

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES HEARING : 23 May 2017

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE17/107) - Legacy caseload - difference in time frames with legal assistance and without - Programme 2.4: Refugee and Humanitarian Assistance

Senator McKim, Nick (L&CA 59 & 60) asked:

Senator McKIM: Does the department have statistics on the difference in time frames for applications lodged by claimants represented by lawyers as opposed to those that are not?

Mr Pezzullo: I am not sure; Ms Lauman might. I have taken advantage of the last couple of minutes to refresh my memory about the lodgement statistics generally, which do not discriminate between lawyer assisted and nonlawyer assisted but might materially assist with answering elements of your question. It is not to say that all of these persons received the reminder letters, but, once the reminder letters started in earnest, between December 2016 and May 2017, 6,000 persons that fit within the legacy case load definition have applied.

At that strike rate—if you use a cricket analogy—we are confident that between May and October we should be pretty close to full lodgement. In other words, the volume that is coming in would be consistent with the lodgement of all applications, with maybe some exceptional circumstances—a handful may not have been in by October. Of that 6,000, or of the ones that have been received more recently, how many have been assisted by legal practitioners and how many have not been? I do not know, but Ms Lauman might know.

Senator McKIM: Do you have the datasets to enable you to answer that question on notice?

Mr Pezzullo: Possibly, with the exception that, if you go back to the evidence given before one of the breaks, declared migration agents are known to us but, in some cases, pro bono legal assistance might well have been rendered, which is not visible to us. I am not sure that our data has captured all instances where pro bono legal assistance has been provided.

Senator McKIM: I will ask you to take that on notice.

Mr Pezzullo: Can we answer that question now or on notice, Ms Lauman?

Ms Lauman: For the same reason, we would not have it now, but we can take it on notice.

Mr Pezzullo: The aggregate strike rate is looking good, but the question specifically has to be taken on notice.

Answer:

Departmental systems are not calibrated in a way that allows us to accurately distinguish average processing times between represented and non-represented illegal maritime arrivals. This is due to the fact that there is no legal requirement for migration assistance, such as that provided pro bono, to be declared.

