

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Supplementary Budget Estimates 2010-2011**

**Agency - Comcare**

**DEEWR Question No.EW0672\_11**

**Senator Abetz asked on 20/10/2010, Hansard page 8.**

**Question**

**COMCARE - ASYLUM SEEKER COMPENSATION**

Senator ABETZ—Can Comcare shed any light on the asylum seeker compensation payouts? We canvassed that with the immigration people yesterday. Some asylum seekers have had payments made to them by way of compensation. Have any of those actually gone to trial? Mr O'Connor—I will have to take that on notice. This is Comcare compensation as opposed to civil compensation? Senator Chris Evans—Why would it be relevant to you, Senator? Senator ABETZ—A department of immigration spokesman said compensation payouts and disease breakouts were 'inevitable': It's the law of averages—some may well choose to litigate against us or, in some rare cases, we may be at fault and have to pay out under Comcare and Comcover. I was told yesterday to ask questions about this because you allegedly handle these cases on behalf of the department of immigration. Mr O'Connor—Certainly with regard to any federal workers who may have sustained injury in the course of their employment working with and supporting the asylum seekers we would certainly handle those matters, but I am not aware of claims that Comcare would be handling them with regard to— Senator ABETZ—Because that would be Comcover. Mr O'Connor—Correct. Senator ABETZ—So with Comcare, could you take on notice for us how much has been paid out, or whatever, in relation to workers dealing with asylum seekers over the last three years. Senator Chris Evans—If I could perhaps be helpful with my former immigration minister hat on, I think there were some compensation payments involving Comcare and Immigration—for instance, to do with the Malu Sara disaster and the loss of Immigration officers. When you were talking to Immigration they might have included the in the broader compensation matters. For instance, we have negotiated outcomes for the families of the men who died on the Malu Sara Immigration vessel, and certainly I think Comcare was— Senator ABETZ—Take it on notice and see what you can provide. It is only on top of the heap in the file that was bounced yesterday from Immigration to here. I do not want to delay the committee on that any further if you can take that on notice. Mr O'Connor—Yes.

**Answer**

Comcare has provided the following response:

Federal workers from a number of agencies are involved with processing or support functions in respect of irregular maritime arrivals (IMAs).

Comcare has focused on the two main agencies concerned, the Department of Immigration and Citizenship (DIAC) and the Australian Customs and Border Protection Service.

Comcare does not identify groups of claims by the circumstances in which an injury was sustained. It has worked with the relevant agencies to identify, as far as possible, those injuries sustained by federal workers while directly involved in processing irregular maritime arrivals (IMAs), or performing duties on site at detention centres which support those engaged in processing IMAs.

Between 1 July 2007 and 30 June 2010, 11 claims have been accepted from DIAC staff, with cumulative total costs to 30 June 2010 of \$112,200.

6 claims relate to physical injury (falls, sprains, bursitis etc), 3 to psychological injury, 1 embolism and 1 lung infection.

Over the same period, 6 claims have been accepted from employees of the Australian Customs and Border Protection Service, with total cumulative costs to 30 June 2010 of \$57,400.

5 claims relate to tuberculosis contracted via contact with IMAs of illegal fishing vessels. One claim relates to an assault by an IMA.