which countries are they from?</p> <p>2.Have any of these TPV's expired?</p> <p>3.If so, what visa are they currently holders of, if their TPV has expired?</p> <p>4.To date, how many TPV's have been granted?</p> <p>5.How many people have been granted Permanent Residency, and which countries are they from?</p>	Written

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				<p>6.How many are still under consideration?</p> <p>7.How long is the average processing time to determine TPV applications?</p> <p>8.How long have those people whose TPV applications have not been finalised, been waiting for?</p>	
64.	131	Ludwig	1.2	What specific sources of country information is DIMIA using to make the assessments on applications for further refugee status?	Written
65.	132	Ludwig	1.2	<p>1.What is the number of protection visa applications made in the last year?</p> <p>2.How many were lodged in detention, and how many in the community?</p> <p>3.What is the total number of asylum seekers living in the community at the end of 2004?</p> <p>4.What is the number of visa overstayers compared to the number of protection visa applications made at the end of 2004, at the end of 2003, and at the end of 2002 (not counting the applications made in the detention centres).</p>	Written
66.	134	Ludwig	1.2	<p>1.In the last year, of all the applicants denied refugee protection visas, how many are s417 appeals to the minister on humanitarian grounds?</p> <p>2.How many have exhausted all their legal means of appeal?</p>	Written
67.	135	Ludwig	1.2	<p>1.In the last year, what are the top 10 nationalities and their numbers of visa overstayers who have applied for protection visas?</p> <p>2.What are the most common visas categories that people are on when they make the application for a protection visa?</p>	Written
68.	136	Ludwig	1.2	What is the average length of time in the last year, that it takes for people to complete the full legal claim process up to and including appeals to the Minister on s417 humanitarian grounds?	Written
69.	137	Ludwig	1.3	Could you get the time line subsequent to Ms Leong's detention?	9
70.	139	Ludwig	1.3	In relation to Ms Virginia Leong and the Family Court injunction, was the Department represented in the High Court?	10
71.	140	Ludwig	1.3	In relation to Naomi Leong, outline the series of events that led up to the point where you required the Malaysian authorities to register the child.	10

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72.	141	Kirk and Chris Evans	1.3	<p>Do young children have access to legal advice, especially in circumstances where their case is quite different to that of their parents? How does the child request the legal advice? Is it not the case that DIMIA has some responsibility, or duty of care at least, to suggest or make a recommendation as to who a lawyer may be? The situation I am talking about is that of a child who is one or two years of age and clearly not in a position at that age to even be able to comprehend what legal advice is, let alone request it for herself. I am interested in whether or not you then go to the child's mother or father, as the case may be, and ask them whether or not the child would appreciate separate legal advice or whether or not, in circumstances where a child cannot ask for their own legal advice, you would take the word of the mother or father in those circumstances. This is especially so where you have two separate cases; the cases are quite different here.</p> <p>What are the rights of the child, and what are your obligations to the child if the child may not be getting rational, proper advice or guardianship from the parent and is not necessarily employing the best lawyer in town? Does the child rot in detention because of that failure, and whose obligation is that?</p> <p>What are the responsibilities of the lawyer acting for a guardian and at what point does the lawyer have an obligation to say, 'I can't act for both of these people'?</p> <p>At what point do we expect the department to say, 'You no longer have rights that you would have if you were outside detention; we' – the immigration department – 'are going to overtake those rights'?</p>	12, 19 and 20
73.	143	Nettle	1.3	Did the Department seek any psychiatric assessment in relation to Ms Leong and Naomi?	24
74.	144	Nettle	1.3	Can you tell us what other equipment or activities for children of that age are available in Villawood, aside from what is accessed in the visitors centre?	25
75.	146	Nettle	1.3	Could you give examples of changes that you have made in relation to the detention of children post HREOC.	27
76.	147	Ludwig	1.3	In relation to children in detention, provide information from the previous government and the number of children in detention over the last 18 months to two years.	36
77.	`48	Nettle	1.3	Are there any children of similar age to Naomi in Maribyrnong? What have been the ages of children over a period of time in Maribyrnong?	47
78.	150	Ludwig	1.3	In relation to the detainees that were not unlawful,	48-50

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				provide a list showing the duration of the detention and other information which would not lead to identification of the persons concerned. That information will show the number, obviously, and then any further that have been thrown up through the system in the interim – together with any other searches that you institute as a consequence of these questions today, plus those which are identified on the basis of the time of detention. I would like the basic facts that provide an overview without identifying the individual. And including the reason – for instance you mentioned turning 10 – or the circumstance that sometimes presents itself to the individual.	
79.	151	Ludwig	1.3	The amended terms of reference to the Palmer inquiry were produced by Mr McGauran. On which date were they then sent to the Palmer inquiry?	51
80.	152	Chris Evans Ludwig	1.3	In relation to the policy changes and administrative changes announced today, which other departments were consulted and when did DIMIA meet with those departments? What interdepartmental contact and briefings occurred or what input did other departments have in the development of the changes? Just to follow up Senator Evans's question, we are interested in not only those departments that you have consulted or had contact with but also those departments that may have contributed to or indicated their view on any of those initiatives that were put forward in your ministerial statement of Wednesday, 25 May as well.	55-56
81.	153	Ludwig	1.3	Who else is now working with Mr Palmer and Mr Comrie on the inquiry? Provide the list of the skills that Mr Palmer has chosen to have in.	57
82.	154	Ludwig	1.3	Another matter came up yesterday in estimates where Mr Mobbs from CrimTrac indicated that he had supplied a document that was classified 'Law enforcement – in confidence' to the Palmer inquiry. Is the Palmer inquiry authorised to receipt that? Is he authorised to receive that information and then view it? I do not know what powers you have given Mr Palmer or what authorisations or classification clearances you have provided him. Given that the department is not cleared to obtain CrimTrac, I do not know the standing of Mr Palmer.	58
83.	155	Ludwig	1.3	Provide a copy of the email sent by Mr Young on 4 April 2005.	66
84.	157	Ludwig	1.3	In relation to Ms Alvarez, provide a copy of the file note of the discussion on 2 April 2001 between the hospital and the DIMIA official.	71
85.	159	Ludwig	1.3	Was the DIMIA official used as an interpreter during the interview with Ms Alvarez on 3 May 2001 accredited?	73

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86.	160	Chris Evans and Ludwig	1.3	In relation to the Tran family, will they be returned to Christmas Island? If not, when did the policy change? Has it changed because the Prime Minister made a policy decision at question time or has some other decision been taken?	77-78
87.	161	Chris Evans	1.3	Has the Tran family been advised that they will not be returning to Christmas Island and when were they advised of that? Did they accept that option or did they choose to return to Christmas Island? What arrangements have been made for them to live in the community in Western Australia?	78
88.	162	Chris Evans	1.3	Have other families currently detained on Christmas Island been offered, or will they be offered, the option of living in the community accommodation on mainland Australia?	79
89.	163	Ludwig	1.3	Provide a copy of file note about the additional information that Ms Alvarez provided, the file note about the bridging visa being granted and the file note about the accommodation being arranged that night.	82
90.	165	Ludwig	1.3	What laws in Queensland would prevent DIMIA officers from taping interviews without consent?	83
91.	166	Ludwig	1.3	Provide a copy of Ms Alvarez' interview form for 13 July 2001.	83
92.	168	Ludwig	1.3	Is the general view about privacy law issues, whether or not you can tape and the form that is used reflected in the MSI?	83
93.	170	Ludwig	1.3	What was the reason Ms Alvarez was unable to sign the interview form on 13 July 2001?	84
94.	171	Ludwig	1.3	In relation to interviews, provide a copy of the MSI and advise when the requirement to have a woman present during an interview became policy and what the MSI was prior to that.	84-85
95.	172	Chris Evans and Ludwig	1.3	Was a female officer or anyone else present during Ms Alvarez' interview on 13 July 2001?	84-85
96.	173	Ludwig	1.3	Provide a copy of the audit logs of the searches made in relation to Ms Alvarez on DIMIA's databases.	85
97.	175	Ludwig	1.3	Check to see whether or not a letter was sent or a note was left at the premises to indicate that officers had called by to inquire about a person you then knew as Ms Alvarez.	87
98.	176	Nettle	1.3	One of the things I remember reading on an MSI (MSI321 or MSI234) yesterday was about where somebody says that they are a citizen and the officer is required to, perhaps travel with them to a point at which they can show any documentation to verify that they are a	96

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				citizen. Is that correct?	
99.	177	Nettle	1.3	In relation to the discharge note from the hospital for Ms Alvarez, what does the 'with encouragement' mean in that context?	98
100.	178	Nettle	1.3	What is the cost of providing guards at Glenside?	100
101.	179	Nettle	1.3	How much has DIMIA payed to the South Australian Health for the provision of services at Glenside for detainees? Was an additional amount paid for them to re-open a ward?	100
102.	180	Nettle	1.3	In relation to the provision of health services to detainees, who are the members of the expert panel?	101
103.	181	Nettle	1.3	Provide a copy of the standard form used for reporting on health care services in detention centres.	102
104.	186	Nettle	1.3	Can you take on notice to give us an indication of the number of occasions on which there have been breaches of the contracts and the clauses to which they are related? Are you able to provide the financial penalty associated with those breaches?	102-103
105.	187	Nettle	1.3	<p>(1) In relation to the answer to question no. 80 from the February 2005 estimates hearings, given the suggestion that primacy be given to the provisions of the Migration Act rather than the medical recommendations, is DIMIA prepared to take the responsibility for any damages to health that giving precedence to immigration law over medical recommendations might cause?</p> <p>(2) The second paragraph in answer to the question on notice raises the issue of families. It seems to be seeking to equate DIMIA to the role of a family member in a consultation outside of the hospital. It says that, in the community, a medical recommendation may need to take into consideration the family. My reading of that is that it is equating DIMIA to the role of the family. If that is a wrong reading of that, I am happy to take that advice; but that is certainly the reading that I took and that the psychiatrist who read it took of that answer.</p> <p>On the issue that we were just discussing, the response from the psychiatrist was that, in giving medical advice in the community, it is a breach of their medical ethics to provide advice which is different from what is the best advice because of circumstances extenuating to how it can be implemented. They would be pulled before a medical ethics board if they are told they must give a lesser standard of advice because they have to take into consideration the capacity of the family or the environment to be able to implement it.</p>	105-106 and Written

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				<p>(3) Please provide examples of situations where the advice of health professionals has not been followed due to the Migration Act.</p> <p>(4) Did this scenario occur in the case of Ms Cornelia Rau?</p> <p>(5) Who makes the decision to overrule the advice of a health professional due to the Migration Act? Is this decision recorded on paper or a computer database? Provide an example of the record of several such decisions?</p>	
106.	190	Nettle	1.3	The other contention is to what extent ongoing detention causes or exacerbates the mental illness of people relevant to a case are mentioned on several occasions in the judgement. Does the department have a view on that contention?	107
107.	192	Nettle	1.3	What was the legal cost to the Commonwealth of the Finn case?	109
108.	193	Chris Evans	1.3	In relation to Ms Alvarez, provide the dates of travel and whether or not she used an Australian or a Filipino passport.	111
109.	194	Ludwig	1.3	Provide a copy of the request from the Queensland Missing Persons Bureau on 19 July 2001 for movement details of Vivian Solon, also known as Young.	111
110.	196	Ludwig	1.3	In relation to the request from the Queensland Missing Persons Bureau on 14 July 2003, what was the response from DIMIA in respect of that inquiry? Was that the total information that was provided? Was there a file note or another slip from the Queensland Missing Persons Bureau?	112
111.	198	Chris Evans	1.3	In relation to the response to the Queensland Missing Persons Bureau in August 2003, did anyone else receive that email other than the Queensland Missing Persons Bureau?	114
112.	199	Chris Evans	1.3	In relation to the email that was sent to the Queensland Missing Persons Bureau on 9 September 2003, is there any suggestion that that email was copied to anybody?	117
113.	200	Chris Evans	1.3	Provide a copy of these emails with the names of officers et cetera removed.	121
114.	202	Chris Evans	1.3	How many officers have been offered counselling?	122
115.	203	Chris Evans and Ludwig	1.3	In relation to the letter from the Philippine Embassy in Canberra, when was the letter sent and to whom? When did DIMIA get a copy – was it ccd to DIMIA? Is DFAT seeking information from DIMIA so that they can respond to it?	124

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116.	204	Ludwig	1.3	How was the request for information in September 2004 to DFAT actioned? What officer was involved in that?	126
117.	205	Ludwig	1.3	Was there any interoffice email traffic between the Brisbane office and the central office about this issue in that time between the beginning of 2003 and the end of 2004? In other words, were there inquiries made out of Brisbane to the central office by way of internal DIMIA traffic? It is just trying to tie off whether or not, if central office had been responding to the Queensland Missing Persons Bureau, there had been inquiries from the Brisbane unit to the central office and whether there had been replies back during that period - 2003 to 2004 – in respect to the whereabouts of Ms Solon and what information may have been provided to the Brisbane office.	126-127
118.	206	Ludwig	1.3	Did the dossier provided to the AFP contain the information about the Queensland Missing Persons Bureau searching for her?	129
119.	207	Chris Evans	1.3	Do you know as a question of fact whether or not the AFP directly dealt with the Queensland Missing Persons Bureau on that issue in those days following the establishment of the inquiry?	136
120.	208	Faulkner	1.3	So do we have any idea at this stage of, first of all, what the nature is and, secondly, what the dollar value is of the consultancies that Mr Palmer has engaged in order to assist him with his functions?	29 and 42
121.	209	Faulkner	1.3	How many meetings has the Minister had with Mr Palmer?	32
122.	209	Faulkner	1.3	How many meetings has the Minister had with Mr Palmer about the need for him to have the assistance of someone of the level and calibre of Mr Comrie?	33
123.	209	Faulkner	1.3	In relation to each meeting that the Minister had with Mr Palmer provide an indication as to who initiated them and indicate the reason why.	33
124.	211	Faulkner	1.3	Mr Palmer is an officer of the Commonwealth in another agency in another department, isn't he?	35
125.	212	Faulkner	1.3	In relation to the 200 cases that have been referred to the Palmer inquiry, are you able to say whether any of the 200 have taken or concluded legal action, or whether any of those cases might have sought or received compensation?	39
126.	213	Nettle	1.3	The other question is about people who have declined to appear before the Palmer inquiry. I understand there are a number of Queensland corrections officers who have expressed concern about the lack of legal protection for them in appearing before the Palmer inquiry. I understand that similar concerns have been expressed by	40

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				detainees at the Baxter detention centre. Could you explain what, if any, legal protections exist for those people to enable them to give evidence in the Palmer inquiry as it is currently constituted?	
127.	214	Nettle	1.3	In relation to the Palmer inquiry, you have mentioned the idea of a statutory declaration. I would be interested to hear if you think that is an adequate form of legal protection for somebody who wanted to provide evidence to the inquiry.	40
128.	215	Faulkner	1.3	<p>This raises in the first instance, it seems to me, the threshold issue, which I touched on a little earlier in the day, about the status of some of these matters that are included in the ongoing inquiries of Mr Palmer, which might be subject to other action. I do not know if you heard the question I asked about this. Possibly I mentioned compensation and the like. That is the threshold issue, it seems to me – or one of the threshold issues here.</p> <p>How would the department expect those that have been given a responsibility for investigating those matters as consultants to the department to deal with an issue like this, which you are saying is also subject to court action?</p> <p>There is still clearly a threshold issue of how those who have been provided with these 201 instances are going to balance that function and role, given that there is some ongoing court action. Court action is one of the examples I mentioned. I thought there might be some other process problems here with some of these issues. Here is one that is pretty stark, given that it is before the courts as well as being before Mr Palmer.</p>	56-57
129.	216	Faulkner	1.3	Provide a copy of the written instruction that was issued to all DIMIA staff requiring them to give whatever assistance was required by Mr Palmer.	57
130.	218	Faulkner	1.3	Provide advice on what the Public Service Act provisions are for people who are acting in accordance with an instruction by the secretary issued under the act.	58
131.	219	Buckland	1.3	Can you tell us the size of the budget that is available for mental health? I guess I am asking for all the centres, and this might need to be taken on notice. I would like a breakdown of the size of the budget set aside for mental health care. Also, I would like to know how that compares to the overall health care budget.	64-65
132.	220	Kirk	1.3	Provide a summary of the reviews of the health services that were conducted in Maribyrnong and Villawood.	65
133.	222	Buckland	1.3	How many detainees in each centre are receiving mental health care of some nature? I am interested to know how many of the folk who are staying in the alternative	65

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				accommodation at Port Augusta are actually receiving care of that nature.	
134.	223	Buckland	1.3	In the case of a child receiving mental health counselling, is this done with a guardian present?	65
135.	224	Buckland	1.3	Are the people providing counselling for people with disturbed minds, particularly children, trained to deal with children?	66
136.	225	Buckland	1.3	There have been a number of suggestions – and I have no knowledge of whether this is right or wrong – that the detainees do not always see the same counsellor. Do you have any knowledge of that?	66
137.	226	Buckland	1.3	Provide information on the number of people that have been in the Red 1 compound continuously since Easter.	68
138.	227	Buckland	1.3	In relation to the low dependency medical unit at Baxter, do you know how many people are currently in this ward and what was the total for the last 12 months?	69
139.	228	Buckland	1.3	In relation to the low dependency medical unit at Baxter, what about phone access while they are in that unit? What about for people phoning in to talk to a person? You might take into account that the report is that this phone is for staff and no one else. If there is insistence that someone be spoken to, you are limited to five minutes and the phone hangs up.	69-70
140.	229	O'Brien	1.3	In relation to detainees on Christmas Island, does the overall number include any detainees who were under the age of 18 when they arrived but have since turned 18?	70
141.	230	O'Brien	1.3	I understand that detainees have on a number of occasions asked for the removal of the green shade cloth from the cyclone wire and perimeter fence so that they can, in their words, 'see the world'. Why have the department and GSL not acceded to that simple request?	72
142.	231	O'Brien	1.3	In relation to the contingency facility at Christmas Island, how much will this work cost? When is it intended that the work will be completed?	73
143.	232	O'Brien	1.3	<p>During my visit I was told by the management that there were no restrictions placed on detainees' telephone contact with legal representatives. My attention has since been drawn to a report of the independent detention advisory group, which expressed concern about interruptions to these calls. This is the most remote part of Australian soil or, if it is not, it is the second most remote, and the centre is there as a matter of government policy. Isn't it appropriate that detainees be given unfettered contact with their lawyers?</p> <p>I have a document titled 'Response to IDAG re Christmas Island public submission December 2004'. Page 7 of that submission refers to it.</p>	73

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144.	234	O'Brien	1.3	Can you provide the Committee with a copy of the operational procedures for visits to the Christmas Island IRPC? Do you know if the conditions of entry displayed at the entrance are consistent with the operational procedures?	74
145.	235	O'Brien	1.3	In relation to restrictions being placed on gifts being brought into detention centres, do you have concerns about birthday cakes for 18-year-old girls?	74
146.	236	O'Brien	1.3	In addition to the Christmas Island community, I understand the Vietnamese community on mainland Australia, and other concerned Australians, have donated goods for the detainees at the centre. Do you know if distribution of donated goods had been delayed for any reason? Is that something in the knowledge of the department? I would like the details of this: if there is some reason for a delay or if there is no knowledge of a delay, because that is an issue that has been raised. The suggestion is that things have been sent which have not arrived. Maybe it is Australia Post or maybe it is something else. Has the department received any request to investigate missing donated goods dispatched by Australia Post?	75
147.	237	O'Brien	1.3	Have GSL or the department prevented or censored the depiction of Vietnam and/or the immigration reception and processing centre on any paintings or drawings by detainees, including children, held at the centre? This was an issue that was also raised in the IDAG report, at page 8.	76
148.	238	Buckland	1.3	Provide a copy of the operational procedure for the processes associated with transferring people to more restrictive places of detention within a facility.	79
149.	239	Nettle	1.3	Provide a copy of the guidelines for managing people in the more restrictive places of detention within Baxter once they are finalised.	81
150.	240	Faulkner	1.3	Was a disclosure of interests required by government from either Mr Palmer or Mr Comrie?	82
151.	241	Faulkner	1.3	Can someone indicate to the committee whether when Mr Palmer recommended Mr Comrie to undertake the balance of these important duties, Mr Palmer indicated either a current or previous business association with Mr Comrie?	83
152.	242	Nettle	1.3	In relation to the legal advice that was sought about Red One, was any advice sought about whether the facility and the conditions amounted to punishment?	86
153.	243	Nettle	1.3	I understand that there is an immigration detention standard which says:	91 and Written

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				<p>‘Staff do not carry or use firearms. For riot control or other security incidents, detention officers appropriately trained and authorised are permitted to use emergency response equipment.’</p> <p>(a) Could you explain what emergency response equipment is permitted to be used by employees of GSL in immigration detention centres (such as batons; chemical agents; water cannon)?</p> <p>(b) What is the approval process for the use of the emergency response equipment?</p> <p>(c) Is the Department informed of its use?</p> <p>(d) In how many instances was the emergency response equipment used in immigration detention centres since the commencement of the contract with GSL (August 2003)?</p>	
154.	245	Bartlett	1.3	Provide an update on the Bakhtiyari family’s situation.	99
155.	246	Bartlett	1.3	In relation to the ACM guard who was found guilty of assaulting a detainee, given that that is a fairly serious matter, was there any action on the part of the department towards the then service provider or anybody else in relation to the incident?	101
156.	247	Kirk	1.3	In relation to compliance activities, provide a copy of the guidelines about approaching schools.	108
157.	248	Kirk	1.3	How many children have been born in detention centres in the past four years?	109
158.	249	Bartlett	1.3	<p><u>In relation to section 501(2) of the Migration Act 1958</u></p> <p>1.How many persons have been issued with notices stating that the Minister intends to cancel their visa under section 501(2) of the Act?</p> <p>2.Of the notices issues under section 501(2) of the Act how many were in relation to permanent residence visas and how many were in relation to temporary residence visas?</p> <p>3.How many visas were cancelled under section 501(2) of the Act?</p> <p>4.Of the visas cancelled how many were permanent residence visas and how many were temporary residence visas?</p>	Written

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				<p>5.Of the permanent resident visas cancelled under section 501(2) of the Act how many of those decisions were made by the Minister personally and how many were made by a delegate of the Minister?</p> <p>6.Of the temporary resident visas cancelled under section 501(2) of the Act how many of those decisions were made by the Minister personally and how many were made by a delegate of the Minister?</p> <p>7.Of the decisions made not to cancel a permanent resident visa after the issue of a notice of intention to do so, how many of those decisions were made by the Minister personally and how many by a delegate of the Minister?</p> <p>8.Of the decisions made not to cancel a temporary resident visa after the issue of a notice of intention to do so how many of those decisions were made by the Minister personally and how many by a delegate of the Minister?</p> <p>9.Under what circumstances is a case in which a notice of intention to cancel a visa has been issued under section 501(2) of the Act presented to the Minister to personally make a decision as to whether or not a non-citizen's visa should be cancelled?</p>	
159.	251	Bartlett	1.3	<p><u>In relation to section 501(3)</u></p> <p>1.How many permanent resident visas have been cancelled by the Minister personally under section 501(3)(b) of the Act?</p> <p>2.How many temporary resident visas have been cancelled by the Minister personally under section 501(3)(b) of the Act?</p>	Written
160.	252	Bartlett	1.3	<p><u>Management Units</u></p> <p>1.Please provide data on the number of detainees who have been placed in 'management units' in immigration detention centres in 2002, 2003 & 2004</p> <p>2.Please provide data on the total number of detainee days spent by detainees in management units for the years 2002, 2003 & 2004</p>	Written

QoN No	Page No	Senator	Output	Information/Material to be Provided	Hansard Page No.
				<p>3.What is the longest time that any detainee has spent in a management unit?</p> <p>4.The Baxter detention centre has a 'Management Unit Review Team (MURT) which decides if and when a detainee should be moved in or out of the Management Unit.</p> <p>a.How long as the MURT been in place at Baxter? b.Is there also a MURT at Villawood IDC? c.If so, how long has it been in place?</p> <p>5.Is there an upper limit on the length of time a detainee can be placed in a management unit?</p> <p>6.Is there a mandatory review of decisions to place a detainee in a management unit?</p> <p>7.When exactly was the Red 1 compound in Baxter re-opened? Why has it been re-opened? Has anyone been put into Red 1? If so, what for?</p>	
161.	255	Bartlett	1.3	Can the Department tell me how many detainees have voluntarily asked to be returned to their home countries and are still in detention? How long have they been detained?	Written
162.	256	Bartlett	1.3	<p>How many over stayers are currently in detention centres around Australia? Please give me a breakdown of:</p> <p>a.Nationality b.Gender c.Age d.Duration they have been in Australia e.Duration they have been detained</p>	Written
163.	258	Bartlett	1.3	<p>Could the Minister provide information on how many asylum seekers by state on release from detention on mental health grounds are receiving money for living costs?</p> <p>a.How many are receiving money for medical expenses and in what states? b.Why are some detainees released on BVEs on mental health grounds denied such support?</p>	Written
164.	259	Bartlett	1.3	<p><u>Mental Health</u></p> <p>1. What is the agreed amount that is paid between the Commonwealth and the state mental health system for Baxter detainees transferred to mental health facilities?</p>	Written

QoN No	Page No	Senator	Output	Information/Material to be Provided	Hansard Page No.
				<p>2. What contractual implications are there for GSL when a detainee is transferred to</p> <ol style="list-style-type: none"> a. any hospital b. a mental health facility <p>3. What specific medications, in what quantities have been dispensed to how many detainees each year at each detention centre?</p> <p>4. What is the cost of medication for depression etc dispensed each year in each detention centre?</p> <p>5. Is the cost per detainee rising?</p>	
165.	260	Bartlett	1.3	<p>How much has DIMIA paid out in compensation for out of court settlements over the last 10 years? Has DIMIA ever received legal advice on how much compensation it would have to pay out if it is found that they've breach their duty of care? How much have they been for? Where is the money paid out of?</p>	Written
166.	261	Bartlett	1.3	<p>1. Do long-term detainees who apply for a Subclass 070 Bridging (Removal Pending) Visa:</p> <ol style="list-style-type: none"> (a) have access to legal and/or migration advice after receiving that offer; (b) who provides that advice; and (c) how is that advice funded? <p>2. To date how many long-term detainees:</p> <ol style="list-style-type: none"> (a) have been invited to apply to date? (b) are expected to be invited to apply at a future date? <p>3. What is the country of origin of those long-term detainees invited to apply to date?</p> <p>4. How many long-term detainees remain in immigration detention?</p> <p>5. What is the Government's intention with respect to those long-term detainees who:</p> <ol style="list-style-type: none"> (a) refuse the Government's invitation to apply for a Bridging (Removal Pending) Visa; or (b) the Government fails to invite to apply for a Bridging (Removal Pending) Visa? <p>6. If any long-term detainee has been granted a Bridging (Removal Pending) Visa experiences changes in their circumstances (either of a personal nature or in their country of origin), can that long-term detainee choose to</p>	Written

QoN No	Page No	Senator	Output	Information/Material to be Provided	Hansard Page No.
				<p>forego the benefits of the Bridging (Removal Pending) Visa and return to detention to initiate a fresh application for either:</p> <p>(a) further protection visa; or</p> <p>(b) any mainstream migration visa</p> <p>7. What is the Government's intention with respect to those long-term detainees currently detained on Nauru?</p>	
167.	263	Bartlett	1.3	<p><u>International Students</u></p> <p>1. How many international students are currently detained at Maribyrnong Detention Centre and at other detention centres across Australia?</p> <p>2. What part of their visas did they breach?</p> <p>3. What is the duration they have been in detention?</p> <p>4. Give a breakdown of nationality.</p>	Written
168.	265	Crossin	1.3	<p><u>Darwin Detention Centre on defence land at Berrimah NT</u></p> <p>1. Please outline what is AFMA's role or what is intended to be AFMA's role regarding the Darwin Detention Centre?</p> <p>2. What costs are associated in terms of new entrance and/or road works that are required to facilitate the excising of the Darwin Detention Centre to allow the sale of defence land at Defence Establishment Berrimah?</p> <p>3. What has delayed the commissioning or use of the Darwin Detention Centre?</p> <p>4. Given recent deaths and injuries is there a review of the handling of AFMA's management of illegal fishing crews detained on their boats in Darwin Harbour?</p> <p>5. Please outline the relationship DIMIA will have with AFMA in operating the Darwin Detention Centre?</p> <p>6. What has the Darwin Detention Centre cost to establish and run with a breakdown of capital costs and other ongoing costs on a year by year basis for the last three years?</p> <p>7. How many people have been detained there and for how long on average?</p> <p>8. Budget Paper No 2 page 11 provides a funding</p>	Written

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				<p>allocation of \$77.9 million over five years.</p> <p>(a) Can you provide a breakdown of what this money will be used for?</p> <p>(b) How much of this will be allocated for the Darwin Detention Centre?</p> <p>(c) What is meant by a joint fisheries/migration detention facility?</p> <p>(d) Will this money be used to build a kitchen/s at the Detention Centre?</p> <p>(e) If so how many and what is the cost?</p> <p>(f) Why are there not kitchens already provided in this facility?</p> <p>(g) There had been claims that this facility had to be ready at any stage to detain asylum seekers, how could these people have been detained in the Darwin Centre if there were no kitchens already available?</p> <p>9. What is the cost to DIMIA of the contract with AFMA regarding the detention of illegal fishers? When is this contract due to be renewed?</p>	
169.	269	Carr	1.3	<p>DIMIA QON 73 of May 2004</p> <p>What are DIMIA's policies regarding the detention of international students for visa breaches?</p>	Written
170.	270	Carr	1.3	<p>1. Can you provide details of raids carried out by DIMIA jointly with the Victorian Police on a series of illegal brothels in Brunswick, Melbourne in early March?</p> <p>2. Can you confirm newspaper reports, quoting an unnamed DIMIA officer, that some of the workers found at those premises were holders of student visas?</p> <p>3. Can you inform the Committee which education provider or providers these students held visas for?</p> <p>4. Where student visa holders are apprehended working illegally does DIMIA inform DEST of the circumstances, the names of the students and their education providers?</p> <p>5. Wouldn't this facilitate the investigation of those providers by DEST to find out whether they might be in breach of the ESOS Act?</p> <p>6. Can you detail for the Committee the extent and nature of your cooperation with (1) DEST and (2) state/territory authorities in this area?</p>	Written
171.	272	Bartlett	1.3	<p>1.The Villawood detention centre figure of 26 kids. Sources have informed me that there are 27 (not 26) kids aged 2months to 16. Can this please be verified?</p> <p>2.Other places of detention figure of 6 kids. Our sources</p>	Written

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				<p>have counted 7 = 4 Vietnamese kids in motel/house + 2 Palestinian kids in house + newborn Vietnamese baby that I think they have forgotten, who was in hospital but now in house (not yet on a visa = still in detention, and certainly as at 1 June). Can this please be verified?</p> <p>3. There are reports of 2 others kids in Baxter who are Russian? Can this please be verified?</p>	
172.	273	Ludwig	1.3	<p>1. Is the Department aware of any entrants to Australia who are persons of interest in relation to war crimes in the Former Yugoslavia, including Bosnia, Croatia, Macedonia, Slovenia, Serbia, Montenegro, FYRO Macedonia and the autonomous Kosovo regions?</p> <p>2. Is the Department aware of any deportees from Australia who are persons of interest in relation to war crimes in the Former Yugoslavia, including Bosnia, Croatia, Macedonia, Slovenia, Serbia, Montenegro, FYRO Macedonia and the autonomous Kosovo regions?</p>	Written
173.	274	Ludwig	1.3	<p>1. What was DIMIA's advice when it was consulted about whether to appear before the Ruhani case?</p> <p>2. What format was the advice provided in?</p> <p>3. What was the form of the consultation?</p> <p>4. On what date was the advice sought?</p> <p>5. On what date was the advice provided?</p>	Written
174.	275	Ludwig	1.3	<p>1. How many matters of trafficking have been referred to the AFP that have resulted from detections from compliance staff at Immigration Detention Centres?</p> <p>2. How many compliance staff are trained to detect signs of trafficking?</p> <p>(a) Who provides the training? Is it PSS or IHMS?</p> <p>(b) Where are the compliance staff located? Which detention centres?</p> <p>(c) Are they at the centre on a day-by-day basis, or do they only attend the centre on certain occasions? How often do compliance staff see detainees?</p> <p>(d) What are the signs of trafficking that compliance staff are trained to detect?</p> <p>(e) What is the reporting procedure after a compliance staff member has detected some signs of trafficking?</p>	Written
175.	277	Ludwig	1.3	<p>1. How many foreign crew went missing from their vessels in the last ten years?</p> <p>2. How many were apprehended?</p> <p>3. How many remain at large?</p> <p>4. What is the reporting procedure when a crew deserts a vessel?</p> <p>(a) What mechanisms are in place to ensure that these procedures are adhered to?</p>	Written

QoN No	Page No	Senator	Output	Information/Material to be Provided	Hansard Page No.
				<p>(b) What penalties are in place for non-reporting of these incidents?</p> <p>(c) How many times have these penalties been imposed, and against whom?</p> <p>5. When did these mechanisms come into place?</p> <p>6. From which ports did they go missing</p>	
176.	280	Ludwig	1.3	<p>1. Can you advise of the number and dates of recorded incidents of self-harm inflicted by detainees at Baxter in the period between 2004-05?</p> <p>2. Can you advise of the number and dates of recorded incidents of attempted suicide by detainees at Baxter in the period between 2004-05?</p> <p>3. Can you advise of the number and dates of recorded incidents of self-harm or attempted suicide by children at Baxter in the period between 2004-05?</p> <p>4. Can you advise of the number and dates of transfer of detainees from Baxter to hospital in 2004-05?</p> <p>5. What were the reasons for the transfer?</p> <p>6. How many people, who have made protection visas claims, have absconded from detention in this last financial year?</p> <p>7. From which IDC and IRPC's did people abscond from, and how many from each in what year?</p>	Written
177.	285	Ludwig	1.3	<p>1. How many people are currently subject to a deportation order on character grounds?</p> <p>2. What is the average length of time of residence in Australia?</p> <p>3. What is the average age of arrival in Australia?</p> <p>4. What avenue or process is open to these people to appeal a decision to deport them?</p> <p>5. What advice is given to these people regarding this process?</p> <p>6. What was the average length of time served in prison preceding deportation orders?</p> <p>7. How many have been deported from Australia under section 501, 200 and 201?</p>	Written
178.	287	Ludwig	1.3	<p>1. Can you provide the cost of detention per day per detainee per facility for those people in all off shore detention facilities initiated under the pacific solution?</p> <p>2. Please provide this figure for each month of the 2004-05 financial year and projected figures for 2006.</p>	Written
179.	288	Ludwig	1.3	<p>1. How many unaccompanied children have been deported from Australia in 00-01-02-03-04-05, and where were they deported to?</p> <p>2. What provisions are there to ensure that they are collected at their point of arrival?</p> <p>3. How many were collected?</p>	Written

QoN No	Page No	Senator	Output	Information/Material to be Provided	Hansard Page No.
180.	290	Ludwig	1.3	<p data-bbox="598 250 949 286"><u>Legal services expenditure</u></p> <ol data-bbox="646 324 1348 2078" style="list-style-type: none"> 1. What amount did the Agency spend during the financial year 2004/2005 on outsourced legal practitioners (including private firms, individuals, the Australian Government Solicitor, and any others)? 2. What was the budgeted amount for outsourced legal practitioners in 2004/2005? 3. What amount did the Agency spend on internal legal services? (Provide an estimate if exact amount is unavailable.) 4. Does the Agency have an in-house legal section? If so, what was the 2004/2005 actual cost of this section? What was the budgeted amount for this section in 2004/2005? What is the budget amount for this section in 2005/2006? 5. What is the total projected expenditure on legal services for 2005/2006 for the Agency? 6. Which organisations or individuals were contracted to provide legal services to the Agency in 2004/2005? 7. In each instance, how much was each organisation or individual paid for these services? 8. Does the Agency use an open tendering or select tendering process (as described in the Commonwealth Procurement Guidelines, p 42) when procuring legal services? 9. If a select tendering process is used: (a) which method of select tendering is used and (b) which firms or individuals are currently eligible to tender for legal services? 10. If a multi-use list is used: (a) which firms or individuals are currently on that list and (b) when was the list last opened for applications? 11. In 2004/2005 did the Agency obtain any legal services using a direct sourcing procurement process? If so, provide details including the name of the provider, the work involved and the cost? 12. In 2004/2005 did the Agency procure any legal services under the thresholds required for 'covered procurements' (within the meaning of 8.6 of the Commonwealth Procurement Guidelines)? If so, provide details including the name of the provider, the work involved and the cost. 13. In 2004/05 did the Agency contract any legal firms to provide services other than legal services (such as consulting, conduct of policy reviews etc)? If so, provide details including the name of 	Written

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				the firm, the project involved and the cost of the contract.	
181.	293	Nettle	1.3	<p>(1)Under s 5 of the Migration Act 1958 (Cth), "immigration detention" can include any place approved by the Minister in writing (such as the house in which the Bakhtiyari children were detained in Adelaide in 2004).</p> <p>(a)how many times (since 1998) the Minister has approved a residential location in the community as a place of immigration detention, on the basis of a detainee's special mental health needs (whether the detainee is a child or adult),</p> <p>(b)The duration of such placements.</p> <p>(2)In <i>S v Secretary, DIMIA</i>, Finn J notes at [207] a concession by the Commonwealth that "it is under a non-delegable duty to ensure that reasonable care is taken of [persons in immigration detention]". Does the Department or Minister accept that that non-delegable duty of care may, in certain circumstances, create an obligation upon the Department and/or the Minister to ensure that an immigration detainee not be detained within a detention centre, but rather be either detained in an alternative place of detention, or be granted a visa.</p>	Written
182.	295	Nettle	1.3	<p>(1)Provide a copy of the interview that Philippines consulate officials in Brisbane had with Vivian Alvarez at an apartment in mid-2001.</p> <p>(2)Under what name did Ms Vivian Alvarez re-enter Australia in 2001?</p> <p>(3)In regard to the letter sent to the committee by Mr Killesteyn date 31 May 2005:</p> <p>What prompted DIMIA make the inquiry to DFAT in September 2004 about Ms Vivian Solon Young's passport?</p> <p>(4)What was the content of this inquiry?</p>	Written
183.	296	Nettle	1.3	<p>(1)Since at least 1994 Reg 2.20 of the Migration Regulations 1994 has enabled the grant of a bridging visa to a child in immigration detention whose application for a substantive visa has not been determined, when child welfare authority of a State or Territory has certified that release from detention is in the best interests of the child.</p> <p>(a) how many such bridging visas have been granted on this ground;</p>	Written

QoN No	Page No	Senator	Output	Information/Material to be Provided	Hansard Page No.
				<p>(b) what procedures are in place between the Department and State/Territory child welfare authorities to ensure that assessments and certifications of children can be made in a timely fashion?</p> <p>(2) More recently, Reg 2.20(9) of the Migration Regulations 1994 has also permitted the granting of a bridging visa to an immigration detainee who has a "special need (based on health or previous experience of torture or trauma when a medical specialist appointed by the Department has certified that the non-citizen cannot properly be cared for in a detention environment)", and whose application for a visa has not been finally determined.</p> <p>(a) how many such bridging visas have been granted on this ground;</p> <p>(b) what procedures are in place between the Department and the detention centre service provider and any medical specialists and to ensure that persons in immigration detention who potentially have such a special need can be assessed and certified by a medical specialist appointed by the Department, in a timely fashion?</p>	
184.	298	Nettle	1.3	<p>1. How many children are currently on bridging visas without Medicare entitlements?</p> <p>2. Have all the children in detention or living on bridging visas been properly immunised?</p> <p>3. How does the department ensure children on bridging visas have access to schooling?</p> <p>4. Do parents on bridging visas receive assistance with childcare? If only for some bridging visa holders, please outline which visa holders receive assistance with childcare and which visa holders do not.</p>	Written
185.	300	Nettle	1.3	<p>The Federal Court in Goldie (Goldie v Commonwealth of Australia [2002] FCA 433) placed a strict onus on the department to justify its suspicion as "reasonable" in order to lawfully detain someone. This requires the department to make "due inquiry" at their own initiative before detaining a person.</p> <p>"[A]n officer in forming a reasonable suspicion is obliged to make due inquiry to obtain material likely to be relevant to the formation of that suspicion."</p> <p>1. Does the Department believe it fulfilled the reasonable suspicion test set out in Goldie, in the case of Cornelia</p>	Written

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				<p>Rau?</p> <p>2. What objective evidence, excluding Rau’s story, did the department base its suspicion that Rau was an unlawful non-citizen? (as opposed to evidence that she was ‘lawful’). i.e. was there no objective evidence to say she was unlawful precisely because she was lawful.</p> <p>3. Did the fact that her account of arrival in Australia and her history, did not check out raise suspicions about the veracity of her story and mental health?</p> <p>4. Migration Series Instruction 321: Detention of unlawful non-citizens, section 2.3.6 states: “Where there is no indication to the contrary, officers may be able to conclude that a person is an unlawful non-citizen because he or she has not provided appropriate evidence of his or her lawful status”.</p> <p>Does this instruction not contradict the Federal Court ruling in Goldie? Federal Court in Goldie: “Section 196 operates upon a person detained under s. 189 who is an unlawful non-citizen, not upon a person reasonably suspected of being an unlawful non-citizen.</p> <p>5. Will the department amend these instructions in light of the unlawful detention of Ms Rau and others? If so, when will this happen? If not, why not?</p> <p>6. Mr Farmer told the February Estimates hearing that in the case of Rau “We could not establish that she was a lawful non-citizen. That is really the point...” (p102) Does this mean that anyone who can not prove their citizenship or lawful status will be locked up by DIMIA? Does the principle of innocence until proven guilty?</p> <p>7. Given that Rau’s detention was based almost exclusively on her own incorrect story, was the ‘reasonableness’ of DIMIA’s suspicion about her status ever reviewed? Specifically,</p> <p>8. Was it reviewed when she was clearly suspected of being mentally ill, or when her behaviour contradicted her account? If not, why not? Who made the decision not to review?</p> <p>9. Was it reviewed given that the Honorary German Consul in Cairns said Rau’s German accent indicated she was “not a naturally speaking German”? A direct contradiction of her account of being a German citizen. If</p>	

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				<p>not, why not? Who made the decision not to review?</p> <p>10. Was it reviewed given that Ms Rau spoke in clear English with a broad Australian accent at the Brisbane Women’s Correctional Centre? If not, why not? Who made the decision not to review?</p> <p>11. Was it reviewed when she was referred for assessment as to possible mental illness in both Brisbane and Baxter? If not, why not? Who made the decision not to review?</p> <p>12. Who is responsible for reviewing the validity of the “reasonable suspicion” to hold someone in detention whose identity has not been confirmed?</p> <p>13. How often should these reviews be conducted?</p> <p>14. Who decides whether issuing a bridging visa? Why wasn’t Rau granted a bridging visa?</p>	
186.	305	Nettle	1.3	<p>Question on Notice 52: Initial interview in Cairns</p> <p>1. Did the officer that conducted the interview, Aidan Moolenschot, express any doubts about Ms Rau’s story or her mental state?</p> <p>2. Were the claims about catching a boat from China and landing in Queensland followed up by the department? When no evidence was found to corroborate her story, did DIMIA question the basis of their ‘reasonable suspicion’?</p> <p>3. Did DIMIA ever question the motive behind Ms Rau’s account?</p> <p>4. In an answer to Question on Notice 129, DIMIA states “The Department acknowledges the role of appropriately qualified health care professionals to provide opinions in relation to an immigration detainee’s state of health”. Why then did the Department not seek a psychiatric assessment to check the veracity of her story until a month and a half later?</p>	Written
187.	306	Nettle	1.3	<p>Review of Ms Rau’s detention</p> <p>1. According to QoN 44, Ms Rau’s case appeared on the Detention Review Committee (both central office and Qld office) on a number of occasions. What was discussed and what was decided? Can the committee be provided with the minutes from the relevant meetings?</p> <p>2. According to QoN 44, Ms Rau was visited and interviewed by the Honorary German Consul in Brisbane. Did the consul provide DIMIA with a report of this</p>	Written

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				<p>interview in regard to Ms Rau's status? If so, please provide a copy of this report to the committee?</p> <p>3. The initial medical assessment of Ms Rau was conducted by International Health and Medical Services (subcontracted from GSL) on the 6 October 2004. What was the result of this assessment? Was there any indication of a mental illness or need for follow-up?</p> <p>4. According to QoN 44. The German Foreign Minister indicated to the Australian Embassy that from the letter they received from Ms Rau, they could tell she was not fluent in German - or had no schooling. Did DIMIA review Ms Rau's status as a suspected 'unlawful non-citizen' given this contradiction to her story? If not, why not?</p> <p>5. It seems by at early January it was clear, even to DIMIA and GSL, that Ms Rau was suffering some kind of mental illness and the question was more whether it was serious enough for Ms Rau to be sectioned under the Mental Health Act, or continue to have her behaviour "modified" at Baxter through the behaviour modification plan including the management unit and red one compound. Given this, why was reasonable suspicion that she was an unlawful non-citizen' not reviewed and overturned?</p> <p>6. What was discussed with the Minister' office on 19 January in relation with Ms Rau? Was there any action resulting from this discussion?</p> <p>7. Given the level of concern - at least 32 pieces of correspondence the Minister's office received, what did the office do to follow the Rau case up?</p>	
188.	323	Nettle	1.3	<p>1. When Ms Rau was transferred to Brisbane Women's Correctional Facility was there paperwork from the Department stating the reasons why she was held?</p> <p>2. When Ms Rau was transferred to GSL custody at Baxter, was there paperwork from the department to GSL stating that Ms Rau was lawfully in detention? Does this state the reasons for her detention? Can this be provided to the committee?</p>	Written
189.	325	Nettle	1.3	<p>1. Was the prison psychiatrist's report of 10 August (p.18 Rau submission) forwarded to the department?</p> <p>2. Was this report discussed in the Queensland Detention Review Report of the 31 August 2004?</p> <p>3. If so, what action was taken?</p>	Written

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				4. Did this trigger a review of the basis for continuing to hold Ms Rau in detention? 5.2.1 If so, who made this decision?	
190.	326	Nettle	1.3	1. Was DIMIA consulted or informed of the transfers of Ms Rau to solitary confinement? 2. Did DIMIA approve of such transfers?	Written
191.	327	Nettle	1.3	1. The German Ambassador, Dr Klaus-Peter Klaiber, had the consulate ring and write to the department on January 24 about possible human rights violations in the case of Ms Rau. What was the department's response? 2. Was it approved by the Minister? 3. When was the response sent?	Written
192.	328	Nettle	1.3	(1)How many forced removals, including from the "offshore processing centres", have happened in the past 4 years? Provide a breakdown by nationality. (2)Is the department aware of any cases where a failed asylum seeker removed from Australia has been returned to a dangerous situation or renewed persecution or have been killed, including as a result of information provided by non-government organisations? If so, please provide information. (3)Does the Memorandum of Understanding between Australia and Iran contain provisions for Australia to monitor or otherwise assess the safety of deported asylum seekers? Is there a guarantee from the Iranian government that these people will not be persecuted? Is there a guarantee from the Afghan government that these people will not be persecuted?	Written
193.	329	Nettle	1.3	1. Has the department prepared an internal response to the Deported to Danger report? If not, why not? Can this be provided. 2. Is it true that the Department of Immigration has removed some people and left them without documentation of identification, as claimed in the Deported to Danger report? 3. Is it true that the Department of Immigration removed stateless people to third countries with only temporary (eg. 3month) visas for these third countries? 4. How does the department respond to evidence that asylum seekers who were denied refugee status by DIMIA and RRT have then been deemed to be legitimate refugees by other nations? 5. The Deported to Danger outlines 5 independent cases	Written

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				of deportees arriving in Sri Lanka, Syria and Angola to be met by officials possessing information provided by DIMIA or ACM employees about the deportee, leading to imprisonment upon arrival in 4 of the 5 cases. What is the current practice of DIMIA in providing information to authorities regarding the refugee claims of failed asylum seekers?	
194.	331	Nettle	1.3	<p>(1)What is the process involved to declare a person “immigration cleared”? Can someone in detention be processed to become immigration cleared? If not, why not?</p> <p>(2)How can someone born in detention become immigration cleared?</p>	Written
195.	332	Nettle	1.3	Do current reporting procedures between the Department and relevant service providers provide for the Department to be informed on the diagnosis of an immigration detainee as suffering from a high level psychiatric disorder, according to the criteria in the DSM-IV (such as Post Traumatic Stress Disorder or Major Depressive Disorder or schizophrenic-type disorders), whether such psychiatric disorder developed in immigration detention or not?	Written
196.	333	Nettle	1.3	<p>(1) How far up the GSL and DIMIA chain of responsibility did the memo regarding Cornelia Rau’s citizenship status (doubts that she was unlawful and suspicion she may be an Australian) go?</p> <p>(2) What actions were taken in response to this memo and the suspicion she may be Australian? Who was responsible for these actions? What was the result?</p> <p>(3) Were the grounds for the reasonable suspicion reviewed at this point in time? If not, why not? If so, who made the decision to continue to detain Ms Rau?</p> <p>(4) Was the memo and suspicion ever raised during correspondence with the Minister or during meetings with the Minister’s office where Ms Rau was discussed?</p> <p>(5) Was Ms Rau’s citizenship or visa status questioned at a MURT meeting at any stage during her time at Baxter detention centre? Who raised this matter? Provide the minutes of this meeting.</p> <p>(6) Provide a list and details of all occasions when officers within the department of immigration, or other authorities involved in the detention and care of Cornelia Rau, raised their suspicion that Ms Rau could be an</p>	Written

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				<p>Australian citizen or lawful resident?</p> <p>(7) Did detainees at either the Queensland prison or Baxter detention centre ever raise concerns that Ms Cornelia Rau was in fact an Australian citizen or permanent resident? If so were these concerns followed up?</p> <p>(8) I visited Baxter detention centre on March 22 2005, after Cornelia Rau's identity had been revealed. When I was there I met with a GSL staff member, Shirley Ellison, a case manager, who was introduced to me as the person responsible for Red One and a member of the Management Unit Review Team. Shirley said to me that she thought Cornelia Rau was Australian whilst she was in Baxter detention centre. She said she had formed this belief because in her conversations with Cornelia it became clear to her that Cornelia knew the geography of Australia well. When she talked to Cornelia about where she was going on holidays and where her family lived Cornelia knew all the towns she mentioned and where they were even though most of them were small towns that you would not expect a tourist or a recent arrival to know, especially one who said she had arrived in far north QLD 2 weeks before she was detained in QLD, especially since the places mentioned were not all in QLD. Shirley said that she had raised these concerns at Management Unit Review Team meetings. Is there a record of these concerns being raised? Please provide a copy of any such records and the relevant part of minutes of the MURT meetings relating to Cornelia Rau during the period in which Cornelia was in Baxter?</p> <p>(9) Does the internal DIMIA memo discussed on ABC radio's AM program on Friday June 3 detail Shirley's view that Cornelia was Australian or is based on similar views of other GSL or DIMIA staff?</p>	
197.	336	Nettle	1.3	<p>(1) Who was the specialist health advisor on the Management Unit Review Team (MURT) during the time Cornelia Rau was kept in the management unit?</p> <p>(2) What is the average length of time that detainees are kept in the Management Unit?</p> <p>(3) What is the longest period of time a detainee has been kept in the Management Unit?</p>	Written
198.	337	Nettle	1.3	<p>(1) How many detainees are currently on the SASH watch at Baxter detention centre?</p>	Written

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				<p>(2) How many detainees, on average, have been on the SASH watch over the past two years?</p> <p>(3) Was Cornelia Rau ever placed on the SASH Watch?</p> <p>(4) When a detainee is placed on SASH Watch are they automatically referred for psychiatric assessment? If so, how soon after such a referral are they seen by a psychiatrist?</p>	
199.	338	Nettle	1.3	<p>According to the Finn judgement at 34, in the contract with GSL - Schedule 2 section 7.1.3 "...Where a detainee is admitted to a hospital, the Department will be responsible for the costs. However, this will be considered on a case-by-case basis, having regard to protocols that are being developed, and in some circumstances the Services Provider may be responsible for the costs of hospitalisation."</p> <p>What does case-by-case basis mean in this clause? Against what criteria are these cases judged? Please provide a copy of the protocols referred to in this section?</p>	Written
200.	340	Nettle	1.3	<p>(1) What contingency plans are in place to replace the Baxter psychiatrist, Dr Frukacz, if he is unable to visit for a substantial amount of time, or urgent assessment by a psychiatrist is needed?</p> <p>(2) Does the department consider the frequency of Dr Frukacz visits to Baxter adequate given he only visits every 6 to 8 weeks and is able to see only half his case load of patients each visit? Is a psychiatric consultation every 3 to 4 months adequate in the view of the Department?</p>	Written
201.	341	Nettle	1.3	<p>Many experts share the opinion expressed by psychiatrist Dr Jureidini that "the Baxter environment itself was a primary cause of mental illness" (Finn 237). Does the department acknowledge that detention centres are making detainees, particularly long-term detainees, mentally ill?</p>	Written
202.	343	Nettle	1.3	<p>The Minister, Senator Vanstone, was quoted in the Australian Financial Review on 11 May 2005 as saying: "I'm not aware that any consideration has been given to legislating away anyone's rights like this" in response to a question whether the Commonwealth government would legislate to remove detainees' rights to compensation when it takes control of the Senate in July 2005.</p> <p>(a) Can the Minister provide a guarantee that the Commonwealth will not legislate to diminish the rights of a person (regardless of visa status) to sue the</p>	Written

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				<p>Commonwealth and/or any other person for damages in respect of personal injuries suffered in immigration detention?</p> <p>(b) Can the Minister guarantee to applicants for a substantive Australian visa that taking legal action in relation to personal injuries suffered in immigration detention will have no negative repercussions upon the Department's assessment of their application for a substantive visa?</p>	
203.	344	Nettle	1.3	<p>(1)How many immigration detainees have been held in state prisons or other correctional facilities over the past five years? Provide a breakdown by prison or facility.</p> <p>(2)Does DIMIA pay state correctional bodies for holding immigration detainees in their facilities? If so, how much per detainee per day? How much has been paid since 2000?</p> <p>(3)Does DIMIA monitor conditions in prisons where immigration detainees are being held? If so, how? If not, why not?</p> <p>(4)What is the longest period that an immigration detainee has spent in state correction facilities? Provide details of these facilities and the length of time in each facility.</p>	Written
204.	346	Nettle	1.3	<p>(1) Has DIMIA ever requested a psychiatric assessment of a suspected unlawful person in order to ascertain the veracity of their claim to be an unlawful immigrant? On how many occasions since 2000 has this occurred? On how many of these occasions has the person been found to have mental illness? If or when DIMIA finds out that a suspected unlawful person has a mental illness how does that affect the veracity of their claim to be an unlawful non-citizen and DIMIA's reliance on their claim when it forms the main basis of DIMIA's suspicion that they are a unlawful non-citizen?</p> <p>(2) Please explain under what circumstances DIMIA can request a psychiatric assessment to ascertain whether a person's claim to be an unlawful non-citizen may be affected by mental illness or physical trauma.</p> <p>(3) If such an assessment can not be carried out and the person's claim to be an unlawful non-citizen is the main reason for DIMIA's reasonable suspicion that they may be an unlawful non-citizen, does DIMIA still have authority to detain in these circumstances?</p>	Written

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				<p>(4) Are linguistic experts ever used by DIMIA to determine someone's nationality? On how many occasions has this occurred since 2000?</p> <p>(5) Did a linguistic expert ever assess Ms Cornelia Rau's German and Australian accents? If so, what was the conclusion? If not, why not?</p>	
205.	348	Nettle	1.3	<p>In relation to discussion and questions raised on page 85 and 86 of Hansard,</p> <p>(1) Does DIMIA consider the conditions for detainees in detention, particularly in compounds such as the Management Unit and Red One at Baxter detention centre, to amount to punishment? If not, why not?</p> <p>(2) How do conditions in detention centres, particularly in compounds such as the Management Unit and Red One at Baxter detention centre, differ from conditions in a state correctional facility?</p> <p>(3) Has DIMIA or GSL sought legal advice as to whether the conditions in the Red One compound and Management Unit amount to punishment?</p> <p>(4) Has DIMIA or GSL sought legal advice as to whether the treatment of detainees in the Red One compound and Management Unit amounts to punishment?</p> <p>(5) Does the department consider the GSL Behaviour Plan (for Red One and the Management Unit) to be based on a system of reward and punishment? If not, what system is it based on?</p> <p>(6) Has DIMIA officially approved the GSL Behaviour Plan? Does it fulfil all requirements of the DIMIA-GSL contract? Has the DIMIA or GSL sought or received legal advice as to whether this plan amounts to punishment? If not, why not? If so, please provide this advice.</p> <p>(7) Does DIMIA believe that the GSL Behaviour Plan is an appropriate treatment for mentally ill detainees?</p> <p>(8) Has the GSL Behaviour Plan been subject to legal advice as to whether it breaches the rights of detainees or falls outside the scope of the Migration Act?</p> <p>(9) What section of the Migration Act allows GSL and DIMIA to implement the GSL Behaviour Plan?</p>	Written

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206.	351	Nettle	1.3	<p>1. Who is the relevant officer(s) involved in Cornelia's detention</p> <p>a. Which officer(s) formed a 'reasonable suspicion' that Cornelia was an unlawful non-citizen?</p> <p>2. What was the basis of that officer(s) suspicion?</p> <p>3. Which officer(s) detained Cornelia pursuant to s. 189? Was this the same officer(s) that formed a 'reasonable' suspicion in relation to Cornelia? If not, then which officer(s) detained Cornelia pursuant to s. 189 and did this officer(s) form a 'reasonable suspicion' that Cornelia was an unlawful non-citizen and, if so, what was the basis of that officer(s) suspicion?</p> <p>4. What procedure did the officer(s) follow?</p> <p>5. What documents or other material are in existence which cast light on the facts and circumstance surrounding Cornelia's original detention?</p> <p>6. Who, if anyone, was consulted at the time of the original detention and what oral and written communication between them occurred?</p> <p>7. What policies, procedure or guidelines were available to such officer(s) at such time?</p> <p>8. What information were police given concerning Cornelia prior to and at the time of detention?</p> <p>9. Was such information in and of itself capable of supporting or casting doubt on suspicions that she was an unlawful entrant?</p> <p>10. What if any observations did police themselves make about Cornelia prior to and at the time of detention? Were such observations capable of supporting or casting doubt on suspicions that she was an unlawful entrant?</p> <p>11. What if any observations were made to police about Cornelia by others prior to and at the time of detention? Were such observations capable of supporting or casting doubt on suspicions that she was an unlawful entrant?</p> <p>12. What if any observations were made by police about Cornelia to those persons reporting to or informing police or other officials in relation to Cornelia prior to and at the time of detention? Were such observations capable of supporting or casting doubt on suspicions that she was an</p>	Written

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				<p>unlawful non-citizen?</p> <p>13.What, if any, checks and inquiries did police and immigration officials make in relation to Cornelia before they detained her?</p> <p>14.On the basis of Goldie, what, if any, checks and inquiries might police and immigration officials reasonably have been expected to make before detaining her?</p> <p>15.Assuming that Cornelia gave officials a false name and a fictional account of her background before and at the time of her detention was it reasonable for officials to rely simply on what she told them? If so it would follow that s.189 provides little or no protection “for those prone to inventing stories about themselves, whether because of mental illness, old age or for some other reason.” Instead authorities are required to make ‘due inquiry’ at their own initiative before placing a person into detention.</p> <p>16.What if any inquiries were made in relation to missing persons by police and immigration officials prior to or at the time of Cornelia’s detention?</p> <p>17.What, if any, inquiries in relation to missing persons by police and immigration officials prior to or at the time of Cornelia’s detention was it reasonable to make?</p> <p>18.What, if any, results would have been achieved if any such inquiries were made?</p> <p>19.Does the Migration Act 1958, as a matter of constitutional law and/or statutory construction authorise the detention of a person who is a citizen or lawful non-citizen in the kind of circumstance applying in Cornelia’s case?</p>	
207.	356	Nettle	1.3	<p>(1)Why has the Removal Pending Bridging Visa been placed under ministerial discretion and does not operate through the normal application procedures?</p> <p>(2)How will the department ensure that all those that are eligible for this visa are ‘Invited’ to apply?</p> <p>(3)What procedures are available for those who meet the criteria to be eligible for this visa, but not invited to apply?</p> <p>(4)Does the department envisage a situation where a person would be on a visa for the term of their natural</p>	Written

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				<p>life? After what period will it be reviewed and a person be offered a substantive visa?</p> <p>(5)What provisions is the department establishing to ensure those invited to apply for this visa have access to free independent legal advice?</p> <p>(6)What does ‘cooperating fully’ with the department actually mean and who determines whether this is has been achieved?</p> <p>(7)Can someone on a Removal Pending Visa still ask for Ministerial intervention?</p> <p>(8)Should new information come to light which puts a person this visa at the risk of refoulement, can they then apply for ministerial intervention?</p> <p>(9)Does the Removal Pending Visa allow for the removal to a third country? If travel document for one way entry are obtained, must a person on this visa be removed to that country even if it is a country to which they have no links?</p> <p>(10)How much notice of a removal will people on a Removal Pending Bridging Visa receive? Will they receive the department’s reasoning why it is now practicable to return people to that country? Will they receive any new information that such a decision will be based on?</p> <p>(11)What will be the reporting requirements to DIMIA or another organisation of a person on a Removal Pending Bridging Visa?</p>	
208.	358	Nettle	1.3	<p>How many school age children have been detained by DIMIA and put into a detention centre?</p> <p>(a) How many have been taken directly out of school during school hours?</p> <p>(b) Are there guidelines for such compliance action? Provide a copy of such guidelines.</p> <p>(c) Do any such guidelines provide guidance into the removal of a child from school during class time or during breaks or immediately following school time? Is there direction in regard to causing the least disruption involved for the child targeted by compliance action and other children at school?</p> <p>(d) Is the school given forewarning of the compliance action?</p> <p>(e) Is the principal of the school able to contact carers or guardians to seek their permission for the removal?</p>	Written

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				(f) Who makes the decision to detain children? (g) What less disruptive and harsh alternatives are there to detention for school age children?	
209.	363	Nettle	1.3	Do all children of school age currently in detention have access to schooling at a regular school including the opportunity for socialisation with peers? (a) What form of schooling does the department provide? (b) Has a review been conducted into the adequacy of this form of schooling? (c) What were the conclusions of any such review?	Written
210.	365	Nettle	1.3	(1) How many detainees have been prescribed the drug <i>Tramal</i> ? (2) What percentage of long-term detainees (over one year in detention) are being prescribed <i>Tramal</i> ? (3) What is the longest period of time that a detainee has been prescribed <i>Tramal</i> ? (4) What programs are in place to prevent detainees becoming addicted to <i>Tramal</i> or helping detainees with an addiction to <i>Tramal</i> or another drug? (5) What programs are in place to help former detainees with any dependence on drugs once they are released from detention?	Written
211.	366	Nettle	1.3	Wrongful Detention (i.e. who had legal visa status or citizenship and should not have been held in immigration detention) (1) How many people have been wrongfully detained each year since mandatory detention was put in place? (2) What nationalities are these people? (3) How much has been spent on incarcerating people wrongfully? (4) How much have you had to spend on compensating people who have been detained wrongfully? (5) How many people have been deported without their identity having been established since 1998? Provide a breakdown of nationality.	Written
212.	367	Nettle	1.3	1.Has there been a delegation under Immigration (Guardianship of Children) Act 1946 - section 6 to any officers of the Department of Community Services in NSW and, if so, what powers have been delegated? Has any similar delegation been made in South Australia?	Written

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				<p>2.What procedures are in place to ensure child protection clearance of DIMIA and GSL or sub contracted officers who have access to children in detention?</p> <p>3.How many cases is DIMIA aware of in which children in immigration detention have been assaulted or abused in any way? What actions have they taken to involve state child protection authorities?</p> <p>4.What protection is in place to prevent children in detention witnessing acts of self-harm by other detainees? What has been done to assist children who have witnessed such acts?</p>	
213.	370	Nettle	1.3	How many cases of assaults by DIMIA, GSL or subcontracted staff, on detainees is the department aware of? How many actions have been taken, or are pending, against the Department/GSL or subcontracted staff? What have been the outcomes of any such actions?	Written
214.	371	Nettle	1.3	How many acts of self-harm and/or serious suicide attempts have occurred in immigration detention? Provide a breakdown for the past three years and by nationality, age and gender. How are such incidents currently managed?	Written
215.	374	Nettle	1.3	How many health staff currently working in detention centres, have specific training in child and adolescent mental health?	Written
216.	375	Nettle	1.3	What is DIMIA's response to the motion passed by the Australian Medical Association (AMA) at its 2005 annual conference, that it is unethical for a psychiatrist to work for or be employed by a provider of immigration detention and that all children and detainees with mental health issues should be released? Will DIMIA follow the advice of the AMA?	Written
217.	376	Nettle	1.3	Outline any difficulties that DIMIA has had in finding psychiatrists or mental health workers to work in immigration detention centres?	Written
218.	377	Nettle	1.3	How often are trafficked women and their children held in detention centres? What systems are in place for DIMIA to detect the possible victims of trafficking? What alternative processing mechanisms are being developed to avoid detention for these victims?	Written
219.	379	Ludwig	1.3	<p>1.How many people have been detected working without work rights in this financial year?</p> <p>2.Can you provide a break down of the countries these people came from?</p> <p>3.Of this number of people how many had their visas</p>	Written

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				<p>cancelled?</p> <p>4.Of this number how many people were deported?</p> <p>5.Are there any people that were found to be working with a work permit, but were not deported? If not why not?</p>	
220.	381	Ludwig	1.3	<p>1.How many people on tourist visa's were found to be working illegally?</p> <p>2.What is the breakdown of the countries these people came from?</p> <p>3.How many of these people had their visas cancelled?</p> <p>4.Of these people, how many were deported?</p>	Written
221.	383	Ludwig	1.3	<p>1.How many people on student visa's were found to be in breach of their working conditions?</p> <p>2.What is the breakdown of the countries these people came from?</p> <p>3.How many of them had their visas cancelled?</p> <p>4.Of these student's found to be working in breach of their visa work conditions, how many were deported?</p>	Written
222.	385	Ludwig	1.3	<p>1.Can you estimate the number of people that are currently illegal in Australia?</p> <p>2.Of this number, can you estimate how many of these are working?</p>	Written
223.	386	Ludwig	1.3	<p>1.How do you identify sites to raid?</p> <p>2.Do you revisit past places that you have raided before?</p> <p>3.Have you found illegal workers at sites which have been raided on more than one occasion?</p> <p>4.Were any of the employers prosecuted? If not, why not?</p>	Written
224.	387	Ludwig	1.3	<p>1.Who gets a bridging visa if they are detained as working without a work rights?</p> <p>2.Who makes the decision as to the granting of a bridging visa?</p>	Written
225.	388	Ludwig	1.3	<p>1.What penalties are in place for employers that employ workers without work rights?</p> <p>2.Are there any plans to introduce sanctions for</p>	Written

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				employers who knowingly employ people without work rights?	
226.	389	Ludwig	1.3	<p>1. When a person is detected working illegally, do you make an assessment of their original application to come to Australia?</p> <p>2. If not, why not?</p> <p>3. If yes, what action is taken if you discover false or misleading information?</p> <p>4. What do you do if you find false documents or information contained in that original application?</p> <p>5. Do you ever make assessments as to the decision made by DIMIA staff in the Overseas Post? i.e Has there been a pattern of any particular Post, and if so, what action has been taken?</p>	Written
227.	390	Ludwig	1.3	<p>1. What is the Department currently doing to combat illegal workers?</p> <p>2. What advice does the Department have in relation to illegal workers in the Paintless Dent Removal (PDR) industries?</p> <p>3. How many people were detected as working illegally in the PDR industries?</p> <p>4. What country of origin did they come from?</p> <p>5. Were these people deported? If not, why not?</p> <p>6. Were any of their employers prosecuted? If not, why not?</p>	Written
228.	392	Ludwig	1.3	<p>1. Why has the finish date for the construction of the \$300 million detention facility been delayed by so long?</p> <p>2. How do you account for these delays?</p> <p>3. What is the finish date for this project now?</p> <p>4. What does the Department have to say about suggestions that this is Australia's answer to Guantanamo Bay?</p> <p>5. When it is finished, is it planned to move all detainees in detention centres to this centre?</p>	Written
229.	393	Ludwig	1.3	1. Are all the criminal detainees in Detention Centres detained in the same areas/compound as Immigration	Written

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				<p>detainees?</p> <p>2.If so, please provide a breakdown for the reason of detention for each criminal detainee, the name of the detention centre, and the period of detention in the same area as Immigration detainees?</p>	
230.	394	Bartlett	1.4	When were the Ambonese first granted the subclass 449 temporary safe haven visas?	110
231.	395	Bartlett	1.4	What was the original arrival date for the Ambonese?	111
232.	396	Bartlett	1.4	I am thinking of the Kosovo people who originally came I think in 1999. The majority of those have of course long returned. There are a small number who are still here but they have been transferred across onto other sorts of visas. Do you have detail or are you able to provide how many of those that originally came on safe haven are still in a pending phase? Include which visas they are on.	111
233.	397	Bartlett	1.5	<p><u>Nauru</u></p> <p>a.When the camp closes, where will the medical records of IOM be stored?</p> <p>b.Are they property of the Commonwealth?</p> <p>c.Do records go on an asylum seeker's personal DIMIA file?</p> <p>d.Are they given a copy of their medical file?</p> <p>e.In relation to the banned drug Vioxx, how long a period had detainees been prescribed Vioxx?</p> <p>f.How many detainees have been prescribed Vioxx?</p> <p>g.Have any of them showed signs of side effects?</p> <p>h.Have any been in need of serious medical attention due to the prescription of Vioxx?</p>	Written
234.	398	Ludwig	1.5	<p>1.Are there any detainees on Manus Island?</p> <p>2.If there is no one in detention, is the facility still being run?</p> <p>3.How much is it costing at the moment to keep the Detention Centre running at Manus Island?</p> <p>4.What is the Department's long term plan for Manus Island?</p>	Written
235.	399	Ludwig	1.5	Since the Government's agreement with Nauru finishes this year, what does the Department plan to do with the detainees currently on Nauru?	Written
236.	400	Ludwig	2.1	Provide a disaggregation of the entire IHSS budget and focus specifically on the counselling and medical components.	9
237.	401	Ludwig	2.1	In relation to the settlement grants program written submissions, are they going to be published or made available on the web? Can they be provided to the	11

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238.	402	Ludwig	2.1	<p>Committee?</p> <p>On the website, it states that... <i>An improvement plan for the settlement database has also been developed (recommendation 23), and reporting facilities for settlement data have been upgraded. Other work to improve the settlement database is ongoing.</i></p> <ul style="list-style-type: none"> •Has the discussion paper on the new needs-based planning framework been developed (it's not on the web)? If so, please provide. If not, is there an expected date for its completion and circulation? •Could you provide a copy of the improvement plan for the settlement database? •When was this plan developed? •Is it currently being implemented? •To what extent has it been implemented? •Does the plan include a timeframe for the upgrade of the database? <ul style="list-style-type: none"> - If so, what is the timeframe? How many of the dates in the timeframe have been met? If they have not been met, how far off are they and why weren't they met? - If not, why not? •Was it done in-house or externally? <ul style="list-style-type: none"> - If externally, how was the tender delivered and who was the successful tenderer? - If in-house... <ul style="list-style-type: none"> • How much resources have been put into the upgrade? • Have any personnel been either hired or reassigned to the upgrade of the database? •What other work is being done to improve the settlement database? •Could you indicate what exactly about the reporting facilities for settlement data has been upgraded? •Was it done in-house or externally? <ul style="list-style-type: none"> - If in-house... <ul style="list-style-type: none"> • How much resources have been put into the upgrade? <p>Have any personnel been either hired or reassigned to the upgrade of the database?</p>	Written
239.	406	Ludwig	2.1	<ul style="list-style-type: none"> • Did the OECD working group meet with DIMIA to discuss these issues? <ul style="list-style-type: none"> ○ If so, what were the dates of the meetings, and who attended? ○ Are there any minutes of those meetings available? • Has the OECD finished its review? If so, please provide a copy. • Could you provide the committee with the itinerary 	Written

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				<p>of the OECD working group's trip? What did they look at?</p> <ul style="list-style-type: none"> • Were any reports, reviews, discussion papers released as a result of • Did the OECD issue any written recommendations or feedback? If so, please provide. • What continuing contact is the department having with the OECD? 	
240.	409	Ludwig	2.1	<ul style="list-style-type: none"> • On page 10 of the Discussion paper it states that the process of identification of the settlement needs aims to 'reduce gaps in service delivery'. Could DIMIA indicate what gaps exactly these are, where they exist, and how it has identified them? Is there anything being done to address the gaps in the interim, before the program comes into effect? • With regards to the item in the paper that the provision of migration advice will not be one of the activities funded... <ul style="list-style-type: none"> ○ What is the rationale behind this? The provision of these services is one of the larger of the functions of the MRCs and MSAs. ○ Isn't this likely to make clients seek immigration advice from staff at those offices? • What is the rationale behind making the Translating and interpreting national services no longer operate on a fee-free basis? • Regarding the risk assessment and management tool that DIMIA is developing... <ul style="list-style-type: none"> ○ Is this being developed in-house or by an external company? ○ If by an external company, which company and how much is it being paid? ○ If in-house, what sort of resources are allocated to its creation? ○ Are you able to give a cost breakdown? 	Written
241.	412	Ludwig	2.1	<ul style="list-style-type: none"> • The funded organisations will be required to submit progress reports three times a year, including an annual report. <ul style="list-style-type: none"> ○ Will these be publicly available? If not, why not? ○ What sort of information will they contain? 	Written

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				<ul style="list-style-type: none"> • Regarding the fact that funded organisations will be required to submit standardised and simplified client statistical reports. <ul style="list-style-type: none"> ○ How many organisations have the capacity to collect these sorts of statistics? ○ What will DIMIA be doing to ensure that all funded organisations have to capacity to collect these statistics? ○ Is there a standard computer programme that DIMIA wants organisations to use? 	
242.	414	Ludwig	2.1	<p>1. In regard to question on notice 143 relating to the MRCs that have had their funding ceased over the last couple of years, could you elaborate on the reason given (which was 'performance of the management committee')?</p> <p>2. Who makes the decision regarding the performance of a management committee, and what are the processes in that decision-making process?</p> <p>3. How many members of the old committee are sitting on the new committee?</p>	Written
243.	416	Ludwig	2.1	<p>1. Please define what is meant by 'civic values' referred to in the 2003 review of settlement services.</p> <p>2. What funds for independent funded research has the Department provided for Settlement Services in the last five years? Can you provide a breakdown?</p> <p>3. What impact does the review of DIMIA's worldwide business process have on funding for the settlement services budget?</p>	Written
244.	419	Ludwig	2.1	<p>Regarding the longitudinal survey of immigrants (LSIA) to Australia (review of settlement services)...</p> <p>1. Can the Department update us on the progress of this study and what the latest results, if any, are?</p> <p>2. Is it still the case that outcomes for humanitarian entrants are poorer than that of other migrants?</p> <p>3. In the 2003 review, it was noted that the LSIA outcomes for humanitarian entrants have deteriorated for recent years and this appears to be largely as a consequence of changes in source countries for the humanitarian program. Given that the problems seem to be dependent on source country, what culturally specific strategies have you implemented in targeting humanitarian entrants from these individual source countries?</p> <p>4. In regards to LSIA Cohort 2, are their results in</p>	Written

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				labour-force participation still substantially lower than the LISA Cohort 1? 5. In regards to LSIA Cohort 2, are their results in English language proficiency still substantially lower than the LISA Cohort 1?	
245.	422	Ludwig	2.1	IHSS 1. How many organisations applied for the recent tender round? 2. What is the criteria for assessing the tender? 3. Has this criteria changed since the last round of tenders? 4. How much money is available under the tender? 5. Please provide a list of the successful organisations, how much they received and their state and postcode.	Written
246.	425	Ludwig	2.1	In the last 3 years what was the total number of (a) humanitarian/refugee stream migrants and (b) family stream migrants who settled in (i) each local government area in metropolitan Sydney, (ii) the Hunter and Illawarra regions, (iii) rural NSW, (iv) each local government area in metropolitan Melbourne, (v) rural Victoria, (vi) Queensland, (vii) WA, (viii) SA, (ix) Tasmania, (x) the ACT, and (xi) the NT.	Written
247.	477	Ludwig	2.1	What research, if any, has the Government commissioned since 2002 on the factors that influence the initial settlement location of humanitarian/refugee stream migrants and their subsequent movement patterns?	Written
248.	478	Ludwig	2.1	1. Given the recent findings of the close connections between homelessness and refugees, what does the Government intend to do about this? 2. Is the Government considering any specialised settlement services, and if so, what kind, for refugees particularly from the African continent?	Written
249.	480	Ludwig	2.1	Does the Government propose to increase support and programs in English Language for newly arrived migrants/refugees?	Written
250.	481	Ludwig	2.2	1. From last Estimates, it was indicated that there was a projection that it would account for ten per cent of your total business, but that the actual figure was only at 3 to 4 per cent. 2. Since February estimates, what work have you been doing to raise the level from the three or four per cent of (of ATIS in proportion to your whole business) to the projected 10 percent? 3. What is the current figure?	Written

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				4. What are you doing to promote the use of the service?	
251.	483	Ludwig	2.2	<p>NAATI</p> <ol style="list-style-type: none"> 1. When was the need for the review of the administration tests identified? 2. How was it identified? 3. Could you provide the terms of reference of the review? 4. Which company is undertaking the review? <ol style="list-style-type: none"> (a) How were they chosen? (b) Was there a tender process? If so, was it open or closed and 5. How are the consultations being provided? 6. Please provide a copy of the draft report. 7. Please provide a copy of the report, when it becomes available. 	Written
252.	486	Ludwig	2.3	<p>Wyong Citizenship Council</p> <p>At citizenship ceremonies...</p> <ol style="list-style-type: none"> 1. Who is entitled to present a new citizen with their certificate of Australian citizenship? 2. For any citizenship ceremony, when is the programme prepared and by whom is it prepared? 3. What is the procedure in deciding who to invite as an official guest? 4. Is there a position of official delegate of the Minister for Citizenship or any other government delegate? <ol style="list-style-type: none"> (a) If yes, what authority does that delegate have over the conduct of the ceremony? (b) If yes, was Mr Ticehurst an official delegate? 5. Who conducted the presentation of the ceremony at the Wyong Shire Council Citizenship ceremony? 6. Did Ms Jill Hall present any certificates at that ceremony? If not, does the Department know why that is the case? 7. Does the Department issue guidelines as to the conduct of these ceremonies? If so, please provide. 	Written
253.	488	Ludwig	2.3	<ol style="list-style-type: none"> 1. In the years 00-01-02-03-04-05, how many persons have successfully appealed to the Administrative Appeals Tribunal over an issue relating to... <ol style="list-style-type: none"> (a) A grant of citizenship. (b) Resumption of citizenship. 2. On how many occasions has the Department appealed the decision to a higher court? How far have these appeals gone? 3. How many of those have been successful? 4. How many Australians have had dual citizenship allowed under a ruling of the AAT? 	Written

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254.	489	Ludwig	2.3	1. Do we have any estimates as to when the Bill will be introduced? 2. Has work begun on the Bill? (a) When did work begin on the bill? (b) Is there an estimated date of completion? (c) Will there be a draft Bill released? If so, do we have a date for when that may be released?	Written
255.	490	Ludwig	2.4	In relation to the access and equity annual reports and service providers, are any of those organisations reflected in the previous couple of studies, as case studies or as examples of how will they are performing?	6
256.	492	Ludwig	2.4	Are there any case studies that you have done in respect of some of those service providers?	6
257.	493	Ludwig	2.4	Provide a copy of the terms of reference for the review of multicultural policy and programs.	6
258.	498	Crossin	3.1	Does the national healing day committee receive any funds from the federal government?	13
259.	499	Carr	3.1	Does NIC funding come under 3.12, policy development and innovation, on page 90 of the PBS?	16
260.	500	Carr	3.1	Can I get a breakdown of how the \$31,000 and the \$29,000 were spent? Can you get a disaggregation of the figures?	24
261.	501	Carr	3.1	Provide an estimate of what it costs to service the National Indigenous Council.	24
262.	502	Carr	3.1	Provide the dates on which the Secretary travelled to Tasmania on Indigenous business.	24
263.	503	Carr	3.1	Provide the dates on which the Minister visited the COAG trial area in Tasmania.	24
264.	504	Carr	3.1	Provide a list of the 52 shared responsibility agreements include the amount of money involved with each of them and a list of the agencies involved with each of them. Also, where there are partnership arrangements which of the agencies are actually providing that partnership arrangement.	25
265.	508	Carr	3.1	In relation to SRA funding, could you give me a breakdown of how that better part of \$100 million is to be spent?	25
266.	509	Carr	3.1	What are the costing arrangements for the ICCs?	26
267.	510	Carr	3.1	In terms of the expenses of the Tasmanian COAG Trials, how much is spent on administration and how much is spent on other matters? Can I get a breakdown of that expenditure?	26
268.	511	Carr	3.1	The La Perouse SRA is an agreement looking at the repair of houses, isn't it?	31
269.	512	Carr	3.1	In relation to native title land rights matters, how much of that \$57 million will go towards the evaluation of the representative bodies?	31
270.	513	Carr	3.1	But did not discussion occur recently with some rep	33

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				bodies about the removal of certain clauses from the funding agreements on the basis that this was a requirement of the free trade agreement? If it is true – I clearly have been advised that it is true – I would like to know what was the rationale behind it.	
271.	514	Carr	3.1	Is there any proposal to change the funding agreements as a result of alleged changes that result from the free trade agreement in regard to procurement?	33
272.	515	Carr	3.1	What is the status of the agreement that was reached in August 2003 between the Northern Territory government, the land rights councils and the mining industry in regard to amendments to the Northern Territory land rights act?	34
273.	516	Carr	3.1	Are there any proposals currently before OIPC to amend the Native Title Act?	34
274.	517	Crossin	3.1	In relation to the National Day of Healing Committee, was it a condition of receiving the funding that the committee changed its name?	34
275.	518	Crossin	3.1	Are there any existing Commonwealth programs that are directed at helping Indigenous women who exit prison? Mr Yates, could you then take on notice whether there are any agencies responsible for programs of that kind? I am assuming you would not know if there was any funding that goes into those programs. You might take that on notice as well.	36
276.	519	Crossin	3.1	What are the two research projects?	38
277.	520	Crossin	3.1	Provide a list of the women's groups that are funded through the Indigenous Women's Program.	38
278.	521	Carr	3.1	When did Operation Hoodoo start? What was Operation Hoodoo? What was its cost? Has it concluded and if so, on what date? Have any other investigations been launched to replace this particular operation? What was its purpose? Did any prosecutions arise from it?	38-39
279.	522	Carr	3.1	Provide details of Mr Brizzolara's sentence.	40
280.	524	Carr	3.1	What was the cost of running the investigations unit last year?	40
281.	525	Carr	3.1	What was the cost of running the investigations office in Brisbane?	40
282.	526	Carr	3.1	There was a whole series of proposals that were election commitments with regard to the ABA – investing in the Indigenous art industry across Northern Territory. Has that been funded in this last budget?	40
283.	527	Carr	3.1	In relation to the ABA, two million dollars to support Indigenous involvement in aquaculture in Darwin – has that happened?	41
284.	528	Carr	3.1	The Daly River, Wadeye and the Northern Arnhem Land viability assessment for economic benefit of using ABA funding to provide Indigenous people with a financial	41

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				stake in the Northern Territory gas pipeline. Was that work undertaken? Could you assist me by providing information as to what the estimated cost of the viability assessment is and whether or not it has been decided to go ahead with that assessment? Who undertook the study?	
285.	529	Carr	3.1	On Groote Eylandt, there was funding of \$2 million to support Indigenous involvement in the aquaculture industry. Has that been undertaken?	41
286.	530	Carr	3.1	In Alice springs, there was \$2 Million to support the development of Indigenous horticultural projects. Has that been undertaken?	41
287.	531	Carr	3.1	<p>In Tennant Creek there was a study on the viability of a joint venture in rubbish recycling and in the Katherine region there was something on investing in the tourism industry. Could you advise me on whether or not the ABA advisory body has considered the project and how much funding will be involved? In the Tiwi Islands there was funding for a comprehensive study on the viability of further Indigenous investment in plantation timber. Can you advise what the cost of that assessment is, whether a decision has been taken to go ahead with the viability of that assessment, whether the assessment has actually commenced and who will be undertaking it? In Nhulunbuy there is the development of a housing construction and housing rental business program, exploring other expansions to the Alcoa mine. Again there are a series of projects, and I ask whether or not you could provide the funding level that has been proposed for that, whether the ABA advisory committee has considered these projects, what funding has been agreed to and what other activities are proposed to take advantage of Alcoa's expansion. In fact, could I have the list of all the projects funded from the ABA in 2003-04 and 2004-05?</p> <p>I would like to know the dates on which any of the particular projects you are listing in that 2003-04 and 2004-05 schedule were considered by the ABA advisory committee.</p>	41-42
288.	535	Carr	3.1	In relation to the ABA advisory committee, can you tell me the meeting schedule for the 2004-05 period?	42
289.	536	Carr	3.1	<p>In relation to the avenues through which Aboriginal organisations may be able to put forward proposals for funding to the ABA, is that spelled out somewhere? Is it on the web site or in the guidelines?</p> <p>It has been put to me that there is no application process. It is all ad hoc; it is all about who you know. Would that be right?</p>	42

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290.	538	Carr	3.1	I read recently that the minister for employment said that the average income of Indigenous Australians was about \$11,000 per annum. Do you agree with that assessment?	43
291.	539	Crossin	3.1	I have a question about Minjilang store, the Croker Island store that was demolished during the cyclone. My understanding is that \$1 Million has been committed to rebuild the store and that that money had been committed prior to the cyclone occurring. Can you tell me if these funds were from ATSIC or ATSI? Have the funds been released for the rebuilding of the store?	45
292.	540	Crossin	3.1	The social justice report from last year makes reference to the fact that in December 2004 the United Nations General Assembly proclaimed the second International Decade of the World's Indigenous People, which commenced on 1 January this year. ATSIC was formerly the coordinator of any activities associated with that decade in Australia. Can you advise me who will coordinate the activities for this second decade? Is it going to be OIPC or a contractor? Will there be a particular organisation or body you will contract or will there be a public process undertaken? I also did not find any funds for this in the PBS that are actually earmarked to be provided this coming year. If you could tell me what output it is and the amount of money that has been set aside in the PBS for 2005-06, and any forward estimates over the coming years.	46
293.	541	Crossin	3.1	<p>The Social Justice Report for 2004 makes several recommendations which pertain to the new arrangements for the administration of Indigenous Affairs.</p> <p>1. Recommendation 3 is that OIPC conduct a comprehensive information campaign for Indigenous communities and people explaining the structures established by the new arrangements and the processes for engaging with Indigenous people. This information to be disseminated in forms having regard to literacy levels and ESL.</p> <p>Will OIPC conduct such an information campaign as recommended? If so what plans have been made to date for so doing and what funding is allocated for this communication? Where is this funding found in the PBS?</p> <p>2. Recommendation 4 is to once again include as mandatory in selection criteria for APS jobs relating to the new arrangements (in particular in the OIPC) the two identified criteria – a demonstrated knowledge and understanding of Indigenous cultures; and an ability to</p>	Written

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				<p>communicate effectively with Indigenous people.</p> <p>(a) Why were these criteria dropped?</p> <p>(b) Will acceptance and implementation of this recommendation be supported ?</p> <p>(c) Is there any requirement of mainstream departments to implement it for positions working with Indigenous programs?</p> <p>(d) What cross cultural training is provided for new staff in departments now managing Indigenous Programs?</p> <p>(e) What funding is available for training? Is there a breakdown by type and client?</p>	
294.	544	Crossin	3.1	The PBS, (P90) under Output 3.1.1 Support Partnership Development with Indigenous Communities shows an amount of \$57.634m. On P92 this Output group components are listed and include operating the ICC Network. Can you give a breakdown of the costs of these components – how much will the ICC Network cost? Is there a breakdown of these costs?	Written
295.	545	Crossin	3.1	What ARE the processes now in place for establishing regional need? Who takes the lead role ?	Written
296.	546	Crossin	3.1	What legal obligations are there on either side or any party to these agreements to actually fulfil their part of the agreement? What happens if any party fails to meet their part of the agreement	Written
297.	547	Crossin	3.1	Most recently we see Kalaluk Community, in Darwin is to get \$350,000 towards a mud crab farm – where do these funds come from (Infrastructure? Business program? CDEP?)	Written
298.	548	Crossin	3.1	Has OIPC or any of the ICC’s reported having any complaints about the new arrangements, or funding problems due to the new arrangements? What indeed is the complaints procedure these days and how have communities been informed of it?	Written
299.	549	Crossin	3.1	What arrangements have been made to ensure that Torres Strait Islanders living on the mainland have effective participation in decision making? Could you outline what funding there is in the PBS for these people?	Written
300.	550	Crossin	3.1	<p>1. Does OIPC have any particular recruitment strategy in place at present to attract Indigenous staff?</p> <p>2. Do you know if the mainstream departments have such strategies to attract Indigenous staff into those programs involving Indigenous service delivery?</p>	Written
301.	551	Crossin	3.1	Are you aware of any “best practice” arrangements that may have developed for coordinating the interface with Indigenous communities through the operations of ICC’s?	Written
302.	552	Carr	3.1	Investing in the Indigenous art industry across the	Written

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				Northern Territory to maintain and enhance production and quality of Indigenous art. This did not have a funding level attached to it in the election policy. How much money is involved?	
303.	553	Carr	3.1	Up to \$2 million to support Indigenous involvement in the aquaculture industry in the Darwin region. Is the funding level \$2 million or is it less?	Written
304.	554	Carr	3.1	In Groote Eylandt, funding of up to \$2 million to support Indigenous involvement, again, in the aquaculture industry. Is the funding level \$2 million or is it less?	Written
305.	555	Carr	3.1	In Alice Springs, funding of up to \$2 million to further support the development of Indigenous horticulture projects in association with the CLC. Is the funding level \$2 million or is it less?	Written
306.	556	Carr	3.1	In relation to all projects funded from ABA in 2003-04 and 2004-05, when was each project approved for funding? When did it commence, or when is it expected to commence?	Written
307.	557	Carr	3.1	Are there any threats to the long term viability of the ABA that the Department is aware of? Please provide details.	Written
308.	558	Carr	3.1	Aboriginal and Torres Strait Islander employees 1. Please provide an update on commencements and separations of Indigenous staff within the Indigenous affairs areas of DIMIA since July 2004. 2. In response to QON 165 from February 2005, the Department indicated that five of its Indigenous staff were on extended leave as of 3 March 2005. Please provide an update and indicate what types of extended leave staff are on.	Written
309.	559	Carr	3.1	<u>Aboriginal and Torres Strait Islander Social Justice Commissioner's Social Justice Report 2004</u> 1. Is the Government planning to respond to Mr Calma's <i>Social Justice Report 2004</i> in any formal way? If so, when are we likely to see a response from the Government? If not, is there any mechanism within the Department to consider this report and recommend appropriate action to the Executive or the Government? Is this done formally, and monitored in some way, or is a more informal, ad hoc approach taken? 2. Does the same approach apply to the Commissioner's <i>Native Title Report</i> – which may be primarily the	Written

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				<p>responsibility of the Attorney-General's Department, but also has some implications for DIMIA, particularly as regards Native Title Representative Bodies (NTRBs)?</p> <p>3. Mr Calma quotes information provided by OIPC in relation to its communication strategy on page 98 of his report. This information talks about a series of one-day workshops that were held between July and September last year. Were these workshops evaluated? If so, what was the outcome of the evaluation? Have any further such workshops been held for ICC staff?</p> <p>4. The OIPC information also quoted in the report also states that a weekly bulletin is produced to provide a common source of information for all ICC staff. Have such bulletins been going out on a weekly basis?</p> <p>5. Will OIPC conduct a comprehensive information campaign as recommended by the SJC?</p> <p><u>If so:</u></p> <ul style="list-style-type: none"> • what plans have been made to date for this campaign? • what funding is available? • How are language and literacy issues being addressed? <p><u>If not</u>, why not? What is OIPC doing instead?</p> <p>6. In response question on notice number 190 in February this year, OIPC advised that three consultants had been engaged to undertake pilot projects in different regions focusing on communications methods and materials for communicating with Indigenous communities about the new arrangements in Indigenous affairs. Have these pilot projects been completed? Have they been evaluated? <u>If so</u>, please provide a copy of the evaluations?</p> <p>7. Have these consultancies resulted in any examples of what you would describe as "best practice" in communication between the Government (particularly ICCs) and Indigenous communities?</p> <p>8. In verbal evidence, the Department of Transport and</p>	

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				<p>Regional Services (DOTARS) stated that it is about to approach the market for further assistance with communication and is currently finalising a tender specification. Is OIPC aware of this? Has OIPC provided any advice to DOTARS in relation to this proposed tender?</p> <p>9. DOTARS advised that OIPC has established a panel of communications consultants that they may choose to access instead of putting out their own tender. Is it correct that OIPC has established such a panel? If so, when did this occur?</p> <p>10. Who made the decision that it would be appropriate to establish the panel?</p> <p>11. Please provide details of the consultants who are on the panel. What kinds of services are available from these consultants?</p> <p>12. How were these consultants selected? Is there any opportunity for further consultants to seek to join the panel?</p> <p>13. Are any of the consultants being paid any kind of retainer to ensure that their services will be available to the Commonwealth when they are required?</p> <p>14. Which agencies, if any, have used the panel process to select consultants? How many consultancies have resulted?</p> <p>15. The SJC's Recommendation 4 is to reintroduce as mandatory in selection criteria for APS jobs relating to the new arrangements (in particular in the OIPC) the two identified criteria – a demonstrated knowledge and understanding of Indigenous cultures; and an ability to communicate effectively with Indigenous people. Why were these criteria dropped in the first place? Please explain how that decision was made.</p> <p>16. Has the SJC's recommendation now been accepted and implemented by OIPC in relation to its own recruitment?</p> <p>17. Is OIPC aware of whether other departments are including the criteria for positions working in Indigenous programs?</p>	

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				<p>18. Clearly some staff have been recruited without having to meet these criteria. What cross cultural training has been provided for OIPC staff who don't have a background in Indigenous affairs?</p> <p>19. What is the total training budget for OIPC and how is that expected to be allocated across the various areas of training (for example, cross-cultural, leadership, IT, etc)?</p> <p>Recommendation 5 asks for the Commonwealth Grants Commission to enquire into the new arrangements with particular focus on: the role of ICC's in targeting regional need and implementing WoG approach; processes for establishing regional need; integration of local and regional need through Regional Partnership Agreements and SRA processes; and the role of regional Indigenous representative structures in these processes.</p> <p>20. Have you provided any advice to the Minister in regard to how the Government could respond to this recommendation? Has the Government made any decisions in this regard?</p> <p>The Commissioner has identified a range of follow-up actions which he is proposing to take over this year. One of these (number 2) is to seek to establish whether any Indigenous communities or organisations have experienced any ongoing financial difficulties or disadvantage as a result of the transition of grant management processes from ATSI to mainstream departments. The Commissioner states that he will draw any such issues to the Government's attention so that they can be rectified.</p> <p>21. Is OIPC aware of any such issues that have been raised by the Commissioner to date?</p> <p>22. Is OIPC aware of any organisations that have themselves raised concerns about the continuity of their funding under the new arrangements?</p> <p>Another action (no. 9) will be to assess whether there has been a reduction in the flexibility in interpreting program guidelines since the transfer of programs from ATSI to mainstream departments.</p> <p>In response to a question on notice to OIPC in February this year about funding for Kimberley Interpreting</p>	

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				<p>Services (no. 189), OIPC advised that this was now the responsibility of the Attorney-General's Department. However, AG's has advised that it only funds interpreting services in the Northern Territory.</p> <p>23. Which department would actually fund interpreting services outside the NT? Or would each case be coordinated through the local ICC to find an appropriate source of funding depending on the project or reason for needing interpreters?</p>	
310.	564	Carr	3.1	<p><u>Regional representative arrangements</u></p> <ol style="list-style-type: none"> 1. How many areas or regions of Australia will have regional structures of some type in place once the Regional Councils cease to exist on 30 June? Could you provide a list of these regions? 2. How many regional councils or other organisations have approached OIPC or Senator Vanstone seeking to discuss the establishment of new regional structures in their areas? 3. How many of these groups has Senator Vanstone met with? Please provide details. 4. If Senator Vanstone has not met with the Many Rivers Regional Council, why not? 5. Has OIPC provided the Government or the Secretaries Group with any advice on the options for funding the development and operation of new regional structures since the ATSIC legislation was passed? 6. Page 99 of the DIMIA PBS indicates that there is a target of 5 RPAs to be developed in 2005-06. Who are these RPAs expected to be signed by in the absence of Regional Councils or alternative representative structures? 	Written
311.	566	Carr	3.1	<p>Remote Area Exemption removal trials</p> <ol style="list-style-type: none"> 1. In response to questions on notice about the trials of removing Remote Area Exemptions in February 2005, the Department said that the trials are being managed by a Deputy Secretaries Group comprising representatives from OIPC, DEWR, FACS and Centrelink. Does OIPC Chair this committee? Please provide a list of meeting dates and attendees and apologies at each meeting. 2. Please provide further details about the practical effects 	Written

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				<p>of the trial? What opportunities are being made available to people who give up their access to remote area exemption in terms of accessing work experience or training, or to find 'real' jobs?</p> <p>3.How much is each of these trials costing?</p> <p>4.In terms of evaluating the impact of these trials, has an evaluation plan been developed? Is there going to be a consistent approach to evaluation across the sites or will each trial be evaluated separately?</p>	
312.	570	Carr	3.1	<p><u>"Key Social and Economic Indicators for Indigenous Australia: A Comparative Analysis"</u></p> <ol style="list-style-type: none"> 1. Please provide details of the tender process for the consultancy which produced the report <i>Key Social and Economic Indicators for Indigenous Australia: A Comparative Analysis</i>. 2. What was the primary purpose of this consultancy? 3. What was the initial budget for this project? 4. What was the final cost? 	Written
313.	571	Carr	3.1	<p><u>Tender to bring on NGOs to work on SRA development</u></p> <ol style="list-style-type: none"> 1.Please provide details of the tender mentioned by Ms Hawgood on page L&C35 from 27 May 2005. 2.Will separate tenders be conducted for different regions? 3.Is the intention to develop a panel of consultants, similar to that established in relation to communication issues? 	Written
314.	572	Carr	3.1	<p><u>Arrangements with South Australian Government and communities</u></p> <ol style="list-style-type: none"> 1. Mr Gibbons stated in verbal evidence (L&C 35) that OIPC has established a new approach to communication with communities in northern South Australia, which has been jointly agreed with the South Australian Government. Is this approach being used within or outside the COAG trial region? 2. What has been the role of the Department of Health and Ageing in establishing the forum described by Mr Gibbons? What is its role in terms of participating in the forum, if any? 	Written

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315.	573	Carr	3.1	<u>Complaints handling mechanisms</u> 1. Do ICCs have a uniform complaint handling mechanism? 2. Is there any formal mechanism for ICCs to report complaints from stakeholder about the new arrangements, or funding problems due to the new arrangements, to senior managers in OIPC? 3. How many such complaints have been received?	Written
316.	574	Carr	3.1	<u>Grant Management System upgrade</u> 1. In response to a question on notice from February regarding what would happen to ATSIC's software, DIMIA indicated that all software would be retained by OIPC except the loans management and CDEP Manager software. Is that answer still correct? 2. Does the software retained by DIMIA include the Grant Management System? Is this now the primary software used by ICCs in managing grant applications which are relevant to a range of departments? 3. Have any updates/upgrades to the Grant Management System been required to manage the change of the range of grant programs from ATSIC to mainstream agencies? 4. How much did this enhancement or upgrade cost? 5. What is the nature of the changes, enhancements or upgrades made to the system? Please provide details. 6. Does the upgrade included the introduction of a requirement for people entering information about grant proposals to include information about which electorate the proposal will affect? If so, who made the decision to include this information? How was that decision made? Why does the Government believe it necessary to collect electorate information related to Indigenous organisations that apply for grant funding?	Written
317.	576	Carr	3.1	<u>Advice provided to TSRA</u> One purpose of the ICCs is to ensure that communities have a single point of contact where they can receive advice about the funding available through a range of Government programs. Is any such service available to the TSRA to assist it in identifying sources of funding – for example, for the infrastructure projects it has	Written

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				identified as important? Could TSRA seek advice from an ICC? If so, which ICC would it approach?	
318.	577	Carr	3.1	<p><u>Shared Responsibility Agreements</u></p> <p>1.What is meant by 'holistic' SRAs (p. 99 of DIMIA PBS)?</p> <p>2.On page 99 of the DIMIA PBS, one of the performance measures identified is "Level of stakeholder satisfaction with SRA development and implementation". Who are the stakeholders whose satisfaction will be measured? How will this be done?</p> <p>3.Is it the case that performance bonuses are being paid to ICC Managers and senior officials within OIPC on the basis of the number of SRAs negotiated? Please explain how performance pay for senior officers is and will be related to the number of SRAs that are negotiated.</p>	Written
319.	579	Carr	3.1	<p><u>Proposed Cunnamulla Shared Responsibility Agreement</u></p> <p>Please note that questions on this SRA have also been asked of the Department of Family and Community Services, as the agency which is making the most significant offers in relation to the SRA. However, it is understood that the ICC Manager from Roma is leading the negotiations. These questions are based on a document called "SRA with Cunnamulla", Version 1 (06/04/2005).</p> <p>1.What action had been taken by the South West Queensland Aboriginal Cooperative Community Advancement Society Ltd (SWACCAS) and the Cunnamulla community to improve the payment/collection of rent and management of properties by SWACCAS before the local ICC became involved?</p> <p>2.What proportion of tenants are currently paying rent through a direct debit scheme? What proportion of tenants overall are now paying their rent consistently?</p> <p>3.Who suggested that it would be appropriate to force all tenants to attend budgeting/financial management courses provided by FACS before they can have air-conditioners installed?</p> <p>4.What evidence is there that it is necessary for those people who are already paying their rent consistently to attend a budgeting/financial management course?</p>	Written

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				<p>5. Who will assess whether tenants' yards and houses are being kept "in good order"? What will happen to tenants who are deemed not to be complying with this requirement? Will they be provided with support to address other issues that may be contributing, such as drug and alcohol abuse?</p> <p>6. Is alcohol abuse a significant problem in the area? Is it assessed as a contributing factor to the low proportion of people paying rent in previous years? If so, why does the SRA contain no measures to address this as a cause of the current housing problems?</p> <p>7. Are the 10-16 people from the community who would participate in the project to upgrade two houses the same as the 10 CDEP workers who would be undertaking house and yard maintenance? What qualifications are expected to be achieved by this group or groups? Why is no commitment made in the draft SRA to work towards AQF qualifications for these people?</p>	
320.	581	Carr	3.1	<p><u>MCATSIA audit of family violence measures</u></p> <p>On 15 March 2002, the Ministerial Council for Aboriginal and Torres Strait Islander Affairs (MCATSIA) announced a national audit of Indigenous family violence programs. In his submission to the Senate Select Committee on the Administration of Aboriginal and Torres Strait Islander Affairs, the Social Justice Commissioner, Mr Tom Calma, stated that the outcomes of this national review had not yet been presented to the Council of Australian Governments or made public.</p> <ol style="list-style-type: none"> 1. Has this audit now been completed? 2. If it has been completed: <ul style="list-style-type: none"> • Will it be made public? If so, when? • One aim of the exercise was to gain information about what is working and what isn't. Can you briefly outline what has been learnt from the audit? • What action is the Commonwealth or the Ministerial Council planning to take in response to the audit? 3. If it has not been completed: <ul style="list-style-type: none"> • Is it still on MCATSIA's work program? • What progress has been made and when is the 	Written

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				<p>audit expected to be completed?</p> <ul style="list-style-type: none"> • What lessons have been learnt from the work undertaken to date, if any? <p>4. According to Minister Ruddock's media release, the audit proposal was developed by the National Indigenous Working Group on Violence, which was an ATSIC initiative. Are you aware of whether this working group still exists? If it does, what is its structure and purpose? Which agency or program supports its operation?</p>	
321.	583	Carr	3.1	<p><u>NTRB funding arrangements</u></p> <ol style="list-style-type: none"> 1. Please provide details of the impact of changes to the Australian Government procurement guidelines on NTRB funding arrangements. 2. Has the Department undertaken any work on the pros and cons of tendering out NTRB services? 3. Has OIPC recently removed, or proposed removing, a clause from NTRB funding agreements which requires NTRBs to ensure that Indigenous people and organisations had an opportunity to compete for the provision of services to the NTRB? If so, what was the reason for removing that clause? 4. Please provide an update on the Government's consideration of the proposals put forward in August 2003 by the Northern Territory Government, Land Councils and the mining industry in relation to amendments to the Aboriginal Land Rights (Northern Territory) Act 1976. 5. Has the Government made any decisions on other amendments to the Land Rights Act? 6. Did DIMIA receive representations from the North Queensland Land Council expressing a number of concerns about the contract with DIMIA for their funding? Have the issues raised by NQLC been resolved? Please provide details of any changes made to the funding agreement as a result of NQLC's concerns and any issues that remain outstanding. 	Written
322.	585	Crossin	3.2	<p>In relation to the training managed by the Office of the Registrar of Aboriginal Corporations, what is the amount allocated against the training? How much specifically is the training? Further to that, my understanding is that there are 2,500 corporations, so, even though it is 220 days of training all up, it does not seem to be an awful lot</p>	45

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				when you are talking about 2,500 corporations in this country.	
323.	587	Carr	4.1	<p><u>Disposal of ATSIC assets</u></p> <ol style="list-style-type: none"> 1. Can you provide an update on the situation with regard to the disposal of ATSIC assets? 2. Has any final decision been taken on disposal of ATSIC's artworks, including those taken from ATSIC's head office and regional offices or ICCs? If not, what processes are underway to resolve the issue and when is a final decision expected? 3. How much ATSIC funds were left unspent at the final abolition and what has happened to these funds – on a program by program basis? 4. I understand that Yarnteen Aboriginal and Torres Strait Islanders Corporation had submitted a request to ATSIC for release of ATSIC's mortgage and caveat. Is that correct? If so, what stage did that request get to before ATSIC was abolished? Is it now a matter for the ILC or IBA? 	Written
324.	588	Carr	4.1	<p><u>La Perouse</u></p> <p>A letter and petition sent to Senator Vanstone on 1 February 2005 sought her assistance in making a representation to Senator Patterson to release NAHS funding for repair and upgrade of homes in the La Perouse Aboriginal community.</p> <ol style="list-style-type: none"> 1. Did Senator Vanstone write to Senator Patterson or was this matter discussed between the relevant Departments? 2. Is it the case that NAHS funding was set aside a number of years ago, when the program was managed by ATSIC, for the repair and upgrade of homes in La Perouse? If so, when was the funding allocated and why was this project not undertaken? 	Written
325.	589	Carr	4.1	<p>In response to QON 192, the Department advised that where there was a conflict of interest and ATSIS was therefore unable to provide legal advice to ATSIC, ATSIC was able to obtain its own legal advice. The answer stated that payment for that advice was the responsibility of ATSIC. Please provide details of the program or funding allocation which ATSIC could have legitimately used to pay for legal advice.</p>	Written
326.	590	Carr	5.1	<u>Western Suburbs Indigenous Gathering Place</u>	Written

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				<p>In response to QON 188 in February 2005, the Department indicated that it could not provide advice on funding for the Western Suburbs Indigenous Gathering Place because it is now the responsibility of another agency. However, the Department had previously advised that the organisation had received funding from AT SIS in 2002-03 and 2003-04 and that funding arrangements for AT SIS programs for 2004-05 would be settled before the handover to mainstream agencies on 1 July 2004.</p> <ol style="list-style-type: none"> 1. Were funding arrangements for former AT SIS programs finalised before 1 July 2004? If not, which programs suffered delays and how many organisations were affected by these? 2. If funding arrangements for 2004-05 were finalised before 1 July 2004, while the program was still the responsibility of AT SIS, why was AT SIS unable to advise the committee of the decisions it had been responsible for? 	
327.	591	Bartlett	MARA	In relation to the recommendations to the Minister on the adequacy of the code of conduct for agents, can you give me some sort of indication of what aspects you are focusing on? I am not necessarily requiring you to publish it in full if you do not want to.	12
328.	595	Kirk	MARA	In relation to the examinations that MARA conducts of students, provide the specified number of participants that is required in each capital city before the examination is held.	16
329.	596	Kirk	MARA	How many participants or candidates sat the examination last year, in 2004, and also this year? How many have passed the examination and how many have failed?	16
330.	597	Kirk	MARA	Provide a copy of the procedure for the re-marking of papers.	16
331.	598	Kirk	MARA	Provide a copy of the newspaper advertisement.	19
332.	600	Bartlett	MARA	Is the MARA satisfied that the expected increase in renewal fees for commercial migration agents will not lead to a major drop in agents renewing?	Written
333.	601	Bartlett	MARA	If there is a drop of 10 per cent or more in renewals of commercial agents, will this impact on the ability of the MARA to adequately perform its functions?	Written
334.	602	Bartlett	MARA	Is the MARA able to provide figures on the average number of cases that a registered migration agent undertakes in a year? Is there a difference between commercial and not-for-profit agents in this regard?	Written
335.	603	Ludwig	MARA	1. How many repeat registration applications were received in the last 12 months?	Written

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				2. Provide a copy of the questions that are asked when an applicant applies for initial registration? 3. Provide a list of the various grounds of applications for initial or repeat registration in the last financial year and the year to date and of the grounds of rejection.	
336.	616	Ludwig	MARA	1. How many new registrations of migration agents have there been in 2004-05? 2. How many are commercial and how many are non-commercial? 3. Could you provide this with a breakdown of the state or territory the agents are located in, and include figures for 00-01-02-03-04-05?	Written
337.	617	Ludwig	MARA	With regard to the figure given at February estimates that there were about 13 per cent of migration agents working in the not-for-profit sector in the last eight-to-twelve months (from that date), could you indicate... (a) Where does this figure come from? (b) Does it include only agents working exclusively not-for-profit or also for-profit agents doing pro-bono work? (c) If so, how much work does a for-profit agent have to do to be included in this figure?	Written
338.	618	Ludwig	MARA	In the last two reporting periods, has there been a decline in the numbers of commercial or non-commercial agents and, if so, what is MARA doing to address the decline?	Written
339.	619	Ludwig	MARA	1. What is the current cost of initial registration for both commercial and non-commercial agents? 2. How often is this cost revised? 3. When was it last revised?	Written
340.	621	Ludwig	MARA	Aside from complaints procedures, does MARA have in place any mechanisms to monitor the standard of migration advice provision? (a) If so, what are they? (b) If not, why not?	Written
341.	623	Kirk	MRT/R RT	With regard to the tender with Volante, are payments being made progressively to them for the work being done there? If so, how much has been paid out to date?	21
342.	624	Bartlett	MRT/R RT	Provide updated figures of the various tables that are in the annual reports.	22 and 24
343.	629	Nettle	RRT	In relation to Professor Mirko Bagaric, provide a copy of a letter to the editor from a person at the University of New South Wales or the University of Sydney law school praising Professor Bagaric's work on the Refugee Review Tribunal.	24-25
344.	631	Ludwig	RRT	1. How many applications for judicial review were remitted to the High Court? 2. How many court cases were remitted back to the RRT for a further hearing on the initial decision? 3. What is the status of the East Timorese applications?	Written

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				4. What was the price per case over the last three financial years?	
345.	632	Carr	TSRA	In relation to the TSRA, are the proposals that Mr Ruddock advanced in July 2003 being advanced? I draw your attention to a reference on page 124 of <i>Hansard</i> of 27 May 2004.	5
346.	633	Carr	TSRA	In relation to dengue fever, when was there a meeting of Commonwealth officials on the matter?	6
347.	634	Carr	TSRA	What progress is being made on the construction of the 'bund wall' on Saibai?	7
348.	635	Carr	TSRA	When did the authority make a submission for additional funds to protect Boigu and Saibai from flooding?	7
349.	636	Carr	TSRA	In relation to Boigu and Saibai, what is the projected cost of both of those infrastructure projects?	7
350.	637	Carr	TSRA	Minister, how come there are not opportunities to put in submission for major infrastructure works of these types?	8
351.	638	Carr	TSRA	Does the TSRA assist communities with waste management? Explain where the boundaries are in terms of responsibilities.	8
352.	639	Carr	TSRA	I notice on your web site that there is a report of a meeting between the authority and the Cape York Boundary Interim Committee, which is of course made up of traditional owners from the region. What is the purpose of those discussions reported on 7 July last year?	9
353.	640	Carr	TSRA	Given that the state government has a responsibility for local government matters in terms of powers, could you advise the committee as to what the position of the authority is in regard to the proposal for a Horn Island council?	9
354.	641	Crossin	TSRA	Mr See Kee, we were talking about whether or not any other Indigenous groups of regions had contacted the TSRA about your status post ATSIC. Is it the case that you are not aware that other groups have contacted the TSRA? Is that something you might need to take on notice for us? Certainly during the hearings of the Senate Select committee on Indigenous Affairs a number of Indigenous groups told us they had made contact with TSRA and had asked for information on how the authority ran and the structure of the authority. Can you take that on notice, please, and see if there have been any formal approaches? You may need to go back at least a year or so.	10
355.	642	Scullion	TSRA	What percentage turn-up do you get from the voting base for the council elections?	10-11