

QUESTION TAKEN ON NOTICE

SUPPLEMENTARY BUDGET ESTIMATES HEARING: 15 October 2012

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(SE12/0059) PROGRAM – Internal Product

Senator Cash (written) asked:

Annual Report: Australian Human Rights Commission complains [sic] (pg. 304): It is stated that: 'The number of complaints referred to the Department by the AHRC increased substantially by 203% on 10-11.' What is the basis for the large increase? What was the nature of the complaints? Who is lodging the complaints? Are they lodged by lawyers on behalf of detainees? What proportion of the complainants are IMAs? If complaints [sic] lodged by lawyers, can they list some of the law firms that the complaints were received from?

Answer:

The number of complaints referred to the department by the Australian Human Rights Commission (AHRC) increased substantially by 203% in 2011-2012 as compared to the figures of 2010-2011.

It is difficult for the department to ascribe reasons why more people have complained to the AHRC in this period.

In 2011-2012, the department received 315 complaints from the AHRC. Of the 315 complaints, 247 (78%) were made by clients in immigration detention.

The nature of the 315 complaints included:

- alleged arbitrary or prolonged detention (48%)
- separation or interference with the family unit (13%)
- access to services in immigration detention centres including medical services (10%)
- other issues such as placement and unfair treatment in detention centres, removal of clients from the country and discrimination (29%).

Of the 315 complaints, 209 were lodged by Irregular Maritime Arrival (IMA) clients, representing 66% of the total complaints.

It is not always clear from the information provided to the department by the AHRC if the client is represented by an advocate or a law firm. The AHRC may be able to provide details about law firms which lodge complaints on behalf of clients to the AHRC about the department.