

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 15 October 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(SE12/0049) PROGRAM – Internal Product

Senator Cash (written) asked:

Litigation costs: What is the budget for 2012-13 and the outyears? Does the department expect it to be much higher than 2011-12 because IMA's can now access the RRT and all levels of the Australian justice system, including ministerial discretion?

Answer:

The total internal and external litigation budget including IMA funding for 2012-13 is \$31.014 million. We have not received budget allocation for outyears to date.

The department's budget for litigation in 2011-12 and 2012-2013 included an allocation for "internal and external legal expenses associated with anticipated judicial review of refugee status determinations". This allocation was in response to the High Court case of *Plaintiff M61/2010E v the Commonwealth*, (11 November 2010) which confirmed the availability of judicial review for assessments of refugee status under the non-statutory process. As this judgment is still good law, the department expects that it will continue to have an impact on the department's litigation costs in the outyears.