

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 15 October 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(SE12/0050) PROGRAM – Internal Product

Senator Cash (written) asked:

Litigation costs: What was the total cost to the department of advice and assistance to IMAs to prepare their claims and pursue any appeals on their claims in between 2009/10 and 2011-12? What is the budgeted cost for 2012-13?

Answer:

The Department does not fund the legal expenses of Irregular Maritime Arrivals (IMAs). The Department does however fund a Legal Advice Scheme (LAS) in New South Wales and Western Australia for protection visa applicants who are seeking judicial review for the first time in relation to their protection visa.

Under the LAS applicants receive legal advice (not representation) from a member of a panel of independent legal practitioners. As the LAS only applies to protection visa applicants it was not available to IMAs until 24 March 2012 when single processing arrangements under the statutory protection visa scheme were introduced. IMAs who arrive after 13 August 2012 are liable to transfer to a regional processing centre unless exempted by the Minister.

The Department is unable to provide figures on how many IMAs have used the LAS since 24 March 2012 as the participants are not categorised in this way.

The Department is not allocated a specific budget for the LAS.

In the event that this question is about the costs of immigration advice and application assistance (IAAAS) costs that are incurred in assisting clients in processes that occur before litigation may commence, these costs appear in both the Department's annual reports and in response to Questions on Notice concerning IAAAS.