

Question on notice no. 33

Portfolio question number: AE22-033

2021-22 Additional estimates

Legal and Constitutional Affairs Committee, Home Affairs Portfolio

Senator Lidia Thorpe: asked the Department of Home Affairs on 14 February 2022

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Senator THORPE: Yes. I'm running out of time. Sorry. I need to ask my final questions. It's based on an answer I received to my question on notice No. 287 from supplementary estimates. It was stated that 'between 15 April 2021 and 31 October 2021 less than five persons were released from immigration detention on the basis they meet or probably meet the tripartite test used by the High Court in the matter of Love and Thoms'. How many people was that exactly—one, two, three or four—and how many people have been released from immigration detention on the same basis since 31 October?

Ms de Veau: I will take on notice what number the 'less than five' was unless my colleague can assist. But I can indicate that as of 14 January a total of 11 people have been released.

CHAIR: Ms Moy, do you want to add to the answer?

Ms Moy: Ms de Veau has answered the question and the first bit we'll take on notice.

Answer —

Please see the attached answer.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ADDITIONAL BUDGET ESTIMATES
14 FEBRUARY 2022**

**Home Affairs Portfolio
Department of Home Affairs**

Program 3.5: Onshore Compliance and Detention

AE22-033 - Releases from detention since Love and Thom decision

Senator Lidia Thorpe asked:

Senator THORPE: Yes. I'm running out of time. Sorry. I need to ask my final questions. It's based on an answer I received to my question on notice No. 287 from supplementary estimates. It was stated that 'between 15 April 2021 and 31 October 2021 less than five persons were released from immigration detention on the basis they meet or probably meet the tripartite test used by the High Court in the matter of Love and Thoms'. How many people was that exactly—one, two, three or four—and how many people have been released from immigration detention on the same basis since 31 October?

Ms de Veau: I will take on notice what number the 'less than five' was unless my colleague can assist. But I can indicate that as of 14 January a total of 11 people have been released.

CHAIR: Ms Moy, do you want to add to the answer?

Ms Moy: Ms de Veau has answered the question and the first bit we'll take on notice.

Answer:

Between 15 April 2021 and 31 October 2021, three persons were released from immigration detention on the basis that they meet or probably meet the tripartite test used by the High Court in the matter of *Love v Commonwealth; Thoms v Commonwealth* [2020] HCA 3 (*Love and Thoms*).