



Australian Government

Department of Immigration and Multicultural and Indigenous Affairs

Mr Owen Walsh
Secretary
Senate Legal and Constitutional Legislation Committee
S 1.61
Parliament House
CANBERRA ACT 2600

Dear Mr Walsh

At the estimates hearings of the Senate Legal and Constitutional Legislation Committee held in Canberra on Tuesday 1 November 2005 the Department took on notice a question asked by Senator Ludwig (No 69, Hansard page no. 76) in relation to the group of cases with a system descriptor “released not unlawful” which have been referred to the Ombudsman for investigation. The question was:

“Are any of those people Australian?”

I am writing to advise you that the initial analysis of the cases indicates that some of the individuals involved are Australian Citizens. However the department is undertaking a more detailed examination of the cases where the nationality is listed as “Australian Citizen” to more accurately assess their circumstances and whether the use of the “released not unlawful” descriptor was appropriate. Before we complete this examination we are not in a position to comprehensively and accurately respond to Senator Ludwig’s question. For instance, there are examples in this group of children who were released from detention having acquired Australian citizenship on their 10th birthday.

I expect that this detailed analysis will take some weeks to complete. As soon as I am in a position to do so I will provide the Committee with further information on this matter.

I would also like to correct the record in respect of the numbers in this group referred to the Ombudsman. The cases of 220 persons, whose system records contain the “released not unlawful” descriptor, have been referred to the Ombudsman, not 221. There was one duplicate record in the original number given to the Committee at its 1 November hearing. The Ombudsman’s Office has agreed with us on this number of referrals to them.

Yours sincerely

Neil Mann
First Assistant Secretary
Compliance Policy and Case Coordination Division
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people our business

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