

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING: 27 MAY 2010

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(71) Program: Internal Product

Senator Hanson-Young (L&C 25-26) asked:

In relation to compensation payouts that the Commonwealth has paid for either injury or wrongful detention, provide a breakdown of what money we have had to spend over the last decade, from 2000-2010.

Answer:

As at 31 March 2010, the Commonwealth had paid out approximately **\$12,347,374.77** in compensation for alleged injury to immigration detainees or alleged wrongful detention of immigration detainees for the period 2000-2010. This is broken down below. These figures are approximate only as some settlements are inclusive of costs and some are exclusive of costs:

Financial year	number of cases	amount paid \$
2000-30/6/2005	4	163,225.00
2005/2006	1	200,000.00
2006/2007*	4	2,590,000.00
2007/2008**	13	3,993,200.00
2008/2009	32	3,345,045.27
2009/2010 year to 31/3/2010	22	2,055,904.50
Total	76	12,347,374.77

*Includes settlement for the *Solon* matter.

** Includes settlement for the *Rau* matter

All matters relate to clients who were in immigration detention prior to 1 August 2007.

In most cases, the Commonwealth's insurer, Comcover, pays the compensation, in accordance with the Department's insurance policy.

When a compensation claim is received, the Commonwealth is bound by the Attorney General's *Legal Services Directions 2005* and may pay compensation where legal advice indicates that it is in accordance with legal principle and practice to do so. Settlement on the basis of legal principle and practice requires the existence of at least a "meaningful prospect" of liability being established.