

QUESTION TAKEN ON NOTICE

ADDITIONAL BUDGET ESTIMATES HEARING: 21 FEBRUARY 2011

IMMIGRATION AND CITIZENSHIP PORTFOLIO

(322) Program 4.3: Offshore Asylum Seeker Management

Senator Cash asked:

What is the reporting mechanism between the Commonwealth Ombudsman and DIAC regarding complaints received by the Ombudsman about processing delays, detention times and the lack of service and facilities? What policies are in place for addressing these complaints?

Answer:

The Commonwealth and Immigration Ombudsman is empowered to investigate complaints made under the *Commonwealth Ombudsman's Act 1976* (the Act). Complaints received by the Ombudsman are assessed and referred to the Department of Immigration and Citizenship (DIAC) for a response.

The Commonwealth Ombudsman and DIAC have a number of mechanisms through which complaints about processing delays, detention times and the lack of service and facilities are reported to DIAC by the Ombudsman. The primary reporting mechanisms are:

Complaints: The Ombudsman is able to refer complaints directly to DIAC for a response. DIAC is obliged to respond within 28 days of the receipt of the complaint. Four hundred and ninety four complaints were referred in 2009 – 10.

Regular liaison meetings: DIAC and the Ombudsman's Office staff liaise regularly. The Ombudsman's Office raises concerns about specific complaints (including processing delays, detention times and the lack of service and facilities) which are addressed either informally or through formal written responses.

Visits to Immigration Detention Centre: The Ombudsman conducts inspections of detention centres to:

- review conditions;
- review the services provided to detainees; and
- assess whether the services provided comply with the immigration values and DIAC's and the contractor's obligations.

During 2010 the Ombudsman conducted inspections at Immigration Detention Centres and presented his feedback to DIAC.

In addition DIAC may invite the Ombudsman to visit detention centres and DIAC offices, or to participate as an observer in DIAC's operational activities. In these situations some complaints are resolved locally.

After a visit to an Immigration Detention Centre the Ombudsman presents his findings in a report which is forwarded to the responsible business areas. DIAC provides responses to issues raised in these reports and submits them to the Ombudsman.

In addition to the above reporting mechanisms DIAC forwards six monthly reviews in relation to the Ombudsman's own motion reports for people who are held in immigration detention for more than 6 months. DIAC also reports on people who are held in immigration detention for more than 2 years, in accordance with the Secretary's obligations under s.486N of the Migration Act.

All complaints referred to DIAC by the Ombudsman are guided by DIAC's Compliments and Complaints policy. The policy sets out principles for the management of complaints, or suggestions received, in relation to services provided.