

JOINT SELECT COMMITTEE ON AUSTRALIA'S IMMIGRATION DETENTION NETWORK

Q83

Question: Why was not the residence determination power used back in April and was there any request to that end to investigating using those powers at that time?

Answer: The Residence Determination power is a personal, non-compellable, non-delegable Ministerial power. As such, the extent of the use of this power is a matter for the Minister of the day.

The Residence Determination power has been available since 2005 and has been exercised routinely since that time. Statistics on the use of the power are presented in the table below, including for the period covering April 2009.

2007-2008	44 Residence Determinations
2008 - 2009	196 Residence Determinations
2009 -2010	161 Residence Determinations
2010 – 2011	1551 Residence Determinations